

ESSB 5339 - H COMM AMD
By Committee on Local Government

ADOPTED AND ENGROSSED 04/04/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 67.28.080 and 1997 c 452 s 2 are each amended to read
4 as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Acquisition" includes, but is not limited to, siting,
8 acquisition, design, construction, refurbishing, expansion, repair, and
9 improvement, including paying or securing the payment of all or any
10 portion of general obligation bonds, leases, revenue bonds, or other
11 obligations issued or incurred for such purpose or purposes under this
12 chapter.

13 (2) "Municipality" means any county, city (~~(or)~~), town, or port
14 district of the state of Washington.

15 (3) "Operation" includes, but is not limited to, operation,
16 management, and marketing.

17 (4) "Person" means the federal government or any agency thereof,
18 the state or any agency, subdivision, taxing district or municipal
19 corporation thereof other than county, city or town, any private
20 corporation, partnership, association, or individual.

21 (5) "Tourism" means economic activity resulting from tourists,
22 which may include sales of overnight lodging, meals, tours, gifts, or
23 souvenirs.

24 (6) "Tourism promotion" means activities and expenditures designed
25 to increase tourism, including but not limited to advertising,
26 publicizing, or otherwise distributing information for the purpose of
27 attracting and welcoming tourists; developing strategies to expand
28 tourism; operating tourism promotion agencies; and funding marketing of
29 special events and festivals designed to attract tourists.

1 (7) "Tourism-related facility" means real or tangible personal
2 property with a usable life of three or more years, or constructed with
3 volunteer labor, and used to support tourism, performing arts, or to
4 accommodate tourist activities.

5 (8) "Tourist" means a person who travels from a place of residence
6 to a different town, city, county, state, or country, for purposes of
7 business, pleasure, recreation, education, arts, heritage, or culture.

8 **Sec. 2.** RCW 67.28.140 and 1967 c 236 s 7 are each amended to read
9 as follows:

10 (1) The acts authorized herein are declared to be strictly for the
11 public purposes of the municipalities authorized to perform same. With
12 the exception of port districts, any municipality as defined in RCW
13 67.28.080 shall have the power to acquire by condemnation and purchase
14 any lands and property rights, both within and without its boundaries,
15 which are necessary to carry out the purposes of this chapter. Such
16 right of eminent domain shall be exercised by the legislative body of
17 each such municipality in the manner provided by applicable general law
18 or under chapter 8.12 RCW.

19 (2) Port districts are prohibited from exercising the power of
20 eminent domain as authorized under this section for the purpose of the
21 activities and projects authorized under this chapter.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 67.28 RCW
23 to read as follows:

24 Port districts are prohibited from exercising the taxing authority
25 authorized under RCW 67.28.180, 67.28.1801, 67.28.181, 67.28.1815,
26 67.28.1817, 67.28.183, 67.28.184, and 67.28.200.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 67.28 RCW
28 to read as follows:

29 A port district and any municipality or other entity involved in a
30 joint venture or project with a port district under this chapter shall
31 comply with the provisions of chapter 39.12 RCW."

32 Correct the title.

EFFECT: (1) Reorganizes the bill so as to directly amend chapter

67.28 RCW and omit the amendment of RCW 53.08.255; (2) explicitly amends the definition of "municipality" to include "port districts" for the purposes of chapter 67.28 RCW; (3) authorizes a port to acquire or operate tourism-related facilities either individually or jointly with any other port district, municipality, or person; (4) adds more specific provisions prohibiting ports from exercising the statutory taxing authority granted to municipalities under chapter 67.28 RCW.

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