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HOUSE BILL 2535

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Darneille, Green, Roberts and Conway

Read first time 01/10/2006. Referred to Committee on Economic Development, Agriculture & Trade.

1 AN ACT Relating to allowing public facilities districts to finance  
2 remodeling or reconstruction of existing minor league baseball stadiums  
3 and related parking facilities; amending RCW 35.57.040, 35.57.100,  
4 35.57.110, and 82.14.390; and reenacting and amending RCW 35.57.020.

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

6 **Sec. 1.** RCW 35.57.020 and 2002 c 363 s 2 and 2002 c 218 s 25 are  
7 each reenacted and amended to read as follows:

8 (1) A public facilities district is authorized to acquire,  
9 construct, own, remodel, maintain, equip, reequip, repair, finance, and  
10 operate one or more regional centers or existing minor league baseball  
11 stadiums, or both. For purposes of this chapter, "regional center"  
12 means a convention, conference, or special events center, or any  
13 combination of facilities, and related parking facilities, serving a  
14 regional population constructed, improved, or rehabilitated after July  
15 25, 1999, at a cost of at least ten million dollars, including debt  
16 service. "Regional center" also includes an existing convention,  
17 conference, or special events center, and related parking facilities,  
18 serving a regional population, that is improved or rehabilitated after  
19 July 25, 1999, where the costs of improvement or rehabilitation are at

1 least ten million dollars, including debt service. A "special events  
2 center" is a facility, available to the public, used for community  
3 events, sporting events, trade shows, and artistic, musical,  
4 theatrical, or other cultural exhibitions, presentations, or  
5 performances. A regional center is conclusively presumed to serve a  
6 regional population if state and local government investment in the  
7 construction, improvement, or rehabilitation of the regional center is  
8 equal to or greater than ten million dollars. "Minor league baseball  
9 stadium" means any public facility existing and in use on the effective  
10 date of this act in which a minor league baseball team affiliated with  
11 a major league baseball club has operated for at least a portion of the  
12 previous two years.

13 (2) A public facilities district may enter into contracts with any  
14 city or town for the purpose of exercising any powers of a community  
15 renewal agency under chapter 35.81 RCW.

16 (3) A public facilities district may impose charges and fees for  
17 the use of its facilities, and may accept and expend or use gifts,  
18 grants, and donations for the purpose of a regional center.

19 (4) A public facilities district may impose charges, fees, and  
20 taxes authorized in RCW 35.57.040, and use revenues derived therefrom  
21 for the purpose of paying principal and interest payments on bonds  
22 issued by the public facilities district to construct a regional  
23 center.

24 (5) Notwithstanding the establishment of a career, civil, or merit  
25 service system, a public facilities district may contract with a public  
26 or private entity for the operation or management of its public  
27 facilities.

28 (6) A public facilities district is authorized to use the  
29 supplemental alternative public works contracting procedures set forth  
30 in chapter 39.10 RCW in connection with the design, construction,  
31 reconstruction, remodel, or alteration of any regional center.

32 (7) A city or town in conjunction with any special agency,  
33 authority, or other district established by a county or any other  
34 governmental agency is authorized to use the supplemental alternative  
35 public works contracting procedures set forth in chapter 39.10 RCW in  
36 connection with the design, construction, reconstruction, remodel, or  
37 alteration of any regional center funded in whole or in part by a  
38 public facilities district.

1       **Sec. 2.** RCW 35.57.040 and 1999 c 165 s 4 are each amended to read  
2 as follows:

3       (1) The board of directors of the public facilities district may  
4 impose the following for the purpose of funding a regional center or  
5 minor league baseball stadium, or both:

6       (a) Charges and fees for the use of any of its facilities;

7       (b) Admission charges under RCW 35.57.100;

8       (c) Vehicle parking charges under RCW 35.57.110; and

9       (d) Sales and use taxes authorized under RCW 82.14.048 and  
10 82.14.390.

11       (2) The board may accept and expend or use gifts, grants, and  
12 donations for the purpose of a regional center or minor league baseball  
13 stadium, or both. The revenue from the charges, fees, and taxes  
14 imposed under this section shall be used only for the purposes  
15 authorized by this chapter.

16       **Sec. 3.** RCW 35.57.100 and 1999 c 165 s 10 are each amended to read  
17 as follows:

18       A public facility district may levy and fix a tax of not more than  
19 one cent on twenty cents or fraction thereof to be paid by the person  
20 who pays an admission charge to a regional center or minor league  
21 baseball stadium. This includes a tax on persons who are admitted free  
22 of charge or at reduced rates if other persons pay a charge or a  
23 regular higher charge for the same privileges or accommodations.

24       The term "admission charge" includes:

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

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

28       (3) A charge made for food and refreshment if free entertainment,  
29 recreation, or amusement is provided;

30       (4) A charge made for rental or use of equipment or facilities for  
31 purposes of recreation or amusement; if the rental of the equipment or  
32 facilities is necessary to the enjoyment of a privilege for which a  
33 general admission is charged, the combined charges shall be considered  
34 as the admission charge;

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

1       **Sec. 4.** RCW 35.57.110 and 1999 c 165 s 11 are each amended to read  
2 as follows:

3       A public facility district may levy and fix a tax on any vehicle  
4 parking charges imposed at any parking facility that is owned or leased  
5 by the public facility district as part of a regional center or minor  
6 league baseball stadium. No county or city or town within which the  
7 regional center is located may impose a tax of the same or similar kind  
8 on any vehicle parking charges at the facility. For the purposes of  
9 this section, "vehicle parking charges" means only the actual parking  
10 charges exclusive of taxes and service charges and the value of any  
11 other benefit conferred. The tax authorized under this section shall  
12 be at the rate of not more than ten percent.

13       **Sec. 5.** RCW 82.14.390 and 2002 c 363 s 4 are each amended to read  
14 as follows:

15       (1) Except as provided in subsection (6) of this section, the  
16 governing body of a public facilities district created before July 31,  
17 2002, under chapter 35.57 or 36.100 RCW that commences construction of  
18 a new regional center, or improvement or rehabilitation of an existing  
19 new regional center, before January 1, 2004, or that commences  
20 remodeling or reconstruction of an existing minor league baseball  
21 stadium and related parking facilities before January 1, 2008, may  
22 impose a sales and use tax in accordance with the terms of this  
23 chapter. The tax is in addition to other taxes authorized by law and  
24 shall be collected from those persons who are taxable by the state  
25 under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable  
26 event within the public facilities district. The rate of tax shall not  
27 exceed 0.033 percent of the selling price in the case of a sales tax or  
28 value of the article used in the case of a use tax.

29       (2) The tax imposed under subsection (1) of this section shall be  
30 deducted from the amount of tax otherwise required to be collected or  
31 paid over to the department of revenue under chapter 82.08 or 82.12  
32 RCW. The department of revenue shall perform the collection of such  
33 taxes on behalf of the county at no cost to the public facilities  
34 district.

35       (3) No tax may be collected under this section before August 1,  
36 2000. The tax imposed in this section shall expire when the bonds  
37 issued for the construction of the regional center and related parking

1 facilities are retired, but not more than twenty-five years after the  
2 tax is first collected. The tax may be extended for a period not to  
3 exceed ten years in order to retire bonds issued for the remodeling or  
4 reconstruction of a minor league baseball stadium and related parking  
5 facilities.

6 (4) Moneys collected under this section shall only be used for the  
7 purposes set forth in RCW 35.57.020 and must be matched with an amount  
8 from other public or private sources equal to thirty-three percent of  
9 the amount collected under this section, provided that amounts  
10 generated from nonvoter approved taxes authorized under chapter 35.57  
11 RCW or nonvoter approved taxes authorized under chapter 36.100 RCW  
12 shall not constitute a public or private source. For the purpose of  
13 this section, public or private sources includes, but is not limited to  
14 cash or in-kind contributions used in all phases of the development or  
15 improvement of the regional center or minor league baseball stadium, or  
16 both, land that is donated and used for the siting of the regional  
17 center, cash or in-kind contributions from public or private  
18 foundations, or amounts attributed to private sector partners as part  
19 of a public and private partnership agreement negotiated by the public  
20 facilities district.

21 (5) The combined total tax levied under this section shall not be  
22 greater than 0.033 percent. If both a public facilities district  
23 created under chapter 35.57 RCW and a public facilities district  
24 created under chapter 36.100 RCW impose a tax under this section, the  
25 tax imposed by a public facilities district created under chapter 35.57  
26 RCW shall be credited against the tax imposed by a public facilities  
27 district created under chapter 36.100 RCW.

28 (6) A public facilities district created under chapter 36.100 RCW  
29 is not eligible to impose the tax under this section if the legislative  
30 authority of the county where the public facilities district is located  
31 has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

32 NEW SECTION. **Sec. 6.** If any provision of this act or its  
33 application to any person or circumstance is held invalid, the  
34 remainder of the act or the application of the provision to other  
35 persons or circumstances is not affected.

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