

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6592

66th Legislature
2020 Regular Session

Passed by the Senate March 9, 2020
Yeas 41 Nays 7

President of the Senate

Passed by the House March 6, 2020
Yeas 89 Nays 8

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6592** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6592

AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

State of Washington 66th Legislature 2020 Regular Session

By Senate Local Government (originally sponsored by Senators Holy, Hunt, Takko, and Keiser)

READ FIRST TIME 02/05/20.

1 AN ACT Relating to tourism authorities; amending RCW 35.101.010
2 and 35.101.130; adding new sections to chapter 35.101 RCW; and
3 providing an expiration date.

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

5 **Sec. 1.** RCW 35.101.010 and 2015 c 131 s 1 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Area" means a tourism promotion area.

10 (2)(a) Except as otherwise provided in this subsection,
11 "legislative authority" means the legislative authority of any county
12 (~~with a population greater than forty thousand~~), or of any city or
13 town within such a county, including unclassified cities or towns
14 operating under special charters.

15 (b) Except as provided in (c) of this subsection, in any county
16 with a population of one million or more, "legislative authority"
17 means two or more jurisdictions acting jointly as the legislative
18 authority under an interlocal agreement created under chapter 39.34
19 RCW for the joint establishment and operation of a tourism promotion
20 area.

1 (c) For a city incorporated after January 1990, with a population
2 greater than eighty-nine thousand, and located in a county described
3 in (b) of this subsection, "legislative authority" means the city's
4 legislative authority.

5 (3) "Lodging business" means a person that furnishes lodging
6 taxable by the state under chapter 82.08 RCW that has forty or more
7 lodging units.

8 (4) "Tourism promotion" means activities and expenditures
9 designed to increase tourism and convention business, including but
10 not limited to advertising, publicizing, or otherwise distributing
11 information for the purpose of attracting and welcoming tourists, and
12 operating tourism destination marketing organizations.

13 (5) "Tourist" means a person who travels for business or pleasure
14 on a trip:

15 (a) Away from the person's place of residence or business and
16 stays overnight in paid accommodations;

17 (b) To a place at least fifty miles away one way by driving
18 distance from the person's place of residence or business for the day
19 or stays overnight. However, island communities without land access
20 are exempt from the mileage requirement under this subsection (5)(b);
21 or

22 (c) To another country or state outside of the person's place of
23 residence or business.

24 NEW SECTION. Sec. 2. A new section is added to chapter 35.101
25 RCW to read as follows:

26 (1) In addition to the two dollar charge authorized by RCW
27 35.101.050, a legislative authority may impose an additional charge
28 of up to three dollars per night of stay on the furnishing of lodging
29 by a lodging business located in the area. To impose the additional
30 charge, signatures of the persons who operate lodging businesses who
31 would pay sixty percent or more of the proposed charges must be
32 provided together with the proposed uses and projects to which the
33 proposed revenue from the additional charge shall be put, the total
34 estimate costs, and the estimated rate for the charge with a proposed
35 breakdown by class of lodging business if such classification is to
36 be used.

37 (2) This section expires July 1, 2027.

1 **Sec. 3.** RCW 35.101.130 and 2003 c 148 s 13 are each amended to
2 read as follows:

3 (1) The legislative authority imposing the charge shall have sole
4 discretion as to how the revenue derived from the charge is to be
5 used to promote tourism that increases the number of tourists to the
6 area. However, the legislative authority may appoint existing
7 advisory boards or commissions to make recommendations as to its use,
8 or the legislative authority may create a new advisory board or
9 commission for (~~the [that]~~) that purpose.

10 (2) The legislative authority may contract with tourism
11 destination marketing organizations or other similar organizations to
12 administer the operation of the area, so long as the administration
13 complies with all applicable provisions of law, including this
14 chapter, and with all county, city, or town resolutions and
15 ordinances, and with all regulations lawfully imposed by the state
16 auditor or other state agencies.

17 (3) If a majority of those lodging businesses assessed the
18 charges imposed under RCW 35.101.050 or section 2 of this act
19 petition in writing to the legislative authority that the charge be
20 removed, the legislative authority must remove the charge. The
21 legislative authority may determine the timing of when to remove the
22 charge so that the effective date of the expiration of the charge
23 will not adversely impact existing contractual obligations not to
24 exceed twelve months. The legislative authority may not be held
25 liable for any financial obligations, contractual obligations, or
26 damages for removing the charge.

27 (4) Any legislative authority with a charge in place under RCW
28 35.101.050 as of January 1, 2020, shall not have the charge be
29 amended as provided under subsection (3) of this section unless the
30 legislative authority has adopted an increase to the charge as
31 authorized in section 2 of this act.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.101
33 RCW to read as follows:

34 Each tourism promotion area must conduct a program review of the
35 additional tourism promotion area charge established in section 2 of
36 this act. The review must be completed and submitted to the
37 appropriate committees of the legislature by January 1, 2026. The
38 review must:

- 1 (1) Analyze how tourism promotion area charge funds were used
2 during the period when the additional charge was imposed;
- 3 (2) Identify additional marketing and promotional measures
4 conducted or purchased with additional funds beyond the current two
5 dollar charge;
- 6 (3) Assess whether additional tourism promotion area charges
7 above two dollars contributed to an actual increase in the number of
8 tourists, as defined in RCW 35.101.010; and
- 9 (4) Assess the average additional cost per visit per tourist due
10 to additional tourism promotion area charges above two dollars.

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