
HOUSE BILL 2115

State of Washington 54th Legislature 1995 3rd Special Session
By Representatives Van Luven and Appelwick; by request of Governor Lowry

Read first time 10/12/95.

1 AN ACT Relating to financing public sports facilities; amending RCW
2 46.16.301, 46.16.313, 67.70.240, 82.14.360, 35.21.280, 36.38.010,
3 36.100.010, 36.100.020, 39.10.120, and 82.29A.130; reenacting and
4 amending RCW 43.79A.040 and 43.84.092; adding a new section to chapter
5 82.14 RCW; adding new sections to chapter 43.79 RCW; adding a new
6 section to chapter 67.70 RCW; adding a new section to chapter 36.100
7 RCW; creating new sections; repealing RCW 36.100.090 and 39.10.902;
8 making an appropriation; and declaring an emergency.

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

10 **PART I**
11 **STATE CONTRIBUTION**

12 NEW SECTION. **Sec. 101.** A new section is added to chapter 82.14
13 RCW to read as follows:

14 (1) The legislative authority of a county with a population of one
15 million or more may impose a sales and use tax in accordance with the
16 terms of this chapter. The tax is in addition to other taxes
17 authorized by law and shall be collected from those persons who are
18 taxable by the state under chapters 82.08 and 82.12 RCW upon the

1 occurrence of any taxable event within the county. The rate of tax
2 shall not exceed 0.017 percent of the selling price in the case of a
3 sales tax or value of the article used in the case of a use tax.

4 (2) The tax imposed under subsection (1) of this section shall be
5 deducted from the amount of tax otherwise required to be collected or
6 paid over to the department of revenue under chapter 82.08 or 82.12
7 RCW. The department of revenue shall perform the collection of such
8 taxes on behalf of the county at no cost to the county.

9 (3) Moneys collected under this section shall only be used for the
10 purpose of paying the principal and interest payments on bonds issued
11 by a county to construct a baseball stadium. Moneys collected in
12 excess of the amount necessary to pay one-fourth of the principal and
13 interest payments, as defined in section 107 of this act, on the bonds
14 that are issued for the construction of the stadium shall be used to
15 reduce the payments on the bonds from the sports bond retirement
16 account and the baseball stadium bond stabilization reserve, as
17 provided in section 107 of this act.

18 (4) No tax may be imposed under this section before January 1,
19 1996, and no tax may be imposed under this section until the county
20 legislative authority has adopted resolutions imposing the taxes under
21 RCW 82.14.360. The tax imposed in this section shall expire when the
22 bonds issued for the construction of the baseball stadium are retired,
23 but not more than twenty years after the bonds are issued.

24 (5) As used in this section, "baseball stadium" means a baseball
25 stadium with natural turf and a retractable roof or canopy, together
26 with associated parking facilities, constructed in the largest city in
27 a county with a population of one million or more.

28 **Sec. 102.** RCW 46.16.301 and 1994 c 194 s 2 are each amended to
29 read as follows:

30 (1) The department may create, design, and issue special license
31 plates that may be used in lieu of regular or personalized license
32 plates for motor vehicles required to display two motor vehicle license
33 plates, excluding vehicles registered under chapter 46.87 RCW, upon
34 terms and conditions established by the department. The special plates
35 may:

36 (a) Denote the age or type of vehicle; or

37 (b) Denote special activities or interests; or

1 (c) Denote the status, or contribution or sacrifice for the United
2 States, the state of Washington, or the citizens of the state of
3 Washington, of a registered owner of that vehicle; or

4 (d) Display a depiction of the name and mascot or symbol of a state
5 university, regional university, or state college as defined in RCW
6 28B.10.016.

7 (2) The department shall create, design, and issue a special
8 baseball stadium license plate that may be used in lieu of regular or
9 personalized license plates for motor vehicles required to display two
10 motor vehicle license plates, excluding vehicles registered under
11 chapter 46.87 RCW, upon terms and conditions established by the
12 department. The special plates shall commemorate the construction of
13 a baseball stadium, as defined in section 101 of this act. The
14 department shall also issue to each recipient of a special baseball
15 stadium license plate a certificate of participation in the
16 construction of the baseball stadium.

17 (3) The department has the sole discretion to determine whether or
18 not to create, design, or issue any series of special license plates,
19 other than the special baseball stadium license plate under subsection
20 (2) of this section, and whether any interest or status merits the
21 issuance of a series of special license plates. In making this
22 determination, the department shall consider whether or not an interest
23 or status contributes or has contributed significantly to the public
24 health, safety, or welfare of the citizens of the United States or of
25 this state or to their significant benefit, or whether the interest or
26 status is recognized by the United States, this state, or other states,
27 in other settings or contexts. The department may also consider the
28 potential number of persons who may be eligible for the plates and the
29 cost and efficiency of producing limited numbers of the plates. The
30 design of a special license plate shall conform to all requirements for
31 plates for the type of vehicle for which it is issued, as provided
32 elsewhere in this chapter.

33 **Sec. 103.** RCW 46.16.313 and 1994 c 194 s 4 are each amended to
34 read as follows:

35 (1) The department may establish a fee for each type of special
36 license plates issued under RCW 46.16.301(1) (a), (b), or (c) in an
37 amount calculated to offset the cost of production of the special
38 license plates and the administration of this program. The fee shall

1 not exceed thirty-five dollars and is in addition to all other fees
2 required to register and license the vehicle for which the plates have
3 been requested. All such additional special license plate fees
4 collected by the department shall be deposited in the state treasury
5 and credited to the motor vehicle fund.

6 (2) In addition to all fees and taxes required to be paid upon
7 application, registration, and renewal registration of a motor vehicle,
8 the holder of a collegiate license plate shall pay a fee of thirty
9 dollars. The department shall deduct an amount not to exceed two
10 dollars of each fee collected under this subsection for administration
11 and collection expenses incurred by it. The remaining proceeds, minus
12 the cost of plate production, shall be remitted to the custody of the
13 state treasurer with a proper identifying detailed report. The state
14 treasurer shall credit the funds to the appropriate collegiate license
15 plate fund as provided in RCW 28B.10.890.

16 (3) In addition to all fees and taxes required to be paid upon
17 application, registration, and renewal registration of a motor vehicle,
18 the holder of a special baseball stadium license plate shall pay a fee
19 of thirty dollars. The department shall deduct an amount not to exceed
20 two dollars of each fee collected under this subsection for
21 administration and collection expenses incurred by it. The remaining
22 proceeds, minus the cost of plate production, shall be remitted to the
23 custody of the state treasurer with a proper identifying detailed
24 report. The state treasurer shall credit the funds to the sports bond
25 retirement account under section 107 of this act through the date of
26 the retirement of the bonds issued by a county to construct a baseball
27 stadium, as defined in section 101 of this act. After this date, the
28 state treasurer shall credit the funds to the state general fund.

29 NEW SECTION. Sec. 104. A new section is added to chapter 43.79
30 RCW to read as follows:

31 Any moneys that may be donated to the state for the purpose of
32 constructing a baseball stadium as defined in section 101 of this act
33 shall be deposited in the sports bond retirement account under section
34 107 of this act.

35 NEW SECTION. Sec. 105. A new section is added to chapter 67.70
36 RCW to read as follows:

1 The lottery commission shall conduct at least two but not more than
2 four games with sports themes per year. Revenues from these games
3 shall be deposited into the sports bond retirement account under
4 section 107 of this act to the extent they exceed an increase in total
5 revenues of the lottery commission from lottery and other games over an
6 inflationary increase.

7 **Sec. 106.** RCW 67.70.240 and 1987 c 513 s 7 are each amended to
8 read as follows:

9 The moneys in the state lottery account shall be used only: (1)
10 For the payment of prizes to the holders of winning lottery tickets or
11 shares; (2) for purposes of making deposits into the reserve account
12 created by RCW 67.70.250 and into the lottery administrative account
13 created by RCW 67.70.260; (3) for purposes of making deposits into the
14 state's general fund; (4) for purposes of making deposits into the
15 housing trust fund under the provisions of section 7 of this 1987 act;
16 (5) for purposes of making deposits into the sports bond retirement
17 account under section 107 of this act of revenues generated from games
18 with sports themes under section 105 of this act; (6) for the purchase
19 and promotion of lottery games and game-related services; and ~~((+6))~~
20 (7) for the payment of agent compensation.

21 The office of financial management shall require the allotment of
22 all expenses paid from the account and shall report to the ways and
23 means committees of the senate and house of representatives any changes
24 in the allotments.

25 NEW SECTION. **Sec. 107.** A new section is added to chapter 43.79
26 RCW to read as follows:

27 (1) The sports bond retirement account is created in the custody of
28 the state treasurer. The account shall be used exclusively for the
29 payment of up to one-fourth of the principal and interest payments on
30 bonds issued by a county with a population of one million or more to
31 construct a baseball stadium. Interest and earnings on investments of
32 moneys in the account shall be deposited into the account.

33 (2) The sports bond retirement account shall consist of all moneys
34 deposited into the account under RCW 46.16.313(3) and sections 104 and
35 105 of this act and interest and earnings on investments of moneys in
36 the account under subsection (1) of this section.

1 (3) On the effective date of this section, the sum of sixty-three
2 million seven hundred fifty thousand dollars of moneys in the state
3 general fund shall be set aside as the baseball stadium bond
4 stabilization reserve. The reserve shall not be used or expended for
5 any purpose other than as provided in this section. Interest and
6 earnings on investments of moneys in the reserve shall be credited to
7 the baseball stadium bond stabilization reserve.

8 (4) A county with a population of one million or more that has
9 issued bonds to construct a baseball stadium shall, on or before June
10 30th of each year, certify to the state treasurer the amount needed in
11 the ensuing twelve months to meet one-fourth of the bond retirement and
12 interest requirements. Not less than thirty days prior to the date on
13 which any interest or principal and interest payment is due, the
14 department of revenue shall certify to the state treasurer the amount
15 of revenues accruing to the county under section 101 of this act in
16 excess of the amount needed to pay one-fourth of the prior principal
17 and interest payment. On the date on which any such interest or
18 principal and interest payment is due, the state treasurer shall
19 withdraw and transmit to the county, first, from the sports bond
20 retirement account, and second, to the extent necessary, from the
21 baseball stadium bond stabilization reserve, an amount equal to the
22 amount certified by the county to be due on the payment date, less the
23 amount certified by the department of revenue.

24 (5) The sports bond retirement account and the baseball stadium
25 bond stabilization reserve are abolished on the date of the retirement
26 of the bonds issued by a county with a population of one million or
27 more to construct a baseball stadium. Moneys remaining in the account
28 shall be transferred to the state general fund on that date. Moneys
29 remaining in the reserve shall be considered to be part of the
30 undesignated fund balance of the state general fund as of that date.

31 (6) As used in this section:

32 (a) "Baseball stadium" means "baseball stadium" as defined in
33 section 101 of this act; and

34 (b) "One-fourth of the principal and interest payments" means the
35 lesser of one-fourth of the principal and interest payments on the
36 bonds that are issued for the construction of the stadium or one-fourth
37 of the principal and interest payments on the bonds equal to an amount
38 of two hundred fifty-five million dollars.

1 **Sec. 108.** RCW 43.79A.040 and 1995 c 394 s 2 and 1995 c 365 s 1 are
2 each reenacted and amended to read as follows:

3 (1) Money in the treasurer's trust fund may be deposited, invested
4 and reinvested by the state treasurer in accordance with RCW 43.84.080
5 in the same manner and to the same extent as if the money were in the
6 state treasury.

7 (2) All income received from investment of the treasurer's trust
8 fund shall be set aside in an account in the treasury trust fund to be
9 known as the investment income account.

10 (3) The investment income account may be utilized for the payment
11 of purchased banking services on behalf of treasurer's trust funds
12 including, but not limited to, depository, safekeeping, and
13 disbursement functions for the state treasurer or affected state
14 agencies. The investment income account is subject in all respects to
15 chapter 43.88 RCW, but no appropriation is required for payments to
16 financial institutions. Payments shall occur prior to distribution of
17 earnings set forth in subsection (4) of this section.

18 (4)(a) Monthly, the state treasurer shall distribute the earnings
19 credited to the investment income account to the state general fund
20 except under (b) and (c) of this subsection.

21 (b) The following accounts and funds shall receive their
22 proportionate share of earnings based upon each account's or fund's
23 average daily balance for the period: The agricultural local fund, the
24 American Indian scholarship endowment fund, the energy account, the
25 fair fund, the game farm alternative account, the grain inspection
26 revolving fund, the rural rehabilitation account, ~~((and))~~ the self-
27 insurance revolving fund, and the sports bond retirement account.
28 However, the earnings to be distributed shall first be reduced by the
29 allocation to the state treasurer's service fund pursuant to RCW
30 43.08.190.

31 (c) The following accounts and funds shall receive eighty percent
32 of their proportionate share of earnings based upon each account's or
33 fund's average daily balance for the period: The advanced right of way
34 revolving fund, the federal narcotics asset forfeitures account, the
35 high occupancy vehicle account, and the local rail service assistance
36 account.

37 (5) In conformance with Article II, section 37 of the state
38 Constitution, no trust accounts or funds shall be allocated earnings
39 without the specific affirmative directive of this section.

1 **Sec. 109.** RCW 43.84.092 and 1995 c 394 s 1 and 1995 c 122 s 12 are
2 each reenacted and amended to read as follows:

3 (1) All earnings of investments of surplus balances in the state
4 treasury shall be deposited to the treasury income account, which
5 account is hereby established in the state treasury.

6 (2) The treasury income account shall be utilized to pay or receive
7 funds associated with federal programs as required by the federal cash
8 management improvement act of 1990. The treasury income account is
9 subject in all respects to chapter 43.88 RCW, but no appropriation is
10 required for refunds or allocations of interest earnings required by
11 the cash management improvement act. Refunds of interest to the
12 federal treasury required under the cash management improvement act
13 fall under RCW 43.88.180 and shall not require appropriation. The
14 office of financial management shall determine the amounts due to or
15 from the federal government pursuant to the cash management improvement
16 act. The office of financial management may direct transfers of funds
17 between accounts as deemed necessary to implement the provisions of the
18 cash management improvement act, and this subsection. Refunds or
19 allocations shall occur prior to the distributions of earnings set
20 forth in subsection (4) of this section.

21 (3) Except for the provisions of RCW 43.84.160, the treasury income
22 account may be utilized for the payment of purchased banking services
23 on behalf of treasury funds including, but not limited to, depository,
24 safekeeping, and disbursement functions for the state treasury and
25 affected state agencies. The treasury income account is subject in all
26 respects to chapter 43.88 RCW, but no appropriation is required for
27 payments to financial institutions. Payments shall occur prior to
28 distribution of earnings set forth in subsection (4) of this section.

29 (4) Monthly, the state treasurer shall distribute the earnings
30 credited to the treasury income account. The state treasurer shall
31 credit the general fund with all the earnings credited to the treasury
32 income account except:

33 (a) The following accounts and funds shall receive their
34 proportionate share of earnings based upon each account's and fund's
35 average daily balance for the period: The capitol building
36 construction account, the Cedar River channel construction and
37 operation account, the Central Washington University capital projects
38 account, the charitable, educational, penal and reformatory
39 institutions account, the common school construction fund, the county

1 criminal justice assistance account, the county sales and use tax
2 equalization account, the data processing building construction
3 account, the deferred compensation administrative account, the deferred
4 compensation principal account, the department of retirement systems
5 expense account, the Eastern Washington University capital projects
6 account, the education construction fund, the emergency reserve fund,
7 the federal forest revolving account, the health services account, the
8 public health services account, the health system capacity account, the
9 personal health services account, the industrial insurance premium
10 refund account, the judges' retirement account, the judicial retirement
11 administrative account, the judicial retirement principal account, the
12 local leasehold excise tax account, the local real estate excise tax
13 account, the local sales and use tax account, the medical aid account,
14 the mobile home park relocation fund, the municipal criminal justice
15 assistance account, the municipal sales and use tax equalization
16 account, the natural resources deposit account, the perpetual
17 surveillance and maintenance account, the public employees' retirement
18 system plan I account, the public employees' retirement system plan II
19 account, the Puyallup tribal settlement account, the resource
20 management cost account, the site closure account, the special wildlife
21 account, the stadium bond stabilization reserve, the state employees'
22 insurance account, the state employees' insurance reserve account, the
23 state investment board expense account, the state investment board
24 commingled trust fund accounts, the supplemental pension account, the
25 teachers' retirement system plan I account, the teachers' retirement
26 system plan II account, the tuition recovery trust fund, the University
27 of Washington bond retirement fund, the University of Washington
28 building account, the volunteer fire fighters' relief and pension
29 principal account, the volunteer fire fighters' relief and pension
30 administrative account, the Washington judicial retirement system
31 account, the Washington law enforcement officers' and fire fighters'
32 system plan I retirement account, the Washington law enforcement
33 officers' and fire fighters' system plan II retirement account, the
34 Washington state patrol retirement account, the Washington State
35 University building account, the Washington State University bond
36 retirement fund, the water pollution control revolving fund, and the
37 Western Washington University capital projects account. Earnings
38 derived from investing balances of the agricultural permanent fund, the
39 normal school permanent fund, the permanent common school fund, the

1 scientific permanent fund, and the state university permanent fund
2 shall be allocated to their respective beneficiary accounts. All
3 earnings to be distributed under this subsection (4)(a) shall first be
4 reduced by the allocation to the state treasurer's service fund
5 pursuant to RCW 43.08.190.

6 (b) The following accounts and funds shall receive eighty percent
7 of their proportionate share of earnings based upon each account's or
8 fund's average daily balance for the period: The aeronautics account,
9 the aircraft search and rescue account, the central Puget Sound public
10 transportation account, the city hardship assistance account, the
11 county arterial preservation account, the department of licensing
12 services account, the economic development account, the essential rail
13 assistance account, the essential rail banking account, the ferry bond
14 retirement fund, the gasohol exemption holding account, the grade
15 crossing protective fund, the high capacity transportation account, the
16 highway bond retirement fund, the highway construction stabilization
17 account, the highway safety account, the marine operating fund, the
18 motor vehicle fund, the motorcycle safety education account, the
19 pilotage account, the public transportation systems account, the Puget
20 Sound capital construction account, the Puget Sound ferry operations
21 account, the recreational vehicle account, the rural arterial trust
22 account, the safety and education account, the small city account, the
23 special category C account, the state patrol highway account, the
24 transfer relief account, the transportation capital facilities account,
25 the transportation equipment fund, the transportation fund, the
26 transportation improvement account, the transportation revolving loan
27 account, and the urban arterial trust account.

28 (5) In conformance with Article II, section 37 of the state
29 Constitution, no treasury accounts or funds shall be allocated earnings
30 without the specific affirmative directive of this section.

31 NEW SECTION. **Sec. 110.** The sum of twenty million dollars, or as
32 much thereof as may be necessary, is appropriated from the general fund
33 to the office of financial management for the biennium ending June 30,
34 1997, to pay for design and other preconstruction costs of a baseball
35 stadium, as defined in section 101 of this act, including operational
36 costs of the public facilities district. In consultation with the
37 house of representatives executive rules committee and the senate
38 facilities and operations committee, the office shall, upon

1 satisfaction that the conditions for building the baseball stadium
2 under RCW 82.14.360(4)(a) through (c) are or will be met, transfer the
3 moneys, as obligations are incurred and due for payment, to the public
4 facilities district created under chapter 36.100 RCW in a county with
5 a population of one million or more. Moneys under this section shall
6 be transferred on the basis of four dollars for every three dollars in
7 contributions received from a professional major league baseball team.

8 NEW SECTION. **Sec. 111.** RCW 36.100.090 and 1995 1st sp.s. c 14 s
9 6 are each repealed.

10 NEW SECTION. **Sec. 112.** Sections 101 through 111 of this act
11 constitute the entire state contribution for a baseball stadium, as
12 defined in section 101 of this act, and assumes that the state share is
13 one-half of the total amount of bonds issued, but not exceeding one-
14 half of a total amount of two hundred fifty-five million dollars. The
15 state will not make any additional contributions based on revised cost
16 or revenue estimates, cost overruns, unforeseen circumstances, or any
17 other reason.

18 **PART II**
19 **LOCAL FUNDING**

20 **Sec. 201.** RCW 82.14.360 and 1995 1st sp.s. c 14 s 7 are each
21 amended to read as follows:

22 (1) The legislative authority of a county with a population of one
23 million or more (~~operating under a county charter~~) may impose a
24 special stadium sales and use tax (~~by resolution adopted on or before~~
25 ~~December 31, 1995, for collection following its approval by a majority~~
26 ~~of the voters in the county at a general or special election~~) upon the
27 retail sale or use within the county by restaurants, taverns, and bars
28 of food and beverages that are taxable by the state under chapters
29 82.08 and 82.12 RCW. The rate of the tax shall not exceed one percent
30 of the selling price in the case of a sales tax, or value of the
31 article used in the case of a use tax. The tax imposed under this
32 subsection is in addition to any other taxes authorized by law and
33 shall not be credited against any other tax imposed upon the same
34 taxable event.

1 (2) The legislative authority of a county with a population of one
2 million or more may impose a special stadium sales and use tax upon
3 retail car rentals within the county that are taxable by the state
4 under chapters 82.08 and 82.12 RCW. The rate of the tax shall ((equal
5 one-tenth of one)) not exceed two percent of the selling price in the
6 case of a sales tax, or rental value of the ((article-used)) vehicle in
7 the case of a use tax. The tax imposed under this ((section))
8 subsection is in addition to any other taxes authorized by law and
9 shall not be credited against any other tax imposed upon the same
10 taxable event.

11 (3) The revenue from the ((tax)) taxes imposed under this section
12 shall be used for the purpose of principal and interest payments on
13 bonds issued by ((a public facilities district, created within)) the
14 county ((under chapter 36.100 RCW,)) to acquire, construct, own,
15 remodel, maintain, equip, reequip, repair, and operate a baseball
16 stadium ((with a retractable roof or canopy and natural turf. If the
17 revenue from the tax imposed under this section exceeds the amount
18 needed for such principal and interest payments in any year, the excess
19 shall be used solely)). Bonds shall be issued to acquire, construct,
20 own, and equip the baseball stadium in an amount determined to be
21 necessary by the public facilities district. If initially authorized
22 by a separate vote of the legislative authority, revenues from the
23 taxes imposed under this section in excess of the amount needed for
24 principal and interest payments in any year may be used as follows:

25 (a) For either or both: ((+a)) (i) Early retirement of the bonds
26 issued for the baseball stadium; or ((+b)) (ii) retirement of bonds
27 issued for expanding, remodelling, repairing, or reequipping of a
28 multipurpose stadium that has a seating capacity over forty-five
29 thousand; and

30 (b) If the revenue from the taxes imposed under this section
31 exceeds the amount needed for the purposes in (a) of this subsection in
32 any year, the excess shall be placed in a contingency fund which may
33 only be used to pay unanticipated capital costs on the baseball stadium
34 or on a multipurpose stadium that has a seating capacity over forty-
35 five thousand.

36 (4) The ((tax)) taxes authorized under this section may be
37 collected only after the county executive has certified to the
38 department of revenue that a professional major league baseball team
39 has made a binding and legally enforceable contractual commitment to:

1 (a) Play at least ninety percent of its home games in the stadium
2 for a period of time not shorter than the term of the bonds issued to
3 finance the initial construction of the stadium;

4 (b) Contribute (~~((principal of))~~) forty-five million dollars toward
5 the (~~((bonded))~~) reasonably necessary preconstruction costs including,
6 but not limited to architectural, engineering, environmental, and legal
7 services, and the cost of construction of the stadium, or to any
8 associated public purpose separate from bond-financed property,
9 including without limitation land acquisition, parking facilities,
10 equipment, infrastructure or other similar costs associated with the
11 project, which contribution shall be made during a term not to exceed
12 the term of the bonds issued to finance the initial construction of the
13 stadium. If all or part of the contribution is made after the date of
14 issuance of the bonds, the team shall contribute an additional amount
15 equal to the accruing interest on the deferred portion of the
16 contribution, calculated at the interest rate on the bonds maturing in
17 the year in which the deferred contribution is made. No part of the
18 contribution may be made without the consent of the county until a
19 public facilities district is created under chapter 36.100 RCW to
20 acquire, construct, own, remodel, maintain, equip, reequip, repair, and
21 operate a baseball stadium. To the extent possible, contributions
22 shall be structured in a manner that would allow for the issuance of
23 bonds to construct the stadium that are exempt from federal income
24 taxes; and

25 (c) Share a portion of the profits generated by the baseball team
26 from the operation of the professional franchise for a period of time
27 equal to the term of the bonds issued to finance the initial
28 construction of the stadium, after offsetting any losses incurred by
29 the baseball team after the effective date of chapter 14, Laws of 1995
30 1st sp. sess. Such profits and the portion to be shared shall be
31 defined by agreement between the public facilities district and the
32 baseball team. The shared profits shall be used to retire the bonds
33 issued to finance the initial construction of the stadium. If the
34 bonds are retired before the expiration of their term, the shared
35 profits shall be paid to the public facilities district.

36 (5) No tax may be collected under this section before January 1,
37 1996. Before imposing the taxes under this section or issuing bonds
38 for a baseball stadium, the county shall create a public facilities
39 district under chapter 36.100 RCW to acquire, construct, own, remodel,

1 maintain, equip, reequip, repair, and operate a baseball stadium, and
2 the county shall acquire and contribute to the district such real
3 property as the district determines to be necessary as a site for the
4 baseball stadium. The proceeds of any bonds issued for the baseball
5 stadium or any other facility that the district will own shall be
6 provided to the district.

7 (6) As used in this section, "baseball stadium" means "baseball
8 stadium" as defined in section 101 of this act.

9 (7) The tax imposed under this section shall expire when the bonds
10 issued for the construction of the (~~new public facilities~~) baseball
11 stadium are retired, but not later than twenty years after the tax is
12 first collected.

13 **Sec. 202.** RCW 35.21.280 and 1995 1st sp.s. c 14 s 8 are each
14 amended to read as follows:

15 Every city and town may levy and fix a tax of not more than one
16 cent on twenty cents or fraction thereof to be paid by the person who
17 pays an admission charge to any place: PROVIDED, No city or town shall
18 impose such tax on persons paying an admission to any activity of any
19 elementary or secondary school. This includes a tax on persons who are
20 admitted free of charge or at reduced rates to any place for which
21 other persons pay a charge or a regular higher charge for the same
22 privileges or accommodations. A city that is located in a county with
23 a population of one million or more may not levy a tax on events in
24 stadia constructed on or after January 1, 1995, that are owned by
25 (~~county government or~~) a public facilities district under chapter
26 36.100 RCW and that have seating capacities over forty thousand. The
27 city or town may require anyone who receives payment for an admission
28 charge to collect and remit the tax to the city or town.

29 The term "admission charge" includes:

30 (1) A charge made for season tickets or subscriptions;

31 (2) A cover charge, or a charge made for use of seats and tables
32 reserved or otherwise, and other similar accommodations;

33 (3) A charge made for food and refreshment in any place where free
34 entertainment, recreation or amusement is provided;

35 (4) A charge made for rental or use of equipment or facilities for
36 purposes of recreation or amusement; if the rental of the equipment or
37 facilities is necessary to the enjoyment of a privilege for which a

1 general admission is charged, the combined charges shall be considered
2 as the admission charge;

3 (5) Automobile parking charges if the amount of the charge is
4 determined according to the number of passengers in the automobile.

5 **Sec. 203.** RCW 36.38.010 and 1995 1st sp.s. c 14 s 9 are each
6 amended to read as follows:

7 (1) Any county may by ordinance enacted by its county legislative
8 authority, levy and fix a tax of not more than one cent on twenty cents
9 or fraction thereof to be paid for county purposes by persons who pay
10 an admission charge to any place, including a tax on persons who are
11 admitted free of charge or at reduced rates to any place for which
12 other persons pay a charge or a regular higher charge for the same or
13 similar privileges or accommodations; and require that one who receives
14 any admission charge to any place shall collect and remit the tax to
15 the county treasurer of the county: PROVIDED, No county shall impose
16 such tax on persons paying an admission to any activity of any
17 elementary or secondary school.

18 (2) As used in this chapter, the term "admission charge" includes
19 a charge made for season tickets or subscriptions, a cover charge, or
20 a charge made for use of seats and tables, reserved or otherwise, and
21 other similar accommodations; a charge made for food and refreshments
22 in any place where any free entertainment, recreation, or amusement is
23 provided; a charge made for rental or use of equipment or facilities
24 for purpose of recreation or amusement, and where the rental of the
25 equipment or facilities is necessary to the enjoyment of a privilege
26 for which a general admission is charged, the combined charges shall be
27 considered as the admission charge. It shall also include any
28 automobile parking charge where the amount of such charge is determined
29 according to the number of passengers in any automobile.

30 (3) The tax herein authorized shall not be exclusive and shall not
31 prevent any city or town within the taxing county, when authorized by
32 law, from imposing within its corporate limits a tax of the same or
33 similar kind: PROVIDED, That whenever the same or similar kind of tax
34 is imposed by any such city or town, no such tax shall be levied within
35 the corporate limits of such city or town by the county, except that
36 the legislative authority of a county with a population of one million
37 or more may: (a) Exclusively levy a tax on events in stadiums
38 constructed on or after January 1, 1995, that are owned by ((county

1 ~~government or~~) a public facilities district under chapter 36.100 RCW
2 and that have seating capacities over forty thousand at the rate of
3 (~~not more than~~) one cent on twenty cents or fraction thereof; (b) if
4 a tax is levied under (a) of this subsection, exclusively levy an
5 additional tax on events in stadiums constructed on or after January 1,
6 1995, that are owned by a public facilities district under chapter
7 36.100 RCW and that have seating capacities over forty thousand at the
8 rate of not more than one cent on twenty cents or fraction thereof; and
9 (c) additionally levy a tax on events in a multipurpose stadium
10 constructed on or before January 1, 1995, that has a seating capacity
11 of over forty-five thousand at the rate of not more than one cent on
12 twenty cents or fraction thereof. Of the revenues collected under (a)
13 of this subsection, the amount collected from the first forty percent
14 of the tax shall be transmitted to the state treasurer and deposited in
15 the sports bond retirement account under section 107 of this act. The
16 remaining revenues from this tax shall be used to pay unanticipated
17 capital costs on the baseball stadium, as defined in section 101 of
18 this act. The revenues under (b) of this subsection shall be used as
19 provided in RCW 82.14.360(3). The revenues under (c) of this
20 subsection shall be used for expanding, remodelling, repairing, or
21 reequipping of a multipurpose stadium that has a seating capacity over
22 forty-five thousand. No tax may be imposed under (a) through (c) of
23 this subsection unless the conditions of RCW 82.14.360 have been met.

24 (4) By contract, the county shall obligate itself to provide the
25 revenue from the tax authorized by this section on events in stadia
26 owned, managed, or operated by a public facilities district, having
27 seating capacities over forty thousand, and constructed on or after
28 January 1, 1995, to the public facilities district.

29 **PART III**
30 **MISCELLANEOUS**

31 **Sec. 301.** RCW 36.100.010 and 1995 1st sp.s. c 14 s 1 are each
32 amended to read as follows:

33 (1) A public facilities district may be created in any county and
34 shall be coextensive with the boundaries of the county.

35 (2) A public facilities district shall be created upon adoption of
36 a resolution providing for the creation of such a district by the
37 county legislative authority in which the proposed district is located.

1 (3) A public facilities district is a municipal corporation, an
2 independent taxing "authority" within the meaning of Article VII,
3 section 1 of the state Constitution, and a "taxing district" within the
4 meaning of Article VII, section 2 of the state Constitution.

5 (4) No taxes authorized under this chapter may be assessed or
6 levied unless a majority of the voters of the public facilities
7 district has approved such tax at a general or special election. A
8 single ballot proposition may both validate the imposition of the sales
9 and use tax under RCW 82.14.048 and the excise tax under RCW
10 36.100.040.

11 (5) A public facilities district shall constitute a body corporate
12 and shall possess all the usual powers of a corporation for public
13 purposes as well as all other powers that may now or hereafter be
14 specifically conferred by statute, including, but not limited to, the
15 authority to hire employees, staff, and services, to enter into
16 contracts, and to sue and be sued.

17 (6) The county legislative authority or the city council may
18 transfer property to the public facilities district (~~as part of the~~
19 ~~process of creating the public facilities district~~) created under this
20 chapter. No property that is encumbered with debt or that is in need
21 of major capital renovation may be transferred to the district without
22 the agreement of the district and revenues adequate to retire the
23 existing indebtedness.

24 **Sec. 302.** RCW 36.100.020 and 1995 1st sp.s. c 14 s 2 are each
25 amended to read as follows:

26 (1) A public facilities district shall be governed by a board of
27 directors consisting of five or seven members as provided in this
28 section. If the largest city in the county has a population that is at
29 least forty percent of the total county population, the board of
30 directors of the public facilities district shall consist of five
31 members selected as follows: (a) Two members appointed by the county
32 legislative authority to serve for four-year staggered terms; (b) two
33 members appointed by the city council of the largest city in the county
34 to serve for four-year staggered terms; and (c) one person to serve for
35 a four-year term who is selected by the other directors. If the
36 largest city in the county has a population of less than forty percent
37 of the total county population, the county legislative authority shall
38 establish in the resolution creating the public facilities district

1 whether the board of directors of the public facilities district has
2 either five or seven members, and the county legislative authority
3 shall appoint the members of the board of directors to reflect the
4 interests of cities and towns in the county, as well as the
5 unincorporated area of the county. However, if the county has a
6 population of one million or more, the largest city in the county has
7 a population of less than forty percent of the total county population,
8 and the county operates under a county charter, which provides for an
9 elected county executive, three members shall be appointed by the
10 governor and the remaining members shall be appointed by the county
11 executive subject to confirmation by the county legislative authority.

12 (2) At least one member on the board of directors shall be
13 representative of the lodging industry in the public facilities
14 district before the public facilities district imposes the excise tax
15 under RCW 36.100.040.

16 (3) Members of the board of directors shall serve four-year terms
17 of office, except that two of the initial five board members or three
18 of the initial seven board members shall serve two-year terms of
19 office.

20 (4) A vacancy shall be filled in the same manner as the original
21 appointment was made and the person appointed to fill a vacancy shall
22 serve for the remainder of the unexpired term of the office for the
23 position to which he or she was appointed.

24 (5) A director appointed by the governor may be removed from office
25 by the governor. Any other director may be removed from office by
26 action of at least two-thirds of the members of the legislative
27 authority which made the appointment.

28 NEW SECTION. Sec. 303. A new section is added to chapter 36.100
29 RCW to read as follows:

30 In addition to other powers and restrictions on a public facilities
31 district, the following shall apply to a public facilities district,
32 located in a county with a population of one million or more, that
33 constructs a baseball stadium:

34 (1) The public facilities district, in consultation with the
35 professional baseball team that will use the stadium, shall have the
36 authority to determine the stadium site;

37 (2) The public facilities district, in consultation with the
38 professional baseball team that will use the stadium, shall have the

1 authority to establish the overall scope of the stadium project,
2 including, but not limited to, the stadium itself, associated parking
3 facilities, associated retail and office development that are part of
4 the stadium facility, and ancillary services or facilities;

5 (3) The public facilities district, in consultation with the
6 professional baseball team that will use the stadium, shall have the
7 final authority to make the final determination of the stadium design
8 and specifications;

9 (4) The public facilities district shall have the authority to
10 contract with the baseball team that will use the stadium to obtain
11 architectural, engineering, environmental, and other professional
12 services related to the stadium site and design options, environmental
13 study requirements, and obtaining necessary permits for the stadium
14 facility;

15 (5) The public facilities district, in consultation with the
16 professional baseball team that will use the stadium, shall have the
17 authority to establish the project budget and bidding specifications
18 and requirements on the stadium project;

19 (6) The public facilities district, in consultation with the
20 professional baseball team that will use the stadium and the county in
21 which the public facilities district is located, shall have the
22 authority to structure the financing of the stadium facility project;
23 and

24 (7) The public facilities district may choose to use the provisions
25 of chapter 39.10 RCW in connection with the design, construction,
26 reconstruction, remodel, or alteration of any of its stadium facility
27 without respect to RCW 39.10.030 or the deadlines set forth in RCW
28 39.10.120.

29 As used in this section, "stadium" and "baseball stadium" mean a
30 "baseball stadium" as defined in section 101 of this act.

31 **Sec. 304.** RCW 39.10.120 and 1994 c 132 s 12 are each amended to
32 read as follows:

33 The alternative public works contracting procedures authorized
34 under this chapter are limited to public works contracts signed before
35 (~~July 1~~) December 31, 1997. Methods of public works contracting
36 authorized (~~by RCW 39.10.050 and 39.10.060~~) under this chapter shall
37 remain in full force and effect until completion of contracts signed
38 before (~~July 1~~) December 31, 1997.

1 NEW SECTION. **Sec. 305.** RCW 39.10.902 and 1994 c 132 s 15 are each
2 repealed.

3 **Sec. 306.** RCW 82.29A.130 and 1995 c 138 s 1 are each amended to
4 read as follows:

5 The following leasehold interests shall be exempt from taxes
6 imposed pursuant to RCW 82.29A.030 and 82.29A.040:

7 (1) All leasehold interests constituting a part of the operating
8 properties of any public utility which is assessed and taxed as a
9 public utility pursuant to chapter 84.12 RCW.

10 (2) All leasehold interests in facilities owned or used by a
11 school, college or university which leasehold provides housing for
12 students and which is otherwise exempt from taxation under provisions
13 of RCW 84.36.010 and 84.36.050.

14 (3) All leasehold interests of subsidized housing where the fee
15 ownership of such property is vested in the government of the United
16 States, or the state of Washington or any political subdivision thereof
17 but only if income qualification exists for such housing.

18 (4) All leasehold interests used for fair purposes of a nonprofit
19 fair association that sponsors or conducts a fair or fairs which
20 receive support from revenues collected pursuant to RCW 67.16.100 and
21 allocated by the director of the department of agriculture where the
22 fee ownership of such property is vested in the government of the
23 United States, the state of Washington or any of its political
24 subdivisions: PROVIDED, That this exemption shall not apply to the
25 leasehold interest of any sublessee of such nonprofit fair association
26 if such leasehold interest would be taxable if it were the primary
27 lease.

28 (5) All leasehold interests in any property of any public entity
29 used as a residence by an employee of that public entity who is
30 required as a condition of employment to live in the publicly owned
31 property.

32 (6) All leasehold interests held by enrolled Indians of lands owned
33 or held by any Indian or Indian tribe where the fee ownership of such
34 property is vested in or held in trust by the United States and which
35 are not subleased to other than to a lessee which would qualify
36 pursuant to this chapter, RCW 84.36.451 and 84.40.175.

37 (7) All leasehold interests in any real property of any Indian or
38 Indian tribe, band, or community that is held in trust by the United

1 States or is subject to a restriction against alienation imposed by the
2 United States: PROVIDED, That this exemption shall apply only where it
3 is determined that contract rent paid is greater than or equal to
4 ninety percent of fair market rental, to be determined by the
5 department of revenue using the same criteria used to establish taxable
6 rent in RCW 82.29A.020(2)(b).

7 (8) All leasehold interests for which annual taxable rent is less
8 than two hundred fifty dollars per year. For purposes of this
9 subsection leasehold interests held by the same lessee in contiguous
10 properties owned by the same lessor shall be deemed a single leasehold
11 interest.

12 (9) All leasehold interests which give use or possession of the
13 leased property for a continuous period of less than thirty days:
14 PROVIDED, That for purposes of this subsection, successive leases or
15 lease renewals giving substantially continuous use of possession of the
16 same property to the same lessee shall be deemed a single leasehold
17 interest: PROVIDED FURTHER, That no leasehold interest shall be deemed
18 to give use or possession for a period of less than thirty days solely
19 by virtue of the reservation by the public lessor of the right to use
20 the property or to allow third parties to use the property on an
21 occasional, temporary basis.

22 (10) All leasehold interests under month-to-month leases in
23 residential units rented for residential purposes of the lessee pending
24 destruction or removal for the purpose of constructing a public highway
25 or building.

26 (11) All leasehold interests in any publicly owned real or personal
27 property to the extent such leasehold interests arises solely by virtue
28 of a contract for public improvements or work executed under the public
29 works statutes of this state or of the United States between the public
30 owner of the property and a contractor.

31 (12) All leasehold interests that give use or possession of state
32 adult correctional facilities for the purposes of operating
33 correctional industries under RCW 72.09.100.

34 (13) All leasehold interests used to provide organized and
35 supervised recreational activities for disabled persons of all ages in
36 a camp facility and for public recreational purposes by a nonprofit
37 organization, association, or corporation that would be exempt from
38 property tax under RCW 84.36.030(1) if it owned the property. If the
39 publicly owned property is used for any taxable purpose, the leasehold

1 excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be
2 imposed and shall be apportioned accordingly.

3 (14) All leasehold interests in the public or entertainment areas
4 of a baseball stadium with natural turf and a retractable roof or
5 canopy that is in a county with a population of over one million, that
6 has a seating capacity of over forty thousand, and that is constructed
7 on or after January 1, 1995. "Public or entertainment areas" include
8 ticket sales areas, ramps and stairs, lobbies and concourses, parking
9 areas, concession areas, restaurants, hospitality and stadium club
10 areas, kitchens or other work areas primarily servicing other public or
11 entertainment areas, public rest room areas, press and media areas,
12 control booths, broadcast and production areas, retail sales areas,
13 museum and exhibit areas, scoreboards or other public displays, storage
14 areas, loading, staging, and servicing areas, seating areas and suites,
15 the playing field, and any other areas to which the public has access
16 or which are used for the production of the entertainment event or
17 other public usage, and any other personal property used for these
18 purposes. "Public or entertainment areas" does not include locker
19 rooms or private offices exclusively used by the lessee.

20 NEW SECTION. Sec. 307. Part headings as used in this act
21 constitute no part of the law.

22 NEW SECTION. Sec. 308. This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and shall take
25 effect immediately.

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