

ESSB 5339 - H COMM AMD  
By Committee on Local Government

ADOPTED 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. Any  
12 municipality as defined in RCW 67.28.080 shall have the power to  
13 acquire by condemnation and purchase any lands and property rights,  
14 both within and without its boundaries, which are necessary to carry  
15 out the purposes of this chapter. Such right of eminent domain shall  
16 be exercised by the legislative body of each such municipality in the  
17 manner provided by applicable general law or under chapter 8.12 RCW.

18 (2) Nothing in this section expands a port district's right of  
19 eminent domain for the purposes of the activities and projects  
20 authorized under this chapter.

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

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

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

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

31 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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