HOTEL, LODGING AND OCCUPANCY TAX ORDINANCE

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GENERAL PROVISIONS

5.07.001 Title

This ordinance shall be referred to as the “Hotel, Lodging and Occupancy Tax Ordinance.”

5.07.002 Purpose and Scope

The purpose of this ordinance is to establish a Hotel, Lodging and Occupancy tax on Tribally-owned hotel, lodging, occupancy businesses and related services conducted on the Tribal Land, whether located within or outside the boundaries of the Skokomish Indian Reservation.

5.07.003 Authority

This Ordinance is enacted pursuant to Article IV, Section 1 and Article V, Sections 1(c), (f) and (t) of the Constitution of the Skokomish Indian Tribe.

5.07.004 Findings

(a) The power to tax is an essential attribute of tribal sovereignty because it is a necessary instrument of self-government and territorial management. The power to tax derives from the Tribe's inherent authority, as a sovereign, to control economic activity within its jurisdiction, and to defray the cost of providing Essential Governmental Services to Tribal members and others living within the Tribe's territory. Taxation is of vital importance to the Tribe's economy and political integrity and to the health, welfare, and economic well-being of its members and the Tribal community.

(b) The revenue generated from this tax will support the provision of Essential Governmental Services to tribal members and non-members residing, visiting, or conducting business on the Tribal land, including drinking water, sewer, transportation, social services, education, health, tribal police, tribal court, natural resource protection and management programs, environmental protection programs, and community facilities.

5.07.005 Definitions

For the purposes of this Ordinance and any regulations promulgated thereunder, the following definitions apply:

(a) "Essential Governmental Services" mean services such as tribal administration, public and community facilities, police, health, education, sewer, drinking water, natural resource management and protection, environmental protection, and land use, transportation, utilities, and economic development.

(b) "Skokomish Indian Reservation" means the area recognized as the Skokomish Indian Reservation by the United States Department of the Interior.

(c) "Skokomish Indian Tribal Enterprise, Incorporated" means the Skokomish Indian Tribal Enterprise, Incorporated under 25 U.S.C. 477, as amended (Federal Charter Approved August 4, 2014 and Ratified August 6, 2014).

(d) "Skokomish Tax Commissioner" means the Chief Financial Officer for the Skokomish Indian Tribe.

(e) “Space Rental Charge” means the actual amount charged for the rental of any room or space, including any associated services and fees, such as pet fees, (for both indoor and outdoor space, including RV pads and campsites) by a Skokomish Indian Tribal Enterprise owned hotel, motel, resort, lodge, camp and park business operated on Tribal lands before any applicable tax.

(f) “State” means the state of Washington.

(g) “State Sales Tax; Local County Sales and Use Tax, and State Special Hotel/Motel Tax” means the combined Washington State and unincorporated Mason County taxes associated with the rental of any room or space including any associated services and fees, such as pet fees, (for both indoor and outdoor space, including RV pads and campsites).

(h) “Tribal Lands” means any land owned by the Skokomish Indian Tribe whether located within or outside the boundaries of the Skokomish Indian Reservation.

(i) “Tribe” means the Skokomish Indian Tribe.

SECTION ONE

5.07.006 Tax Imposed

(a) There is levied and there shall be collected a tax on all Space Rental Charges for space rented by the Skokomish Tribal Enterprise, Incorporated (hereinafter SITE) in an amount equal to one hundred percent (100 %) of the combined State Use Tax; Local County Sales and Use Tax, and State Special Hotel/Motel Tax.

(b) Should there be any future increases or decrease in the State and Local Use Tax, the Tribal Hotel, Lodging and Occupancy Tax shall increase or decrease by no less than one hundred percent (100%) of the increase or decrease in the combined State Use Tax; Local County Sales and Use Tax, and State Special Hotel/Motel Tax rates.

(c) Skokomish Tribal members are exempt from this tax when they provide their Skokomish Tribal Identification or enrollment card at the time of any Space Rental Charge.

5.07.007 Tax Separate from the Space Rental Charge

The Tax required by this Ordinance is to be collected by SITE and must be stated separately from the Space Rental Charge.

5.07.008 Exempt from the tax

(a) The tax levied in 5.07.006 shall not apply to the following:

(1) Any Tribal, State, Federal or local governments or their agencies; and

(2) Any Promotional gifts and vouchers that allow for free accommodations on Tribal Lands.

(b) Additional exempt sales may be declared by a separately enacted tribal resolution.

5.07.009 Payment of Taxes

The tax hereby imposed shall be paid by the person paying the Space Rental Charge to SITE, and SITE shall collect from such person the full amount of the tax payable for such rental in accordance with this Ordinance.

5.07.010 Collection and Remittance of Taxes

(a) Taxes shall be collected by SITE and remitted monthly to the Skokomish Tax Commissioner.

(b) SITE shall maintain accurate written records of each rental and taxes collected and shall make such records available for inspection by the Tribe and/or third-party auditor retained by the Tribe. Records shall be maintained for no less than three years.

5.07.011 Penalties for Late Filing or Late Payment

For returns and payments that are not received by the Skokomish Tax Commissioner when due, a penalty will be assessed for each month or part of a month the returns or payments are delinquent in an amount equal to two percent (2%) of the taxes due.

SECTION TWO

5.07.012 Other taxes; Preemption; Exemption

(a) Except as specified in this Ordinance, this Ordinance does not amend, modify, repeal or terminate any existing, compact, agreement, Ordinance or tax, including but not limited to the following: Cigarette Tax Compact between the Skokomish Indian Tribe the State of Washington dated November 17, 2004; Skokomish Indian Tribal Tobacco Control and Tax Ordinance; Agreement Concerning Taxation of Motor Vehicle Fuel and Special Fuel between the Skokomish Indian Tribe and the State of Washington commencing November 1, 2007; Skokomish Fuel Sales and Tax Ordinance; Tribal-State compact for Class III Gaming between the Skokomish Indian Tribe and the State of Washington dated May 25, 1995, and as amended; Skokomish liquor Control Ordinance; and Tax and Fish License Administration Ordinance.

(b) Upon enactment of this Ordinance, the power of any state, territory, district, and local government to tax the activities, operations, transaction, and/or property of SITE is preempted to the greatest extent permitted by federal law and Article I, Section 8, Clause 3 of the Constitution of the United States of America. Additionally, nothing in this Ordinance shall constitute a waiver of any exemption from taxation granted by law.

5.07.013 Repeal of a Portion of the Skokomish Consolidated Tax Ordinance

By enactment of this specific Hotel, Lodging and Occupancy Tax Ordinance, Council hereby repeals that portion of the Skokomish Consolidated Tax Ordinance that levied any tax on lodging and all other services by a hotel and property.

5.07.014 No Waiver of Sovereign Immunity

The Skokomish Indian Tribe expressly reserves all of its inherent sovereign rights as a federally recognized Indian tribe, including sovereign immunity from suit in any state, federal, or tribal court without the Tribe's express consent, which shall be evidenced by a duly adopted Tribal Resolution. By enacting this Ordinance, the Skokomish Indian Tribe does not waive its sovereign immunity of the Tribe or any of its entities or enterprises.

5.07.015 Severability

If any provision of this Ordinance, or its application to any person, legal entity, or circumstances, is held invalid, the remainder of the Ordinance, or the application of the provision to other persons, legal entities, or circumstances, shall not be affected.

5.07.016 Effective Date

This Ordinance shall be effective on 9/30/2026.

Legislative History

Adopted by Resolution No. 2026-112 (September 30, 2026)

Ordinance and/or amendments not attached to the resolution in the Skokomish Tribal Archives.