

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SUBSTITUTE SENATE BILL 6049

Chapter 14, Laws of 1995

54th Legislature
1995 First Special Session

FINANCING OF PUBLIC STADIUMS USED BY PROFESSIONAL SPORTS TEAMS

EFFECTIVE DATE: Sections 10 & 12 become effective 6/14/95; and
Sections 1 through 9 & 11 become effective 7/1/95

Passed by the Senate May 22, 1995
YEAS 31 NAYS 14

JOEL PRITCHARD

President of the Senate

Passed by the House May 19, 1995
YEAS 57 NAYS 34

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved June 14, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SUBSTITUTE SENATE BILL 6049** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

June 14, 1995 - 10:23 a.m.

**Secretary of State
State of Washington**

SECOND ENGROSSED SUBSTITUTE SENATE BILL 6049

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 First Special Session

State of Washington 54th Legislature 1995 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Finkbeiner, Snyder and Pelz)

Read first time 03/06/95.

1 AN ACT Relating to financing of public stadiums used by
2 professional sports teams; amending RCW 36.100.010, 36.100.020,
3 36.100.030, 36.100.060, 35.21.280, 36.38.010, and 67.28.180; adding new
4 sections to chapter 36.100 RCW; adding a new section to chapter 82.14
5 RCW; providing an effective date; and declaring an emergency.

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

7 **Sec. 1.** RCW 36.100.010 and 1995 c ... (Substitute Senate Bill No.
8 5127) s 1 are each amended to read as follows:

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

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

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

18 (4) No taxes authorized under this chapter may be assessed or
19 levied unless a majority of the voters of the public facilities

1 district has (~~validated the creation of the public facilities district~~
2 ~~at a general or special election. A single ballot proposition may both~~
3 ~~authorize the creation of a public facilities district and the~~
4 ~~imposition of the sales and use tax under RCW 82.14.048 or both the~~
5 ~~creation of a public facilities district and the imposition of the~~
6 ~~excise tax under RCW 36.100.040~~) approved such tax at a general or
7 special election. A single ballot proposition may both validate the
8 imposition of the sales and use tax under RCW 82.14.048 and the excise
9 tax under RCW 36.100.040.

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

16 (6) The county legislative authority may transfer property to the
17 public facilities district as part of the process of creating the
18 public facilities district under this chapter.

19 **Sec. 2.** RCW 36.100.020 and 1995 c ... (Substitute Senate Bill No.
20 5127) s 2 are each amended to read as follows:

21 (1) A public facilities district shall be governed by a board of
22 directors consisting of five or seven members as provided in this
23 section. If the largest city in the county has a population that is at
24 least forty percent of the total county population, the board of
25 directors of the public facilities district shall consist of five
26 members selected as follows: ~~((+1))~~ (a) Two members appointed by the
27 county legislative authority to serve for four-year staggered terms;
28 ~~((+2))~~ (b) two members appointed by the city council of the largest
29 city in the county to serve for four-year staggered terms; and ~~((+3))~~
30 (c) one person to serve for a four-year term who is selected by the
31 other directors. If the largest city in the county has a population of
32 less than forty percent of the total county population, the county
33 legislative authority shall establish in the resolution creating the
34 public facilities district whether the board of directors of the public
35 facilities district ~~((have))~~ has either five or seven members, and the
36 county legislative authority shall appoint the members of the board of
37 directors to reflect the interests of cities and towns in the county,
38 as well as the unincorporated area of the county. However, if the

1 largest city in the county has a population of less than forty percent
2 of the total county population, and the county operates under a county
3 charter, which provides for an elected county executive, the members
4 shall be appointed by the county executive subject to confirmation by
5 the county legislative authority.

6 (2) At least one member on the board of directors shall be
7 representative of the lodging industry in the public facilities
8 district before the public facilities district imposes the excise tax
9 under RCW 36.100.040.

10 (3) Members of the board of directors shall serve four-year terms
11 of office, except that two of the initial five board members or three
12 of the initial seven board members shall serve two-year terms of
13 office.

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

18 (5) A director may be removed from office (~~for cause~~) by action
19 of at least two-thirds of the members of the (~~county legislative~~)
20 authority which made the appointment.

21 **Sec. 3.** RCW 36.100.030 and 1995 c ... (Substitute Senate Bill No.
22 5127) s 3 are each amended to read as follows:

23 (1) A public facilities district is authorized to acquire,
24 construct, own, remodel, maintain, equip, reequip, repair, and operate
25 sports facilities, entertainment facilities, or convention facilities,
26 or any combination of such facilities, together with contiguous parking
27 facilities. The taxes that are provided for in this chapter may only
28 be imposed for these purposes.

29 (2) A public facilities district may enter into agreements under
30 chapter 39.34 RCW for the joint provision and operation of such
31 facilities and may enter into contracts under chapter 39.34 RCW where
32 any party to the contract provides and operates such facilities for the
33 other party or parties to the contract.

34 (3) Notwithstanding the establishment of a career, civil, or merit
35 service system, a public facility district may contract with a public
36 or private entity for the operation or management of its public
37 facilities.

1 (4) A public facilities district is authorized to use the
2 supplemental alternative public works contracting procedures set forth
3 in chapter 39.10 RCW in connection with the design, construction,
4 reconstruction, remodel, or alteration of any of its public facilities.

5 (5) A public facilities district may impose charges and fees for
6 the use of its facilities, and may accept and expend or use gifts,
7 grants, and donations.

8 **Sec. 4.** RCW 36.100.060 and 1995 c ... (Substitute Senate Bill No.
9 5127) s 5 are each amended to read as follows:

10 (1) To carry out the purpose of this chapter, a public facilities
11 district may issue general obligation bonds, not to exceed an amount,
12 together with any outstanding nonvoter approved general obligation
13 indebtedness, equal to (~~((three-eighths))~~) one-half of one percent of the
14 value of taxable property within the district, as the term "value of
15 taxable property" is defined in RCW 39.36.015. A facilities district
16 additionally may issue general obligation bonds for capital purposes
17 only, together with any outstanding general obligation indebtedness,
18 not to exceed an amount equal to one and one-fourth percent of the
19 value of the taxable property within the district, as the term "value
20 of taxable property" is defined in RCW 39.36.015, when authorized by
21 the voters of the public facilities district pursuant to Article VIII,
22 section 6 of the state Constitution, and to provide for the retirement
23 thereof by excess property tax levies as provided in this chapter.

24 (2) General obligation bonds may be issued with a maturity of up to
25 thirty years, and shall be issued and sold in accordance with the
26 provisions of chapter 39.46 RCW.

27 (3) The general obligation bonds may be payable from the operating
28 revenues of the public facilities district in addition to the tax
29 receipts of the district.

30 (4) The excise tax imposed pursuant to RCW 36.100.040 shall
31 terminate upon final payment of all bonded indebtedness for its public
32 facilities.

33 NEW SECTION. **Sec. 5.** No direct or collateral attack on any public
34 facilities district purported to be authorized or created in
35 conformance with this chapter may be commenced more than thirty days
36 after creation by the county legislative authority.

1 NEW SECTION. **Sec. 6.** (1) The governing board of a public
2 facilities district may apply for deferral of taxes on the construction
3 of buildings, site preparation, and the acquisition of related
4 machinery and equipment for a new public facility. Application shall
5 be made to the department of revenue in a form and manner prescribed by
6 the department of revenue. The application shall contain information
7 regarding the location of the public facility, estimated or actual
8 costs, time schedules for completion and operation, and other
9 information required by the department of revenue. The department of
10 revenue shall approve the application within sixty days if it meets the
11 requirements of this section.

12 (2) The department of revenue shall issue a sales and use tax
13 deferral certificate for state and local sales and use taxes due under
14 chapters 82.08, 82.12, and 82.14 RCW on the public facility. The use
15 of the certificate shall be governed by rules established by the
16 department of revenue.

17 (3) The public facilities district shall begin paying the deferred
18 taxes in the fifth year after the date certified by the department of
19 revenue as the date on which the public facility is operationally
20 complete. The first payment is due on December 31st of the fifth
21 calendar year after such certified date, with subsequent annual
22 payments due on December 31st of the following nine years. Each
23 payment shall equal ten percent of the deferred tax.

24 (4) The department of revenue may authorize an accelerated
25 repayment schedule upon request of the public facilities district.

26 (5) Interest shall not be charged on any taxes deferred under this
27 section for the period of deferral, although all other penalties and
28 interest applicable to delinquent excise taxes may be assessed and
29 imposed for delinquent payments under this section. The debt for
30 deferred taxes is not extinguished by insolvency or other failure of
31 the public facilities district.

32 (6) Applications and any other information received by the
33 department of revenue under this section are not confidential and are
34 subject to disclosure. Chapter 82.32 RCW applies to the administration
35 of this section.

36 (7) As used in this section, "public facility" means a baseball
37 stadium with a retractable roof or canopy and natural turf.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 82.14 RCW
2 to read as follows:

3 (1) The legislative authority of a county with a population of one
4 million or more operating under a county charter may impose a special
5 stadium sales and use tax by resolution adopted on or before December
6 31, 1995, for collection following its approval by a majority of the
7 voters in the county at a general or special election.

8 (2) The rate of the tax shall equal one-tenth of one percent of the
9 selling price in the case of a sales tax, or value of the article used
10 in the case of a use tax. The tax imposed under this section shall not
11 be credited against any other tax imposed upon the same taxable event.

12 (3) The revenue from the tax imposed under this section shall be
13 used for the purpose of principal and interest payments on bonds issued
14 by a public facilities district, created within the county under
15 chapter 36.100 RCW, to acquire, construct, own, remodel, maintain,
16 equip, reequip, repair, and operate a baseball stadium with a
17 retractable roof or canopy and natural turf. If the revenue from the
18 tax imposed under this section exceeds the amount needed for such
19 principal and interest payments in any year, the excess shall be used
20 solely for either or both: (a) Early retirement of the bonds issued
21 for the baseball stadium; or (b) retirement of bonds issued for
22 expanding, remodelling, repairing, or reequipping of a multipurpose
23 stadium that has a seating capacity over forty-five thousand.

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

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

31 (b) Contribute principal of forty-five million dollars toward the
32 bonded cost of construction of the stadium, which contribution shall be
33 made during a term not to exceed the term of the bonds issued to
34 finance the initial construction of the stadium. If all or part of the
35 contribution is made after the date of issuance of the bonds, the team
36 shall contribute an additional amount equal to the accruing interest on
37 the deferred portion of the contribution, calculated at the interest
38 rate on the bonds maturing in the year in which the deferred
39 contribution is made; and

1 (c) Share a portion of the profits generated by the baseball team
2 from the operation of the professional franchise for a period of time
3 equal to the term of the bonds issued to finance the initial
4 construction of the stadium, after offsetting any losses incurred by
5 the baseball team after the effective date of this act. Such profits
6 and the portion to be shared shall be defined by agreement between the
7 public facilities district and the baseball team. The shared profits
8 shall be used to retire the bonds issued to finance the initial
9 construction of the stadium. If the bonds are retired before the
10 expiration of their term, the shared profits shall be paid to the
11 public facilities district.

12 (5) The tax imposed under this section shall expire when the bonds
13 issued for the construction of the new public facilities are retired,
14 but not later than twenty years after the tax is first collected.

15 **Sec. 8.** RCW 35.21.280 and 1965 c 7 s 35.21.280 are each amended to
16 read as follows:

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

31 The term "admission charge" includes:

- 32 (1) A charge made for season tickets or subscriptions;
33 (2) A cover charge, or a charge made for use of seats and tables
34 reserved or otherwise, and other similar accommodations;
35 (3) A charge made for food and refreshment in any place where free
36 entertainment, recreation or amusement is provided;
37 (4) A charge made for rental or use of equipment or facilities for
38 purposes of recreation or amusement; if the rental of the equipment or

1 facilities is necessary to the enjoyment of a privilege for which a
2 general admission is charged, the combined charges shall be considered
3 as the admission charge;

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

6 **Sec. 9.** RCW 36.38.010 and 1963 c 4 s 36.38.010 are each amended to
7 read as follows:

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

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

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

1 events in stadiums constructed on or after January 1, 1995, that are
2 owned by county government or a public facilities district under
3 chapter 36.100 RCW and that have seating capacities over forty thousand
4 at the rate of not more than one cent on twenty cents or fraction
5 thereof.

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

11 **Sec. 10.** RCW 67.28.180 and 1995 c ... (Engrossed Substitute Senate
12 Bill No. 5943) s 8 are each amended to read as follows:

13 (1) Subject to the conditions set forth in subsections (2) and (3)
14 of this section, the legislative body of any county or any city, is
15 authorized to levy and collect a special excise tax of not to exceed
16 two percent on the sale of or charge made for the furnishing of lodging
17 by a hotel, rooming house, tourist court, motel, trailer camp, and the
18 granting of any similar license to use real property, as distinguished
19 from the renting or leasing of real property: PROVIDED, That it shall
20 be presumed that the occupancy of real property for a continuous period
21 of one month or more constitutes a rental or lease of real property and
22 not a mere license to use or to enjoy the same.

23 (2) Any levy authorized by this section shall be subject to the
24 following:

25 (a) Any county ordinance or resolution adopted pursuant to this
26 section shall contain, in addition to all other provisions required to
27 conform to this chapter, a provision allowing a credit against the
28 county tax for the full amount of any city tax imposed pursuant to this
29 section upon the same taxable event.

30 (b) In the event that any county has levied the tax authorized by
31 this section and has, prior to June 26, 1975, either pledged the tax
32 revenues for payment of principal and interest on city revenue or
33 general obligation bonds authorized and issued pursuant to RCW
34 67.28.150 through 67.28.160 or has authorized and issued revenue or
35 general obligation bonds pursuant to the provisions of RCW 67.28.150
36 through 67.28.160, such county shall be exempt from the provisions of
37 (a) of this subsection, to the extent that the tax revenues are pledged
38 for payment of principal and interest on bonds issued at any time

1 pursuant to the provisions of RCW 67.28.150 through 67.28.160:
2 PROVIDED, That so much of such pledged tax revenues, together with any
3 investment earnings thereon, not immediately necessary for actual
4 payment of principal and interest on such bonds may be used: (i) In
5 any county with a population of one million or more, for repayment
6 either of limited tax levy general obligation bonds or of any county
7 fund or account from which a loan was made, the proceeds from the bonds
8 or loan being used to pay for constructing, installing, improving, and
9 equipping stadium capital improvement projects, and to pay for any
10 engineering, planning, financial, legal and professional services
11 incident to the development of such stadium capital improvement
12 projects, regardless of the date the debt for such capital improvement
13 projects was or may be incurred; or (ii) in other counties, for county-
14 owned facilities for agricultural promotion. A county is exempt under
15 this subsection in respect to city revenue or general obligation bonds
16 issued after April 1, 1991, only if such bonds mature before January 1,
17 2013.

18 As used in this subsection (2)(b), "capital improvement projects"
19 may include, but not be limited to a stadium restaurant facility,
20 restroom facilities, artificial turf system, seating facilities,
21 parking facilities and scoreboard and information system adjacent to or
22 within a county owned stadium, together with equipment, utilities,
23 accessories and appurtenances necessary thereto. The stadium
24 restaurant authorized by this subsection (2)(b) shall be operated by a
25 private concessionaire under a contract with the county.

26 (c) No city within a county exempt under subsection (2)(b) of this
27 section may levy the tax authorized by this section so long as said
28 county is so exempt: PROVIDED, That in the event that any city in such
29 county has levied the tax authorized by this section and has, prior to
30 June 26, 1975, authorized and issued revenue or general obligation
31 bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160,
32 such city may levy the tax so long as the tax revenues are pledged for
33 payment of principal and interest on bonds issued at any time pursuant
34 to the provisions of RCW 67.28.150 through 67.28.160.

35 (3) Any levy authorized by this section by a county that has levied
36 the tax authorized by this section and has, prior to June 26, 1975,
37 either pledged the tax revenues for payment of principal and interest
38 on city revenue or general obligation bonds authorized and issued
39 pursuant to RCW 67.28.150 through 67.28.160 or has authorized and

1 issued revenue or general obligation bonds pursuant to the provisions
2 of RCW 67.28.150 through 67.28.160 shall be subject to the following:

3 (a) Taxes collected under this section in any calendar year in
4 excess of five million three hundred thousand dollars shall only be
5 used as follows:

6 (i) Seventy-five percent from January 1, 1992, through December 31,
7 2000, and seventy percent from January 1, 2001, through December 31,
8 2012, for art museums, cultural museums, heritage museums, the arts,
9 and the performing arts. Moneys spent under this subsection (3)(a)(i)
10 shall be used for the purposes of this subsection (3)(a)(i) in all
11 parts of the county.

12 (ii) Twenty-five percent from January 1, 1992, through December 31,
13 2000, and thirty percent from January 1, 2001, through December 31,
14 2012, for the following purposes and in a manner reflecting the
15 following order of priority: Stadium capital improvements, as defined
16 in subsection (2)(b) of this section; acquisition of open space lands;
17 youth sports activities; and tourism promotion.

18 (b) At least seventy percent of moneys spent under (a)(i) of this
19 subsection for the period January 1, 1992, through December 31, 2000,
20 shall be used only for the purchase, design, construction, and
21 remodeling of performing arts, visual arts, heritage, and cultural
22 facilities, and for the purchase of fixed assets that will benefit art,
23 heritage, and cultural organizations. For purposes of this subsection,
24 fixed assets are tangible objects such as machinery and other equipment
25 intended to be held or used for ten years or more. Moneys received
26 under this subsection (3)(b) may be used for payment of principal and
27 interest on bonds issued for capital projects. Qualifying
28 organizations receiving moneys under this subsection (3)(b) must be
29 financially stable and have at least the following:

- 30 (i) A legally constituted and working board of directors;
31 (ii) A record of artistic, heritage, or cultural accomplishments;
32 (iii) Been in existence and operating for at least two years;
33 (iv) Demonstrated ability to maintain net current liabilities at
34 less than thirty percent of general operating expenses;
35 (v) Demonstrated ability to sustain operational capacity subsequent
36 to completion of projects or purchase of machinery and equipment; and
37 (vi) Evidence that there has been independent financial review of
38 the organization.

1 (c) At least forty percent of the revenues distributed pursuant to
2 (a)(i) of this subsection for the period January 1, 2001, through
3 December 31, 2012, shall be deposited in an account and shall be used
4 to establish an endowment. Principal in the account shall remain
5 permanent and irreducible. The earnings from investments of balances
6 in the account may only be used for the purposes of (a)(i) of this
7 subsection.

8 (d) School districts and schools shall not receive revenues
9 distributed pursuant to (a)(i) of this subsection.

10 (e) Moneys distributed to art museums, cultural museums, heritage
11 museums, the arts, and the performing arts, and moneys distributed for
12 tourism promotion shall be in addition to and may not be used to
13 replace or supplant any other funding by the legislative body of the
14 county.

15 (f) As used in this section, "tourism promotion" includes
16 activities intended to attract visitors for overnight stays, arts,
17 heritage, and cultural events, and recreational, professional, and
18 amateur sports events. Moneys allocated to tourism promotion in a
19 class AA county shall be allocated to nonprofit organizations formed
20 for the express purpose of tourism promotion in the county. Such
21 organizations shall use moneys from the taxes to promote events in all
22 parts of the class AA county.

23 (g) No taxes collected under this section may be used for the
24 operation or maintenance of a public stadium that is financed directly
25 or indirectly by bonds to which the tax is pledged. Expenditures for
26 operation or maintenance include all expenditures other than
27 expenditures that directly result in new fixed assets or that directly
28 increase the capacity, life span, or operating economy of existing
29 fixed assets.

30 (h) No ad valorem property taxes may be used for debt service on
31 bonds issued for a public stadium that is financed by bonds to which
32 the tax is pledged, unless the taxes collected under this section are
33 or are projected to be insufficient to meet debt service requirements
34 on such bonds.

35 (i) If a substantial part of the operation and management of a
36 public stadium that is financed directly or indirectly by bonds to
37 which the tax is pledged is performed by a nonpublic entity or if a
38 public stadium is sold that is financed directly or indirectly by bonds
39 to which the tax is pledged, any bonds to which the tax is pledged

1 shall be retired. This subsection (3)(i) does not apply in respect to
2 a public stadium transferred to, owned by, or constructed by a public
3 facilities district under chapter 36.100 RCW.

4 (j) The county shall not lease a public stadium that is financed
5 directly or indirectly by bonds to which the tax is pledged to, or
6 authorize the use of the public stadium by, a professional major league
7 sports franchise unless the sports franchise gives the right of first
8 refusal to purchase the sports franchise, upon its sale, to local
9 government. This subsection (3)(j) does not apply to contracts in
10 existence on April 1, 1986.

11 If a court of competent jurisdiction declares any provision of this
12 subsection (3) invalid, then that invalid provision shall be null and
13 void and the remainder of this section is not affected.

14 NEW SECTION. Sec. 11. Sections 5 and 6 of this act are each added
15 to chapter 36.100 RCW.

16 NEW SECTION. Sec. 12. If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

20 NEW SECTION. Sec. 13. (1) Sections 1 through 9 and 11 of this act
21 are necessary for the immediate preservation of the public peace,
22 health, or safety, or support of the state government and its existing
23 public institutions, and shall take effect July 1, 1995.

24 (2) Sections 10 and 12 of this act are necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and shall take
27 effect immediately.

Passed the Senate May 22, 1995.

Passed the House May 19, 1995.

Approved by the Governor June 14, 1995.

Filed in Office of Secretary of State June 14, 1995.