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SENATE BILL 5062

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State of Washington

61st Legislature

2009 Regular Session

By Senator Jacobsen

Read first time 01/12/09. Referred to Committee on Natural Resources,  
Ocean & Recreation.

1 AN ACT Relating to enhancing wildlife viewing opportunities in  
2 Washington state; amending RCW 67.28.1815, 67.28.181, 77.32.560,  
3 9.46.010, and 9.46.400; adding a new section to chapter 67.28 RCW;  
4 creating a new section; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that nature-based  
7 tourism is the fastest growing outdoor activity and the fastest growing  
8 segment of the tourism industry. Tourism activities relating to  
9 watchable wildlife contribute almost one and one-half billion dollars  
10 to Washington state's economy per year, and it is primarily the rural  
11 areas of the state in which these activities occur.

12 The legislature finds that there is general agreement that owners  
13 of working farms and forest lands provide a significant portion of the  
14 key areas for the wildlife which in turn attract the nature-based  
15 tourists. While tourism promotion interests seek to provide incentives  
16 to these landowners to maintain these key areas in a manner that  
17 benefits wildlife, and to assist them in managing the tourists that  
18 seek to appreciate this wildlife, there is also a need to create

1 options for local governments seeking to provide monetary incentives to  
2 these landowners.

3 The legislature further finds that the purchase of a watchable  
4 wildlife decal currently offers a valuable opportunity for individuals  
5 to voluntarily contribute to the enhancement of the habitat,  
6 infrastructure, trails, corridors, and communities that provide  
7 wildlife viewing opportunities in this state. However, the legislature  
8 finds that additional investments in the department of fish and  
9 wildlife's watchable wildlife program are needed, and that such  
10 investments will increase wildlife viewing and other recreational  
11 opportunities in the state and benefit Washington's wildlife and rural  
12 communities.

13 Therefore, the legislature intends to enhance wildlife viewing  
14 opportunities in Washington by providing additional tools and resources  
15 to the state's watchable wildlife program and landowners who provide  
16 the wildlife habitat that supports nature-based tourism.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 67.28 RCW  
18 to read as follows:

19 (1) The legislative body of any municipality may impose an excise  
20 tax on the sale of or charge made for the furnishing of lodging that is  
21 subject to tax under chapter 82.08 RCW. The rate of tax shall not  
22 exceed one-half of one percent.

23 (2) Any county ordinance or resolution adopted under this section  
24 must contain a provision allowing a credit against the county tax for  
25 the full amount of any city or town tax imposed under this section upon  
26 the same taxable event.

27 (3) All revenue from taxes imposed under this section shall be  
28 credited to a special fund in the treasury of the municipality imposing  
29 such tax and used solely for the purposes of funding all or any part of  
30 agreements with the owners of forest land under chapter 84.33 RCW or  
31 open space land, farm and agricultural land, or timber land under  
32 chapter 84.34 RCW, to provide public access to private lands and to  
33 manage wildlife habitat for the promotion of tourism.

34 **Sec. 3.** RCW 67.28.1815 and 2008 c 264 s 3 are each amended to read  
35 as follows:

36 Except as provided in RCW 67.28.180 and section 2 of this act, all

1 revenue from taxes imposed under this chapter shall be credited to a  
2 special fund in the treasury of the municipality imposing such tax and  
3 used solely for the purpose of paying all or any part of the cost of  
4 tourism promotion, acquisition of tourism-related facilities, or  
5 operation of tourism-related facilities. Municipalities may, under  
6 chapter 39.34 RCW, agree to the utilization of revenue from taxes  
7 imposed under this chapter for the purposes of funding a  
8 multijurisdictional tourism-related facility.

9       **Sec. 4.** RCW 67.28.181 and 2004 c 79 s 8 are each amended to read  
10 as follows:

11       (1) The legislative body of any municipality may impose an excise  
12 tax on the sale of or charge made for the furnishing of lodging that is  
13 subject to tax under chapter 82.08 RCW. The rate of tax shall not  
14 exceed the lesser of two percent or a rate that, when combined with all  
15 other taxes imposed upon sales of lodging within the municipality under  
16 this chapter except taxes imposed under section 2 of this act, and  
17 under chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals twelve  
18 percent. A tax under this chapter shall not be imposed in increments  
19 smaller than tenths of a percent.

20       (2) Notwithstanding subsection (1) of this section:

21       (a) If a municipality was authorized to impose taxes under this  
22 chapter or RCW 67.40.100 or both with a total rate exceeding four  
23 percent before July 27, 1997, such total authorization shall continue  
24 through January 31, 1999, and thereafter the municipality may impose a  
25 tax under this section at a rate not exceeding the rate actually  
26 imposed by the municipality on January 31, 1999.

27       (b) If a city or town, other than a municipality imposing a tax  
28 under (a) of this subsection, is located in a county that imposed taxes  
29 under this chapter with a total rate of four percent or more on January  
30 1, 1997, the city or town may not impose a tax under this section.

31       (c) If a city has a population of four hundred thousand or more and  
32 is located in a county with a population of one million or more, the  
33 rate of tax imposed under this chapter by the city shall not exceed the  
34 lesser of four percent or a rate that, when combined with all other  
35 taxes imposed upon sales of lodging in the municipality under this  
36 chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals  
37 fifteen and two-tenths percent.

1 (d) If a municipality was authorized to impose taxes under this  
2 chapter or RCW 67.40.100, or both, at a rate equal to six percent  
3 before January 1, 1998, the municipality may impose a tax under this  
4 section at a rate not exceeding the rate actually imposed by the  
5 municipality on January 1, 1998.

6 (3) Any county ordinance or resolution adopted under this section  
7 shall contain a provision allowing a credit against the county tax for  
8 the full amount of any city or town tax imposed under this section upon  
9 the same taxable event.

10 **Sec. 5.** RCW 77.32.560 and 2003 c 317 s 2 are each amended to read  
11 as follows:

12 (1) The department may sell watchable wildlife decals. Proceeds  
13 from the sale of the decal must be deposited into the state wildlife  
14 (~~fund~~) account created in RCW 77.12.170 and must be dedicated to the  
15 support of the department's watchable wildlife activities. The  
16 department may also use proceeds from the sale of the decal for  
17 marketing the decal and for marketing watchable wildlife activities in  
18 the state.

19 (2) The term "watchable wildlife activities" includes but is not  
20 limited to: Initiating partnerships with communities to jointly  
21 develop watchable wildlife projects, building infrastructure to serve  
22 wildlife viewers, assisting and training communities in conducting  
23 wildlife watching events, developing destination wildlife viewing  
24 corridors and trails, tours, maps, brochures, and travel aides, and  
25 offering grants to assist rural communities in identifying key wildlife  
26 attractions and ways to protect and promote them.

27 (3) The commission must adopt by rule the cost of the watchable  
28 wildlife decal. A person may, at their discretion, contribute more  
29 than the cost as set by the commission by rule for the watchable  
30 wildlife decal in order to support watchable wildlife activities. A  
31 person who purchases a watchable wildlife decal must be issued one  
32 vehicle use permit free of charge.

33 (4)(a) Until December 1, 2011, the department, under the authority  
34 of the director, shall carry out a watchable wildlife raffle pilot  
35 project.

36 (b) The pilot project must consist of no fewer than three separate  
37 watchable wildlife raffles and associated tours. The department shall

1 select raffle winners from the pool of watchable wildlife decal  
2 holders. The department shall provide raffle winners with a wildlife  
3 viewing tour on department owned or managed lands, and in doing so may  
4 work cooperatively with nongovernmental entities and individuals. The  
5 tour should provide participants with a desirable, high quality, and  
6 rare wildlife viewing experience. The department shall seek to  
7 publicize the raffles and tours, including the tour destinations, to  
8 increase public awareness of the department's watchable wildlife  
9 program, watchable wildlife decals, and the pilot project.

10 (c) During the pilot project, the department is encouraged to use  
11 other creative measures in an effort to increase the number of  
12 individuals who voluntarily purchase watchable wildlife decals.

13 (d) The department shall provide the appropriate committees of the  
14 legislature with a brief summary of the pilot project and relevant  
15 policy recommendations, if any, by December 1, 2011.

16 **Sec. 6.** RCW 9.46.010 and 1996 c 101 s 2 are each amended to read  
17 as follows:

18 The public policy of the state of Washington on gambling is to keep  
19 the criminal element out of gambling and to promote the social welfare  
20 of the people by limiting the nature and scope of gambling activities  
21 and by strict regulation and control.

22 It is hereby declared to be the policy of the legislature,  
23 recognizing the close relationship between professional gambling and  
24 organized crime, to restrain all persons from seeking profit from  
25 professional gambling activities in this state; to restrain all persons  
26 from patronizing such professional gambling activities; to safeguard  
27 the public against the evils induced by common gamblers and common  
28 gambling houses engaged in professional gambling; and at the same time,  
29 both to preserve the freedom of the press and to avoid restricting  
30 participation by individuals in activities and social pastimes, which  
31 activities and social pastimes are more for amusement rather than for  
32 profit, do not maliciously affect the public, and do not breach the  
33 peace.

34 The legislature further declares that the raising of funds for the  
35 promotion of bona fide charitable or nonprofit organizations is in the  
36 public interest as is participation in such activities and social  
37 pastimes as are hereinafter in this chapter authorized.

1 The legislature further declares that the conducting of bingo,  
2 raffles, and amusement games and the operation of punchboards, pull-  
3 tabs, card games and other social pastimes, when conducted pursuant to  
4 the provisions of this chapter and any rules and regulations adopted  
5 pursuant thereto, are hereby authorized, as are only such lotteries for  
6 which no valuable consideration has been paid or agreed to be paid as  
7 hereinafter in this chapter provided.

8 The legislature further declares that fishing derbies shall not  
9 constitute any form of gambling and shall not be considered as a  
10 lottery, a raffle, or an amusement game and shall not be subject to the  
11 provisions of this chapter or any rules and regulations adopted  
12 hereunder.

13 The legislature further declares that raffles authorized by the  
14 fish and wildlife commission involving hunting big game animals or wild  
15 turkeys or as authorized under RCW 77.32.560 shall not be subject to  
16 the provisions of this chapter or any rules and regulations adopted  
17 hereunder, with the exception of this section and RCW 9.46.400.

18 All factors incident to the activities authorized in this chapter  
19 shall be closely controlled, and the provisions of this chapter shall  
20 be liberally construed to achieve such end.

21 **Sec. 7.** RCW 9.46.400 and 1996 c 101 s 3 are each amended to read  
22 as follows:

23 Any raffle authorized by the fish and wildlife commission involving  
24 hunting big game animals or wild turkeys or under RCW 77.32.560 shall  
25 not be subject to any provisions of this chapter other than RCW  
26 9.46.010 and this section or to any rules or regulations of the  
27 gambling commission.

28 NEW SECTION. **Sec. 8.** Sections 5 through 7 of this act expire  
29 January 1, 2012.

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