

2 **SHB 2402** - S COMM AMD

3 By Committee on Government Operations

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The treasurer of the county in which a  
8 public facilities district is located shall be the treasurer of the  
9 district and is vested with authority to receive and disburse district  
10 revenues and taxes levied, credit district revenues and taxes to the  
11 proper fund, and perform other services as authorized by law on behalf  
12 of the district. The public facilities district funds shall be  
13 deposited with the county depositories under the same restrictions and  
14 security as provided for county depositories subject to the investment  
15 statutes governing investment of public funds. All interest collected  
16 on public facilities district funds shall belong to the district and be  
17 deposited to its credit in the proper district funds. The treasurer  
18 shall, at least monthly, certify the amount of all public facilities  
19 district funds and prepare such other reports as requested by the  
20 district. All public facilities district funds shall be paid to the  
21 treasurer and shall be disbursed by him or her upon presentation of  
22 vouchers approved by the district.

23 NEW SECTION. **Sec. 2.** The board of directors of the public  
24 facilities district shall adopt a resolution that may be amended from  
25 time to time that shall establish the basic requirements governing  
26 methods and amounts of reimbursement payable to such district officials  
27 and employees for travel and other business expenses incurred on behalf  
28 of the district. The resolution shall, among other things, establish  
29 procedures for approving such expenses; the form of the travel and  
30 expense voucher; and requirements governing the use of credit cards  
31 issued in the name of the district. The resolution may also establish  
32 procedures for payment of per diem to board members. The state auditor  
33 shall, as provided by general law, cooperate with the public facilities  
34 district in establishing adequate procedures for regulating and  
35 auditing the reimbursement of all such expenses.

1        NEW SECTION.    **Sec. 3.**    The board of directors of the public  
2 facilities district may authorize payment of actual and necessary  
3 expenses of officers and employees for lodging, meals, and travel-  
4 related costs incurred in attending meetings or conferences on behalf  
5 of the public facilities district and strictly in the public interest  
6 and for public purposes.    Officers and employees may be advanced  
7 sufficient sums to cover their anticipated expenses in accordance with  
8 rules adopted by the state auditor, which shall substantially conform  
9 to the procedures provided in RCW 43.03.150 through 43.03.210.

10        NEW SECTION.    **Sec. 4.**    Each member of the board of directors of the  
11 public facilities district, if authorized by board resolution, may  
12 receive compensation of fifty dollars per day for attending meetings on  
13 behalf of the district, not to exceed four thousand eight hundred  
14 dollars per year.    Compensation under this section must be authorized  
15 by the public facilities district board of directors by board  
16 resolution at a regularly scheduled meeting.    A director may waive all  
17 or a portion of his or her compensation under this section as to a  
18 month or months during his or her term of office, by a written waiver  
19 filed with the public facilities district.    The compensation provided  
20 in this section is in addition to reimbursement for expenses paid to  
21 the directors by the public facilities district.

22        NEW SECTION.    **Sec. 5.**    The board of directors of the public  
23 facilities district may purchase liability insurance with such limits  
24 as the directors may deem reasonable for the purpose of protecting and  
25 holding personally harmless district officers and employees against  
26 liability for personal or bodily injuries and property damage arising  
27 from their acts or omissions while performing or in good faith  
28 purporting to perform their official duties.

29        NEW SECTION.    **Sec. 6.**    Whenever an action, claim, or proceeding is  
30 instituted against a person who is or was an officer or employee of the  
31 public facilities district arising out of the performance of duties for  
32 or employment with the district, the public facilities district may  
33 grant a request by the person that the attorney of the district's  
34 choosing be authorized to defend the claim, suit, or proceeding, and  
35 the costs of defense, attorney's fees, and obligation for payments  
36 arising from the action may be paid from the district's funds.    Costs

1 of defense or judgment or settlement against the person shall not be  
2 paid in a case where the court has found that the person was not acting  
3 in good faith or within the scope of employment with or duties for the  
4 public facilities district.

5 **Sec. 7.** RCW 36.100.030 and 1989 1st ex.s. c 8 s 3 are each amended  
6 to read as follows:

7 (1) A public facilities district is authorized to acquire,  
8 construct, own, maintain, and operate sports ~~((and))~~ or entertainment  
9 facilities, or both sports and entertainment facilities, with  
10 contiguous parking facilities. The taxes that are provided for in this  
11 chapter may only be imposed for these purposes.

12 (2) A public facilities district may impose charges and fees for  
13 the use of its facilities, and may accept and expend or use gifts,  
14 grants, and donations. ~~((The taxes that are provided for in this~~  
15 ~~chapter may only be imposed for such purposes.))~~

16 NEW SECTION. **Sec. 8.** The board of directors of the public  
17 facilities district shall have authority to authorize the expenditure  
18 of funds for the public purposes of preparing and distributing  
19 information to the general public and promoting, advertising,  
20 improving, developing, operating, and maintaining facilities of the  
21 district. Nothing contained in this section may be construed to  
22 authorize preparation and distribution of information to the general  
23 public for the purpose of influencing the outcome of a district  
24 election.

25 NEW SECTION. **Sec. 9.** The public facilities district shall have  
26 authority to create and fill positions, fix wages, salaries, and bonds  
27 therefor, pay costs involved in securing or arranging to secure  
28 employees, and establish benefits for employees, including holiday pay,  
29 vacations or vacation pay, retirement benefits, medical, life,  
30 accident, or health disability insurance, as approved by the board.  
31 Public facilities district board members, at their own expense, shall  
32 be entitled to medical, life, accident, or health disability insurance.  
33 Insurance for employees and board members shall not be considered  
34 compensation. District coverage for the board is not to exceed that  
35 provided public facilities district employees.

1        NEW SECTION.    **Sec. 10.**    The public facilities district may secure  
2 services by means of an agreement with a service provider.    The public  
3 facilities district shall publish notice, establish criteria, receive  
4 and evaluate proposals, and negotiate with respondents under  
5 requirements set forth by district resolution.

6        NEW SECTION.    **Sec. 11.**    In addition to provisions contained in  
7 chapter 39.04 RCW, the public facilities district is authorized to  
8 follow procedures contained in RCW 43.19.1906 and 43.19.1911 for all  
9 purchases, contracts for purchase, and sales.

10       NEW SECTION.    **Sec. 12.**    (1) A public facilities district may issue  
11 revenue bonds to fund revenue generating facilities, or portions of  
12 facilities, which it is authorized to provide or operate.    Whenever  
13 revenue bonds are to be issued, the board of directors of the district  
14 shall create or have created a special fund or funds from which, along  
15 with any reserves created pursuant to RCW 39.44.140, the principal and  
16 interest on such revenue bonds shall exclusively be payable.    The board  
17 may obligate the district to set aside and pay into the special fund or  
18 funds a fixed proportion or a fixed amount of the revenues from the  
19 public improvements, projects, or facilities, and all related  
20 additions, that are funded by the revenue bonds.    This amount or  
21 proportion shall be a lien and charge against these revenues, subject  
22 only to operating and maintenance expenses.    The board shall have due  
23 regard for the cost of operation and maintenance of the public  
24 improvements, projects, or facilities, or additions, that are funded by  
25 the revenue bonds, and shall not set aside into the special fund or  
26 funds a greater amount or proportion of the revenues that in its  
27 judgment will be available over and above the cost of maintenance and  
28 operation and the amount or proportion, if any, of the revenue so  
29 previously pledged.    The board may also provide that revenue bonds  
30 payable out of the same source or sources of revenue may later be  
31 issued on a parity with any revenue bonds being issued and sold.

32       (2) Revenue bonds issued pursuant to this section shall not be an  
33 indebtedness of the district issuing the bonds, and the interest and  
34 principal on the bonds shall only be payable from the revenues lawfully  
35 pledged to meet the principal and interest requirements and any  
36 reserves created pursuant to RCW 39.44.140.    The owner or bearer of a  
37 revenue bond or any interest coupon issued pursuant to this section

1 shall not have any claim against the district arising from the bond or  
2 coupon except for payment from the revenues lawfully pledged to meet  
3 the principal and interest requirements and any reserves created  
4 pursuant to RCW 39.44.140. The substance of the limitations included  
5 in this subsection shall be plainly printed, written, or engraved on  
6 each bond issued pursuant to this section.

7 (3) Revenue bonds with a maturity in excess of thirty years shall  
8 not be issued. The board of directors of the district shall by  
9 resolution determine for each revenue bond issue the amount, date,  
10 form, terms, conditions, denominations, maximum fixed or variable  
11 interest rate or rates, maturity or maturities, redemption rights,  
12 registration privileges, manner of execution, manner of sale, callable  
13 provisions, if any, and covenants including the refunding of existing  
14 revenue bonds. Facsimile signatures may be used on the bonds and any  
15 coupons. Refunding revenue bonds may be issued in the same manner as  
16 revenue bonds are issued.

17 **Sec. 13.** RCW 82.14.048 and 1991 c 207 s 1 are each amended to read  
18 as follows:

19 The governing board of a public facilities district under chapter  
20 36.100 RCW may submit an authorizing proposition to the voters of the  
21 district, and if the proposition is approved by a majority of persons  
22 voting, fix and impose a sales and use tax in accordance with the terms  
23 of this chapter.

24 The tax authorized in this section shall be in addition to any  
25 other taxes authorized by law and shall be collected from those persons  
26 who are taxable by the state under chapters 82.08 and 82.12 RCW upon  
27 the occurrence of any taxable event within the public facilities  
28 district. The rate of tax shall equal one-tenth of one percent of the  
29 selling price in the case of a sales tax, or value of the article used,  
30 in the case of a use tax.

31 Moneys received from any tax imposed under this section shall be  
32 used for the purpose of providing funds for the costs associated with  
33 the financing, design, acquisition, construction, equipping, operating,  
34 maintaining, and reequipping of sports or entertainment facilities, or  
35 both sports and entertainment facilities, and contiguous parking.

36 NEW SECTION. **Sec. 14.** Sections 1 through 6 and 8 through 12 of  
37 this act are each added to chapter 36.100 RCW."

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4 On page 1, line 1 of the title, after "districts;" strike the  
5 remainder of the title and insert "amending RCW 36.100.030 and  
6 82.14.048; and adding new sections to chapter 36.100 RCW."

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