

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2115

Chapter 1, Laws of 1995

54th Legislature
1995 3rd Special Session

Baseball stadium financing

EFFECTIVE DATE: 10/17/95

Passed by the House October 14, 1995
Yeas 66 Nays 24

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate October 14, 1995
Yeas 25 Nays 16

JOEL PRITCHARD

President of the Senate

Approved October 17, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2115** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

October 17, 1995 - 2:15 p.m.

**Secretary of State
State of Washington**

1 shall not exceed 0.017 percent of the selling price in the case of a
2 sales tax or value of the article used in the case of a use tax.

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

8 (3) Moneys collected under this section shall only be used for the
9 purpose of paying the principal and interest payments on bonds issued
10 by a county to construct a baseball stadium.

11 (4) No tax may be collected under this section before January 1,
12 1996, and no tax may be collected under this section unless the taxes
13 under RCW 82.14.360 are being collected. The tax imposed in this
14 section shall expire when the bonds issued for the construction of the
15 baseball stadium are retired, but not more than twenty years after the
16 tax is first collected.

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

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

23 (1) The department may create, design, and issue special license
24 plates that may be used in lieu of regular or personalized license
25 plates for motor vehicles required to display two motor vehicle license
26 plates, excluding vehicles registered under chapter 46.87 RCW, upon
27 terms and conditions established by the department. The special plates
28 may:

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

30 (b) Denote special activities or interests; or

31 (c) Denote the status, or contribution or sacrifice for the United
32 States, the state of Washington, or the citizens of the state of
33 Washington, of a registered owner of that vehicle; or

34 (d) Display a depiction of the name and mascot or symbol of a state
35 university, regional university, or state college as defined in RCW
36 28B.10.016.

37 (2) The department shall create, design, and issue a special
38 baseball stadium license plate that may be used in lieu of regular or

1 personalized license plates for motor vehicles required to display two
2 motor vehicle license plates, excluding vehicles registered under
3 chapter 46.87 RCW, upon terms and conditions established by the
4 department. The special plates shall commemorate the construction of
5 a baseball stadium, as defined in section 101 of this act. The
6 department shall also issue to each recipient of a special baseball
7 stadium license plate a certificate of participation in the
8 construction of the baseball stadium.

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

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

27 (1) The department may establish a fee for each type of special
28 license plates issued under RCW 46.16.301(1) (a), (b), or (c) in an
29 amount calculated to offset the cost of production of the special
30 license plates and the administration of this program. The fee shall
31 not exceed thirty-five dollars and is in addition to all other fees
32 required to register and license the vehicle for which the plates have
33 been requested. All such additional special license plate fees
34 collected by the department shall be deposited in the state treasury
35 and credited to the motor vehicle fund.

36 (2) In addition to all fees and taxes required to be paid upon
37 application, registration, and renewal registration of a motor vehicle,
38 the holder of a collegiate license plate shall pay a fee of thirty

1 dollars. The department shall deduct an amount not to exceed two
2 dollars of each fee collected under this subsection for administration
3 and collection expenses incurred by it. The remaining proceeds, minus
4 the cost of plate production, shall be remitted to the custody of the
5 state treasurer with a proper identifying detailed report. The state
6 treasurer shall credit the funds to the appropriate collegiate license
7 plate fund as provided in RCW 28B.10.890.

8 (3) In addition to all fees and taxes required to be paid upon
9 application, registration, and renewal registration of a motor vehicle,
10 the holder of a special baseball stadium license plate shall pay a fee
11 of thirty dollars. The department shall deduct an amount not to exceed
12 two dollars of each fee collected under this subsection for
13 administration and collection expenses incurred by it. The remaining
14 proceeds, minus the cost of plate production, shall be distributed to
15 a county for the purpose of paying the principal and interest payments
16 on bonds issued by the county to construct a baseball stadium, as
17 defined in section 101 of this act, including reasonably necessary
18 preconstruction costs, while the taxes are being collected under RCW
19 82.14.360. After this date, the state treasurer shall credit the funds
20 to the state general fund.

21 NEW SECTION. Sec. 104. A new section is added to chapter 67.70
22 RCW to read as follows:

23 The lottery commission shall conduct at least two but not more than
24 four scratch games with sports themes per year. These games are
25 intended to generate additional moneys sufficient to cover the
26 distributions under RCW 67.70.240(5).

27 **Sec. 105.** RCW 67.70.240 and 1987 c 513 s 7 are each amended to
28 read as follows:

29 The moneys in the state lottery account shall be used only: (1)
30 For the payment of prizes to the holders of winning lottery tickets or
31 shares; (2) for purposes of making deposits into the reserve account
32 created by RCW 67.70.250 and into the lottery administrative account
33 created by RCW 67.70.260; (3) for purposes of making deposits into the
34 state's general fund; (4) for purposes of making deposits into the
35 housing trust fund under the provisions of section 7 of this 1987 act;
36 (5) for distribution to a county for the purpose of paying the
37 principal and interest payments on bonds issued by the county to

1 construct a baseball stadium, as defined in section 101 of this act,
2 including reasonably necessary preconstruction costs; (6) for the
3 purchase and promotion of lottery games and game-related services; and
4 ((+6+)) (7) for the payment of agent compensation. Three million
5 dollars shall be distributed under subsection (5) of this section
6 during calendar year 1996. During subsequent years, such distributions
7 shall equal the prior year's distributions increased by four percent.
8 Distributions under subsection (5) of this section shall cease when the
9 bonds issued for the construction of the baseball stadium are retired,
10 but not more than twenty years after the tax under section 101 of this
11 act is first imposed.

12 The office of financial management shall require the allotment of
13 all expenses paid from the account and shall report to the ways and
14 means committees of the senate and house of representatives any changes
15 in the allotments.

16 NEW SECTION. Sec. 106. Sections 101 through 105 of this act
17 constitute the entire state contribution for a baseball stadium, as
18 defined in section 101 of this act. The state will not make any
19 additional contributions based on revised cost or revenue estimates,
20 cost overruns, unforeseen circumstances, or any other reason.

21 **PART II**
22 **LOCAL FUNDING**

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

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

1 same taxable event. As used in this section, "restaurant" does not
2 include grocery stores, mini-markets, or convenience stores.

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

13 (3) The revenue from the ((tax)) taxes imposed under this section
14 shall be used for the purpose of principal and interest payments on
15 bonds, issued by ((a public facilities district, created within)) the
16 county ((under chapter 36.100 RCW)), to acquire, construct, own,
17 remodel, maintain, equip, reequip, repair, and operate a baseball
18 stadium ((with a retractable roof or canopy and natural turf)).
19 Revenues from the taxes authorized in this section may be used for
20 design and other preconstruction costs of the baseball stadium until
21 bonds are issued for the baseball stadium. The county shall issue
22 bonds, in an amount determined to be necessary by the public facilities
23 district, for the district to acquire, construct, own, and equip the
24 baseball stadium. The county shall have no obligation to issue bonds
25 in an amount greater than that which would be supported by the tax
26 revenues under this section, section 101 of this act, and RCW
27 36.38.010(3)(a) and (b). If the revenue from the ((tax)) taxes imposed
28 under this section exceeds the amount needed for such principal and
29 interest payments in any year, the excess shall be used solely:

30 (a) For ((either or both:—(a))) early retirement of the bonds
31 issued for the baseball stadium;((—or

32 (b) retirement of bonds issued for expanding, remodelling,
33 repairing, or reequipping of a multipurpose stadium that has a seating
34 capacity over forty five thousand)) and

35 (b) If the revenue from the taxes imposed under this section
36 exceeds the amount needed for the purposes in (a) of this subsection in
37 any year, the excess shall be placed in a contingency fund which may
38 only be used to pay unanticipated capital costs on the baseball
39 stadium, excluding any cost overruns on initial construction.

1 (4) The ~~((tax))~~ taxes authorized under this section ~~((may))~~ shall
2 not be collected ~~((only))~~ after June 30, 1997, unless the county
3 executive has certified to the department of revenue that a
4 professional major league baseball team has made a binding and legally
5 enforceable contractual commitment to:

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

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

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

1 bonds are retired before the expiration of their term, the shared
2 profits shall be paid to the public facilities district.

3 (5) No tax may be collected under this section before January 1,
4 1996. Before collecting the taxes under this section or issuing bonds
5 for a baseball stadium, the county shall create a public facilities
6 district under chapter 36.100 RCW to acquire, construct, own, remodel,
7 maintain, equip, reequip, repair, and operate a baseball stadium.

8 (6) The county shall assemble such real property as the district
9 determines to be necessary as a site for the baseball stadium.
10 Property which is necessary for this purpose that is owned by the
11 county on the effective date of this section shall be contributed to
12 the district, and property which is necessary for this purpose that is
13 acquired by the county on or after the effective date of this section
14 shall be conveyed to the district.

15 (7) The proceeds of any bonds issued for the baseball stadium shall
16 be provided to the district.

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

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

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

25 Every city and town may levy and fix a tax of not more than one
26 cent on twenty cents or fraction thereof to be paid by the person who
27 pays an admission charge to any place: PROVIDED, No city or town shall
28 impose such tax on persons paying an admission to any activity of any
29 elementary or secondary school. This includes a tax on persons who are
30 admitted free of charge or at reduced rates to any place for which
31 other persons pay a charge or a regular higher charge for the same
32 privileges or accommodations. A city that is located in a county with
33 a population of one million or more may not levy a tax on events in
34 stadia constructed on or after January 1, 1995, that are owned by
35 ~~((county government or))~~ a public facilities district under chapter
36 36.100 RCW and that have seating capacities over forty thousand. The
37 city or town may require anyone who receives payment for an admission
38 charge to collect and remit the tax to the city or town.

1 The term "admission charge" includes:

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

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

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

7 (4) A charge made for rental or use of equipment or facilities for
8 purposes of recreation or amusement; if the rental of the equipment or
9 facilities is necessary to the enjoyment of a privilege for which a
10 general admission is charged, the combined charges shall be considered
11 as the admission charge;

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

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

16 (1) Any county may by ordinance enacted by its county legislative
17 authority, levy and fix a tax of not more than one cent on twenty cents
18 or fraction thereof to be paid for county purposes by persons who pay
19 an admission charge to any place, including 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 or
22 similar privileges or accommodations; and require that one who receives
23 any admission charge to any place shall collect and remit the tax to
24 the county treasurer of the county: PROVIDED, No county shall impose
25 such tax on persons paying an admission to any activity of any
26 elementary or secondary school.

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

1 (3) The tax herein authorized shall not be exclusive and shall not
2 prevent any city or town within the taxing county, when authorized by
3 law, from imposing within its corporate limits a tax of the same or
4 similar kind: PROVIDED, That whenever the same or similar kind of tax
5 is imposed by any such city or town, no such tax shall be levied within
6 the corporate limits of such city or town by the county, except that
7 the legislative authority of a county with a population of one million
8 or more may exclusively levy ~~((a tax))~~ taxes on events in stadiums
9 constructed on or after January 1, 1995, that are owned by ~~((county~~
10 ~~government or))~~ a public facilities district under chapter 36.100 RCW
11 and that have seating capacities over forty thousand at the rates of:

12 (a) Not more than one cent on twenty cents or fraction thereof((-

13 ~~(4) By contract, the county shall obligate itself to provide the~~
14 ~~revenue from the tax authorized by this section on events in stadia~~
15 ~~owned, managed, or operated by a public facilities district, having~~
16 ~~seating capacities over forty thousand, and constructed on or after~~
17 ~~January 1, 1995, to the public facilities district.)), to be used for~~
18 the purpose of paying the principal and interest payments on bonds
19 issued by a county to construct a baseball stadium as defined in
20 section 101 of this act. If the revenue from the tax exceeds the
21 amount needed for that purpose, the excess shall be placed in a
22 contingency fund which may only be used to pay unanticipated capital
23 costs on the baseball stadium, excluding any cost overruns on initial
24 construction; and

25 (b) Not more than one cent on twenty cents or fraction thereof, to
26 be used for the purpose of paying the principal and interest payments
27 on bonds issued by a county to construct a baseball stadium as defined
28 in section 101 of this act. The tax imposed under this subsection
29 (3)(b) shall expire when the bonds issued for the construction of the
30 baseball stadium are retired, but not later than twenty years after the
31 tax is first collected.

32 **PART III**
33 **MISCELLANEOUS**

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

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

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

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

8 (4) No taxes authorized under this chapter may be assessed or
9 levied unless a majority of the voters of the public facilities
10 district has approved such tax at a general or special election. A
11 single ballot proposition may both validate the imposition of the sales
12 and use tax under RCW 82.14.048 and the excise tax under RCW
13 36.100.040.

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

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

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

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

1 largest city in the county has a population of less than forty percent
2 of the total county population, the county legislative authority shall
3 establish in the resolution creating the public facilities district
4 whether the board of directors of the public facilities district has
5 either five or seven members, and the county legislative authority
6 shall appoint the members of the board of directors to reflect the
7 interests of cities and towns in the county, as well as the
8 unincorporated area of the county. However, if the county has a
9 population of one million or more, the largest city in the county has
10 a population of less than forty percent of the total county population,
11 and the county operates under a county charter, which provides for an
12 elected county executive, three members shall be appointed by the
13 governor and the remaining members shall be appointed by the county
14 executive subject to confirmation by the county legislative authority.
15 Of the members appointed by the governor, the speaker of the house of
16 representatives and the majority leader of the senate shall each
17 recommend to the governor a person to be appointed to the board.

18 (2) At least one member on the board of directors shall be
19 representative of the lodging industry in the public facilities
20 district before the public facilities district imposes the excise tax
21 under RCW 36.100.040.

22 (3) Members of the board of directors shall serve four-year terms
23 of office, except that two of the initial five board members or three
24 of the initial seven board members shall serve two-year terms of
25 office.

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

30 (5) A director appointed by the governor may be removed from office
31 by the governor. Any other director may be removed from office by
32 action of at least two-thirds of the members of the legislative
33 authority which made the appointment.

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

36 In addition to other powers and restrictions on a public facilities
37 district, the following shall apply to a public facilities district,

1 located in a county with a population of one million or more, that
2 constructs a baseball stadium:

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

6 (2) The public facilities district, in consultation with the
7 professional baseball team that will use the stadium, shall have the
8 authority to establish the overall scope of the stadium project,
9 including, but not limited to, the stadium itself, associated parking
10 facilities, associated retail and office development that are part of
11 the stadium facility, and ancillary services or facilities;

12 (3) The public facilities district, in consultation with the
13 professional baseball team that will use the stadium, shall have the
14 final authority to make the final determination of the stadium design
15 and specifications;

16 (4) The public facilities district shall have the authority to
17 contract with the baseball team that will use the stadium to obtain
18 architectural, engineering, environmental, and other professional
19 services related to the stadium site and design options, environmental
20 study requirements, and obtaining necessary permits for the stadium
21 facility;

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

26 (6) The public facilities district, in consultation with the
27 professional baseball team that will use the stadium and the county in
28 which the public facilities district is located, shall have the
29 authority to structure the financing of the stadium facility project;
30 and

31 (7) The public facilities district shall consult with the house of
32 representatives executive rules committee and the senate facilities and
33 operations committee before selecting a name for the stadium.

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

36 NEW SECTION. **Sec. 304.** A new section is added to chapter 36.100
37 RCW to read as follows:

1 A public facilities district may accept and expend moneys that may
2 be donated for the purpose of a baseball stadium as defined in section
3 101 of this act.

4 **Sec. 305.** RCW 39.10.120 and 1994 c 132 s 12 are each amended to
5 read as follows:

6 (1) Except as provided in subsection (2) of this section, the
7 alternative public works contracting procedures authorized under this
8 chapter are limited to public works contracts signed before July 1,
9 1997. Methods of public works contracting authorized by RCW 39.10.050
10 and 39.10.060 shall remain in full force and effect until completion of
11 contracts signed before July 1, 1997.

12 (2) For the purposes of a baseball stadium as defined in section
13 101 of this act, the design-build contracting procedures under RCW
14 39.10.050 shall remain in full force and effect until completion of
15 contracts signed before December 31, 1997.

16 **Sec. 306.** RCW 39.10.902 and 1994 c 132 s 15 are each amended to
17 read as follows:

18 The following acts or parts of acts, as now existing or hereafter
19 amended, are each repealed, effective July 1, 1997:

- 20 (1) RCW 39.10.010 and 1994 c 132 s 1;
- 21 (2) RCW 39.10.020 and 1994 c 132 s 2;
- 22 (3) RCW 39.10.030 and 1994 c 132 s 3;
- 23 (4) RCW 39.10.040 and 1994 c 132 s 4;
- 24 (5) RCW 39.10.050 and 1994 c 132 s 5;
- 25 (6) RCW 39.10.060 and 1994 c 132 s 6;
- 26 (7) RCW 39.10.070 and 1994 c 132 s 7;
- 27 (8) RCW 39.10.080 and 1994 c 132 s 8;
- 28 (9) RCW 39.10.090 and 1994 c 132 s 9;
- 29 (10) RCW 39.10.100 and 1994 c 132 s 10;
- 30 (11) RCW 39.10.110 and 1994 c 132 s 11;
- 31 (~~(12) ((RCW 39.10.120 and 1994 c 132 s 12;~~
- 32 ~~(13)))~~ RCW 39.10.900 and 1994 c 132 s 13;
- 33 (~~(14))~~ (13) RCW 39.10.901 and 1994 c 132 s 14; and
- 34 (~~(15))~~ (14) RCW 39.10.902 and 1994 c 132 s 15.

35 **Sec. 307.** RCW 82.29A.130 and 1995 c 138 s 1 are each amended to
36 read as follows:

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

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

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

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

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

24 (5) All leasehold interests in any property of any public entity
25 used as a residence by an employee of that public entity who is
26 required as a condition of employment to live in the publicly owned
27 property.

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

33 (7) All leasehold interests in any real property of any Indian or
34 Indian tribe, band, or community that is held in trust by the United
35 States or is subject to a restriction against alienation imposed by the
36 United States: PROVIDED, That this exemption shall apply only where it
37 is determined that contract rent paid is greater than or equal to
38 ninety percent of fair market rental, to be determined by the

1 department of revenue using the same criteria used to establish taxable
2 rent in RCW 82.29A.020(2)(b).

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

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

18 (10) All leasehold interests under month-to-month leases in
19 residential units rented for residential purposes of the lessee pending
20 destruction or removal for the purpose of constructing a public highway
21 or building.

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

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

30 (13) All leasehold interests used to provide organized and
31 supervised recreational activities for disabled persons of all ages in
32 a camp facility and for public recreational purposes by a nonprofit
33 organization, association, or corporation that would be exempt from
34 property tax under RCW 84.36.030(1) if it owned the property. If the
35 publicly owned property is used for any taxable purpose, the leasehold
36 excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be
37 imposed and shall be apportioned accordingly.

38 (14) All leasehold interests in the public or entertainment areas
39 of a baseball stadium with natural turf and a retractable roof or

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

16 NEW SECTION. Sec. 308. The public facilities district, the
17 county, and the city with the largest population in the county shall
18 enter into an agreement regarding the construction of a baseball
19 stadium as defined in section 101 of this act. The agreement shall
20 address, but not be limited to:

- 21 (1) Expedited permit processing for the design and construction of
22 the project;
23 (2) Expedited environmental review processing;
24 (3) Expedited processing of requests for street, right of way, or
25 easement vacations necessary for the construction of the project; and
26 (4) Other items deemed necessary for the design and construction of
27 the project.

28 NEW SECTION. Sec. 309. Part headings as used in this act
29 constitute no part of the law.

30 NEW SECTION. Sec. 310. This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and shall take
33 effect immediately.

Passed the House October 14, 1995.

Passed the Senate October 14, 1995.

Approved by the Governor October 17, 1995.

Filed in Office of Secretary of State October 17, 1995.