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SENATE BILL 5999

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State of Washington                      55th Legislature                      1997 Regular Session

By Senators Deccio and Kohl; by request of Governor Locke

Read first time 02/25/97. Referred to Committee on Ways & Means.

1            AN ACT Relating to a mechanism for financing stadium and exhibition  
2 centers and education technology grants; amending RCW 36.100.010,  
3 36.100.020, 36.32.235, 39.04.010, 36.38.010, 82.29A.130, 67.28.180,  
4 67.70.240, 67.70.042, 39.10.120, 39.10.050, 39.10.902, and 82.14.049;  
5 adding new sections to chapter 36.100 RCW; adding a new section to  
6 chapter 39.30 RCW; adding a new section to chapter 36.38 RCW; adding a  
7 new section to chapter 82.08 RCW; adding a new section to chapter 82.12  
8 RCW; adding new sections to chapter 82.14 RCW; adding new sections to  
9 chapter 67.70 RCW; adding a new chapter to Title 82 RCW; creating a new  
10 section; providing for submission of sections 14 and 37 of this act to  
11 a vote of the people; and declaring an emergency.

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

13            NEW SECTION.    **Sec. 1.** A new section is added to chapter 36.100 RCW  
14 to read as follows:

15            The definitions in this section apply throughout sections 1, 3, 5,  
16 9 through 11, 18, and 20 through 25 of this act unless the context  
17 clearly requires otherwise.

18            (1) "Design" includes architectural, engineering, and other related  
19 professional services.

1 (2) "Develop" means, generally, the process of planning, designing,  
2 financing, constructing, owning, operating, and leasing a project such  
3 as a stadium and exhibition center.

4 (3) "Permanent seat license" means a transferable license sold to  
5 a third party that, subject to certain conditions, restrictions, and  
6 limitations, entitles the third party to purchase a season ticket to  
7 professional football games of the professional football team played in  
8 the stadium and exhibition center for so long as the team plays its  
9 games in that facility.

10 (4) "Preconstruction" includes negotiations, including negotiations  
11 with any team affiliate, planning, studies, design, and other  
12 activities reasonably necessary before constructing a stadium and  
13 exhibition center.

14 (5) "Professional football team" means a team that is a member of  
15 the national football league or similar professional football  
16 association.

17 (6) "Public facilities district operation" means the formation and  
18 ongoing operation of the public facilities district, including the  
19 hiring of employees, attorneys, and other contractors, and the  
20 acquisition and operation of office facilities.

21 (7) "Site acquisition" means the purchase or other acquisition of  
22 any interest in real property including fee simple interests and  
23 easements, which property interests constitute the site for a stadium  
24 and exhibition center.

25 (8) "Site preparation" includes demolition of existing  
26 improvements, environmental remediation, site excavation, shoring, and  
27 construction and maintenance of temporary traffic and pedestrian  
28 routing.

29 (9) "Stadium and exhibition center" means an open-air stadium  
30 suitable for national football league football and for Olympic and  
31 world cup soccer, with adjacent exhibition facilities, together with  
32 associated parking facilities and other ancillary facilities.

33 (10) "Team affiliate" means a professional football team that will  
34 use the stadium and exhibition center, and any affiliate of the team  
35 designated by the team. An "affiliate of the team" means any person or  
36 entity that controls, is controlled by, or is under common control with  
37 the team.

1       **Sec. 2.** RCW 36.100.010 and 1995 3rd sp.s. c 1 s 301 are each  
2 amended to read as follows:

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

5       (2) A public facilities district shall be created: Upon adoption  
6 of a resolution providing for the creation of such a district by the  
7 county legislative authority in which the proposed district is located;  
8 or for a public facilities district created to develop a stadium and  
9 exhibition center under section 5 of this act, as provided in section  
10 3 of this act.

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

15       (4) No taxes authorized under this chapter may be assessed or  
16 levied unless a majority of the voters of the public facilities  
17 district has approved such tax at a general or special election. A  
18 single ballot proposition may both validate the imposition of the sales  
19 and use tax under RCW 82.14.048 and the excise tax under RCW  
20 36.100.040.

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

27       (6) The county legislative authority or the city council may  
28 transfer property to the public facilities district created under this  
29 chapter. No property that is encumbered with debt or that is in need  
30 of major capital renovation may be transferred to the district without  
31 the agreement of the district and revenues adequate to retire the  
32 existing indebtedness. This subsection does not apply to a public  
33 facilities district created to develop a stadium and exhibition center  
34 under section 5 of this act.

35       (7) Property encumbered by debt may be transferred by a county or  
36 city to a public facilities district created to develop a stadium and  
37 exhibition center under section 5 of this act, but obligation for  
38 payment of the debt may not be transferred. This subsection does not

1 apply to a public facilities district, located in a county with a  
2 population of one million or more, that constructs a baseball stadium.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.100 RCW  
4 to read as follows:

5 (1) A public facilities district is created in every county with a  
6 population of one million or more. However, if a car rental tax under  
7 section 22 of this act is not adopted by June 24, 1997, then any county  
8 with a population of five hundred thousand or more may create a public  
9 facilities district within the county for the purpose of developing a  
10 stadium and exhibition center under section 5 of this act upon adoption  
11 of a resolution providing for the creation of such a district by the  
12 county legislative authority.

13 (2) The boundaries of the public facilities district shall be  
14 coextensive with the boundaries of the county in which the public  
15 facilities district is created.

16 (3) This section applies beginning the effective date of section 14  
17 of this act.

18 **Sec. 4.** RCW 36.100.020 and 1995 3rd sp.s. c 1 s 302 are each  
19 amended to read as follows:

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

1 county has a population of one million or more, the largest city in the  
2 county has a population of less than forty percent of the total county  
3 population, and the county operates under a county charter, which  
4 provides for an elected county executive, three members shall be  
5 appointed by the governor and the remaining members shall be appointed  
6 by the county executive subject to confirmation by the county  
7 legislative authority. Of the members appointed by the governor, the  
8 speaker of the house of representatives and the majority leader of the  
9 senate shall each recommend to the governor a person to be appointed to  
10 the board.

11 (b) Notwithstanding (a) of this subsection, any public facilities  
12 district created to develop a stadium and exhibition center, as  
13 provided under section 5 of this act, shall have five members on its  
14 board of directors appointed by the governor. The speaker of the house  
15 of representatives and the majority leader of the senate shall each  
16 recommend to the governor a person to be appointed to the board.

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

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

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

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

33 NEW SECTION. Sec. 5. A new section is added to chapter 36.100 RCW  
34 to read as follows:

35 In addition to other powers and restrictions on a public facilities  
36 district, the following shall apply to a public facilities district,  
37 located in a county that has authorized a tax under section 22 of this  
38 act, created to develop a stadium and exhibition center:

1 (1) The public facilities district, in consultation with the team  
2 affiliate, shall have the authority to determine the stadium and  
3 exhibition center site;

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

11 (3) The public facilities district, in consultation with the team  
12 affiliate, shall have the final authority to make the final  
13 determination of the stadium and exhibition center design and  
14 specifications;

15 (4) The public facilities district shall have the authority to  
16 contract with a team affiliate for the provision of architectural,  
17 engineering, environmental, and other professional services related to  
18 the stadium and exhibition center site, design options, required  
19 environmental studies, and necessary permits for the stadium and  
20 exhibition center. RCW 36.32.235 and chapters 39.04 and 39.30 RCW do  
21 not apply to this subsection;

22 (5) The public facilities district, in consultation with the team  
23 affiliate, shall have the authority to establish the project budget on  
24 the stadium and exhibition center project;

25 (6) The public facilities district, in consultation with the team  
26 affiliate, shall have the authority to structure the financing of the  
27 stadium and exhibition center project;

28 (7) The public facilities district shall have the authority to  
29 enter into a development agreement with a team affiliate whereby the  
30 team affiliate may control the development of the stadium and  
31 exhibition center project, consistent with subsections (1) through (6)  
32 of this section, in consideration of which the team affiliate assumes  
33 the risks of costs of development that are in excess of the project  
34 budget established under subsection (5) of this section. Under the  
35 development agreement, the team affiliate shall determine bidding  
36 specifications and requirements, and other aspects of development. RCW  
37 36.32.235 and chapters 39.04 and 39.30 RCW do not apply to this  
38 subsection;

1 (8) The public facilities district shall have the authority to  
2 enter into a long-term lease agreement with a team affiliate whereby,  
3 in consideration of the payment of rent and assumption of certain  
4 operating and maintenance responsibilities, risks, and costs associated  
5 with the stadium and exhibition center, the team affiliate becomes the  
6 sole master tenant of the stadium and exhibition center. The master  
7 tenant shall have the power to sublease and enter into use, license,  
8 and concession agreements with various users of the stadium and  
9 exhibition center including the professional football team, and the  
10 master tenant has the right to name the stadium and exhibition center,  
11 subject to section 9 of this act. The master tenant shall have the  
12 right to retain all revenues derived from the operations of the stadium  
13 and exhibition center, including revenues from the subleases and use,  
14 license and concession agreements including revenues from suite  
15 licenses, permanent seat licenses, concessions, long-term naming rights  
16 subject to section 9 of this act, and parking revenues. The amounts,  
17 sources, and uses of any payments received by the county, the public  
18 facilities district, or any related governmental entity for the use or  
19 in respect of the stadium and exhibition center shall be structured and  
20 limited in such a manner as to permit the interest on any bonds or  
21 other obligations issued to finance the stadium and exhibition center  
22 to be treated as tax exempt to the fullest extent permitted by federal  
23 law; and

24 (9) The public facilities district shall have the authority, upon  
25 the agreement of the team affiliate, to sell permanent seat licenses as  
26 part of the money to be raised by the team affiliate contemplated in  
27 section 23 of this act, and the team affiliate may act as the sales  
28 agent for this purpose.

29 **Sec. 6.** RCW 36.32.235 and 1996 c 219 s 2 are each amended to read  
30 as follows:

31 (1) In each county with a population of one million or more which  
32 by resolution establishes a county purchasing department, the  
33 purchasing department shall enter into leases of personal property on  
34 a competitive basis and purchase all supplies, materials, and equipment  
35 on a competitive basis, for all departments of the county, as provided  
36 in this chapter and chapter 39.04 RCW, except that the county  
37 purchasing department is not required to make purchases that are paid  
38 from the county road fund or equipment rental and revolving fund.

1 (2) As used in this section, "public works" has the same definition  
2 as in RCW 39.04.010.

3 (3) Except as otherwise specified in this chapter or in chapter  
4 36.77 RCW, all counties subject to these provisions shall contract on  
5 a competitive basis for all public works after bids have been submitted  
6 to the county upon specifications therefor. Such specifications shall  
7 be in writing and shall be filed with the clerk of the county  
8 legislative authority for public inspection.

9 (4) An advertisement shall be published in the county official  
10 newspaper stating the time and place where bids will be opened, the  
11 time after which bids will not be received, the character of the work  
12 to be done, the materials and equipment to be furnished, and that  
13 specifications therefor may be seen at the office of the clerk of the  
14 county legislative authority. An advertisement shall also be published  
15 in a legal newspaper of general circulation in or as near as possible  
16 to that part of the county in which such work is to be done. If the  
17 county official newspaper is a newspaper of general circulation  
18 covering at least forty percent of the residences in that part of the  
19 county in which such public works are to be done, then the publication  
20 of an advertisement of the applicable specifications in the county  
21 official newspaper is sufficient. Such advertisements shall be  
22 published at least once at least thirteen days prior to the last date  
23 upon which bids will be received.

24 (5) The bids shall be in writing, shall be filed with the clerk,  
25 shall be opened and read in public at the time and place named therefor  
26 in the advertisements, and after being opened, shall be filed for  
27 public inspection. No bid may be considered for public work unless it  
28 is accompanied by a bid deposit in the form of a surety bond, postal  
29 money order, cash, cashier's check, or certified check in an amount  
30 equal to five percent of the amount of the bid proposed.

31 (6) The contract for the public work shall be awarded to the lowest  
32 responsible bidder. Any or all bids may be rejected for good cause.  
33 The county legislative authority shall require from the successful  
34 bidder for such public work a contractor's bond in the amount and with  
35 the conditions imposed by law.

36 (7) If the bidder to whom the contract is awarded fails to enter  
37 into the contract and furnish the contractor's bond as required within  
38 ten days after notice of the award, exclusive of the day of notice, the  
39 amount of the bid deposit shall be forfeited to the county and the



1 contract awarded to the next lowest and best bidder. The bid deposit  
2 of all unsuccessful bidders shall be returned after the contract is  
3 awarded and the required contractor's bond given by the successful  
4 bidder is accepted by the county legislative authority. Immediately  
5 after the award is made, the bid quotations obtained shall be recorded  
6 and open to public inspection and shall be available by telephone  
7 inquiry.

8 (8) As limited by subsection (10) of this section, a county subject  
9 to these provisions may have public works performed by county employees  
10 in any annual or biennial budget period equal to a dollar value not  
11 exceeding ten percent of the public works construction budget,  
12 including any amount in a supplemental public works construction  
13 budget, over the budget period.

14 Whenever a county subject to these provisions has had public works  
15 performed in any budget period up to the maximum permitted amount for  
16 that budget period, all remaining public works except emergency work  
17 under subsection (12) of this section within that budget period shall  
18 be done by contract pursuant to public notice and call for competitive  
19 bids as specified in subsection (3) of this section. The state auditor  
20 shall report to the state treasurer any county subject to these  
21 provisions that exceeds this amount and the extent to which the county  
22 has or has not reduced the amount of public works it has performed by  
23 public employees in subsequent years.

24 (9) If a county subject to these provisions has public works  
25 performed by public employees in any budget period that are in excess  
26 of this ten percent limitation, the amount in excess of the permitted  
27 amount shall be reduced from the otherwise permitted amount of public  
28 works that may be performed by public employees for that county in its  
29 next budget period. Ten percent of the motor vehicle fuel tax  
30 distributions to that county shall be withheld if two years after the  
31 year in which the excess amount of work occurred, the county has failed  
32 to so reduce the amount of public works that it has performed by public  
33 employees. The amount withheld shall be distributed to the county when  
34 it has demonstrated in its reports to the state auditor that the amount  
35 of public works it has performed by public employees has been reduced  
36 as required.

37 (10) In addition to the percentage limitation provided in  
38 subsection (8) of this section, counties subject to these provisions  
39 containing a population of one million or more shall not have public

1 employees perform a public works project in excess of seventy thousand  
2 dollars if more than a single craft or trade is involved with the  
3 public works project, or a public works project in excess of twenty-  
4 five thousand dollars if only a single craft or trade is involved with  
5 the public works project. A public works project means a complete  
6 project. The restrictions in this subsection do not permit the  
7 division of the project into units of work or classes of work to avoid  
8 the restriction on work that may be performed by public employees on a  
9 single project.

10 The cost of a separate public works project shall be the costs of  
11 materials, supplies, equipment, and labor on the construction of that  
12 project. The value of the public works budget shall be the value of  
13 all the separate public works projects within the budget.

14 (11) In addition to the accounting and recordkeeping requirements  
15 contained in chapter 39.04 RCW, any county which uses public employees  
16 to perform public works projects under RCW 36.32.240(1) shall prepare  
17 a year-end report to be submitted to the state auditor indicating the  
18 total dollar amount of the county's public works construction budget  
19 and the total dollar amount for public works projects performed by  
20 public employees for that year.

21 The year-end report submitted pursuant to this subsection to the  
22 state auditor shall be in accordance with the standard form required by  
23 RCW 43.09.205.

24 (12) Notwithstanding any other provision in this section, counties  
25 may use public employees without any limitation for emergency work  
26 performed under an emergency declared pursuant to RCW 36.32.270, and  
27 any such emergency work shall not be subject to the limitations of this  
28 section. Publication of the description and estimate of costs relating  
29 to correcting the emergency may be made within seven days after the  
30 commencement of the work. Within two weeks of the finding that such an  
31 emergency existed, the county legislative authority shall adopt a  
32 resolution certifying the damage to public facilities and costs  
33 incurred or anticipated relating to correcting the emergency.  
34 Additionally this section shall not apply to architectural and  
35 engineering or other technical or professional services performed by  
36 public employees in connection with a public works project.

37 (13) In lieu of the procedures of subsections (3) through (11) of  
38 this section, a county may use a small works roster process and award  
39 contracts for public works projects with an estimated value of ten

1 thousand dollars up to one hundred thousand dollars as provided in RCW  
2 39.04.155.

3 Whenever possible, the county shall invite at least one proposal  
4 from a minority or woman contractor who shall otherwise qualify under  
5 this section.

6 (14) The allocation of public works projects to be performed by  
7 county employees shall not be subject to a collective bargaining  
8 agreement.

9 (15) This section does not apply to performance-based contracts, as  
10 defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A  
11 RCW.

12 (16) Nothing in this section prohibits any county from allowing for  
13 preferential purchase of products made from recycled materials or  
14 products that may be recycled or reused.

15 (17) This section does not apply to contracts entered into under  
16 section 5(4) of this act or development agreements entered into under  
17 section 5(7) of this act.

18 **Sec. 7.** RCW 39.04.010 and 1993 c 174 s 1 are each amended to read  
19 as follows:

20 The term state shall include the state of Washington and all  
21 departments, supervisors, commissioners and agencies thereof.

22 The term municipality shall include every city, county, town,  
23 district or other public agency thereof which is authorized by law to  
24 require the execution of public work, except drainage districts, diking  
25 districts, diking and drainage improvement districts, drainage  
26 improvement districts, diking improvement districts, consolidated  
27 diking and drainage improvement districts, consolidated drainage  
28 improvement districts, consolidated diking improvement districts,  
29 irrigation districts or any such other districts as shall from time to  
30 time be authorized by law for the reclamation or development of waste  
31 or undeveloped lands.

32 The term public work shall include all work, construction,  
33 alteration, repair, or improvement other than ordinary maintenance,  
34 executed at the cost of the state or of any municipality, or which is  
35 by law a lien or charge on any property therein. All public works,  
36 including maintenance when performed by contract shall comply with the  
37 provisions of RCW 39.12.020. The term does not include works done

1 under contracts entered into under section 5(4) of this act or under  
2 development agreements entered into under section 5(7) of this act.

3 The term contract shall mean a contract in writing for the  
4 execution of public work for a fixed or determinable amount duly  
5 awarded after advertisement and competitive bid. However, a contract  
6 which is awarded from a small works roster under the authority of RCW  
7 39.04.150, 35.22.620, 28B.10.355, 35.82.075, and 57.08.050 need not be  
8 advertised.

9 NEW SECTION. Sec. 8. A new section is added to chapter 39.30 RCW  
10 to read as follows:

11 This chapter does not apply to contracts entered into under section  
12 5(4) of this act or development agreements entered into under section  
13 5(7) of this act.

14 NEW SECTION. Sec. 9. A new section is added to chapter 36.100 RCW  
15 to read as follows:

16 Revenues from the sales of naming rights of a stadium and  
17 exhibition center developed under section 5 of this act may only be  
18 used for costs associated with capital maintenance and operations of  
19 the stadium and exhibition center. The sales of naming rights are  
20 subject to the reasonable approval of the public facilities district.

21 NEW SECTION. Sec. 10. A new section is added to chapter 36.100  
22 RCW to read as follows:

23 A public facilities district may accept and expend moneys that may  
24 be donated for the purpose of a stadium and exhibition center.

25 NEW SECTION. Sec. 11. A new section is added to chapter 36.100  
26 RCW to read as follows:

27 (1) The public facilities district, the county, and the city, if  
28 any, in which the stadium and exhibition center is to be located shall  
29 enter into one or more agreements regarding the construction of a  
30 stadium and exhibition center. The agreements shall address, but not  
31 be limited to:

32 (a) Expedited permit processing for the design and construction of  
33 the project;

34 (b) Expedited environmental review processing;

1 (c) Expedited processing of requests for street, right of way, or  
2 easement vacations, if necessary for the construction of the project;  
3 and

4 (d) Other items deemed necessary for the design and construction of  
5 the project.

6 (2) The county shall assemble such real property as the public  
7 facilities district determines to be necessary as a site for the  
8 stadium and exhibition center. Property that is necessary for this  
9 purpose that is owned by the county on the effective date of this  
10 section shall be contributed to the district, and property that is  
11 necessary for this purpose that is acquired by the county on or after  
12 the effective date of this section shall be conveyed to the district.  
13 Property that is encumbered by debt may be transferred by the county to  
14 the district, but obligation for payment of the debt may not be  
15 transferred.

16 **Sec. 12.** RCW 36.38.010 and 1995 3rd sp.s. c 1 s 203 are each  
17 amended to read as follows:

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

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

1 automobile parking charge where the amount of such charge is determined  
2 according to the number of passengers in any automobile.

3 (3) Subject to subsections (4) and (5) of this section, the tax  
4 herein authorized shall not be exclusive and shall not prevent any city  
5 or town within the taxing county, when authorized by law, from imposing  
6 within its corporate limits a tax of the same or similar kind:  
7 PROVIDED, That whenever the same or similar kind of tax is imposed by  
8 any such city or town, no such tax shall be levied within the corporate  
9 limits of such city or town by the county(~~, except that~~)).

10 (4) Notwithstanding subsection (3) of this section, the legislative  
11 authority of a county with a population of one million or more may  
12 exclusively levy taxes on events in baseball stadiums constructed on or  
13 after January 1, 1995, that are owned by a public facilities district  
14 under chapter 36.100 RCW and that have seating capacities over forty  
15 thousand at the rates of:

16 (a) Not more than one cent on twenty cents or fraction thereof, to  
17 be used for the purpose of paying the principal and interest payments  
18 on bonds issued by a county to construct a baseball stadium as defined  
19 in RCW 82.14.0485. If the revenue from the tax exceeds the amount  
20 needed for that purpose, the excess shall be placed in a contingency  
21 fund which may only be used to pay unanticipated capital costs on the  
22 baseball stadium, excluding any cost overruns on initial construction;  
23 and

24 (b) Not more than one cent on twenty cents or fraction thereof, to  
25 be used for the purpose of paying the principal and interest payments  
26 on bonds issued by a county to construct a baseball stadium as defined  
27 in RCW 82.14.0485. The tax imposed under this subsection ~~((+3))~~  
28 (4)(b) shall expire when the bonds issued for the construction of the  
29 baseball stadium are retired, but not later than twenty years after the  
30 tax is first collected.

31 (5) Notwithstanding subsections (3) and (4) of this section, the  
32 legislative authority of a county that has authorized a tax under  
33 section 22 of this act may levy and fix a tax on charges for admission  
34 to events in a stadium and exhibition center, as defined in section 1  
35 of this act, constructed in the county on or after January 1, 1998,  
36 that is owned by a public facilities district under chapter 36.100 RCW.  
37 The tax shall be exclusive and shall preclude the county, city, or town  
38 within which the stadium and exhibition center is located from imposing  
39 a tax of the same or similar kind on charges for admission to events in

1 the stadium and exhibition center. For the purposes of this  
2 subsection, "charges for admission to events" means only the actual  
3 admission charge, exclusive of taxes and service charges and the value  
4 of any other benefit conferred by the admission. The tax authorized  
5 under this section shall be at the rate of not more than one cent on  
6 twenty cents or fraction thereof, shall be used exclusively for the  
7 uses provided in section 23 of this act until the bonds issued for the  
8 construction of the stadium and exhibition center are retired, and  
9 shall be subject to the conditions of section 25 of this act. After  
10 the bonds issued for the construction of the stadium and exhibition  
11 center are retired, the tax authorized under this section shall be used  
12 exclusively to fund repair, reequipping, and capital improvement of the  
13 stadium and exhibition center. The tax under this subsection may be  
14 levied upon the first use of any part of the stadium and exhibition  
15 center, as defined in section 1 of this act, but shall not be collected  
16 at any facility already in operation as of the effective date of this  
17 section.

18 NEW SECTION. Sec. 13. A new section is added to chapter 36.38 RCW  
19 to read as follows:

20 The legislative authority of a county that has authorized a tax  
21 under section 22 of this act may levy and fix a tax on any vehicle  
22 parking charges imposed at any parking facility that is part of a  
23 stadium and exhibition center, as defined in section 1 of this act.  
24 The tax shall be exclusive and shall prevent the county, city, or town  
25 within which the stadium and exhibition center is located from imposing  
26 within its corporate limits a tax of the same or similar kind. For the  
27 purposes of this section, "vehicle parking charges" means only the  
28 actual parking charges exclusive of taxes and service charges and the  
29 value of any other benefit conferred. The tax authorized under this  
30 section shall be at the rate of not more than one cent on ten cents or  
31 fraction thereof, shall be used exclusively for the uses provided in  
32 section 23 of this act until the bonds issued for the construction of  
33 the stadium and exhibition center are retired, and shall be subject to  
34 the conditions of section 25 of this act. After the bonds issued for  
35 the construction of the stadium and exhibition center are retired, the  
36 tax authorized under this section shall be used exclusively to fund  
37 repair, reequipping, and capital improvement of the stadium and  
38 exhibition center. The tax under this section may be levied upon the

1 first use of any part of the stadium and exhibition center, as defined  
2 in section 1 of this act, but shall not be collected at any facility  
3 already in operation as of the effective date of this section.

4 NEW SECTION. **Sec. 14.** (1) A tax is imposed on each sale at  
5 wholesale of sports memorabilia or sports-licensed goods in this state.  
6 The rate of the tax shall be ten percent of the sales price.

7 (a) This tax shall be paid by the buyer to the wholesaler and each  
8 wholesaler shall collect from the buyer the full amount of the tax  
9 payable in respect to each taxable sale, unless the wholesaler is  
10 prohibited from collecting the tax from the buyer under the state  
11 Constitution or the Constitution or laws of the United States.

12 (b) The tax shall be stated separately from the selling price in  
13 any sales invoice or any instrument of sale. Failure to separately  
14 state the tax shall create a conclusive presumption that the tax has  
15 not been collected.

16 (c) This tax is in addition to all other taxes imposed by any other  
17 chapter of this title.

18 (2) If the tax under subsection (1) of this section has not been  
19 paid, a tax is imposed on the possession for sale or use of sports  
20 memorabilia or sports-licensed goods in this state. The rate of the  
21 tax shall be equal to the tax imposed under subsection (1) of this  
22 section and shall be collected from the possessor of the items.

23 (3) The tax imposed by this section does not apply to any  
24 successive sale in which the tax was previously imposed and collected  
25 on the same sports memorabilia or sports-licensed goods in this state.

26 (4) The tax imposed by this section does not apply to any sale of  
27 sports memorabilia or sports-licensed goods that is transferred to a  
28 point outside the state for use or sale outside the state.

29 (5) As used in this section, "sports memorabilia or sports-licensed  
30 goods" means items that can be available for sale to members of the  
31 public such as: One-of-a-kind items related to sports figures, teams,  
32 or events; sports trading cards; sports photographs; league and  
33 individual-athlete licensed items; collegiate-sports licensed items;  
34 and sports-event licensed items. It does not include items licensed by  
35 a sports-regulating authority for purposes of proving that the item  
36 meets the standards of the sport.

37 (6) Moneys collected under this section shall be distributed under  
38 section 23 of this act.



1 (7) This section applies beginning January 1, 1998, and thereafter.

2 NEW SECTION. **Sec. 15.** The secretary of state shall submit  
3 sections 14 and 37 of this act to the people for their adoption and  
4 ratification, or rejection, at a special election to be held June 3,  
5 1997, to be held in this state, in accordance with Article II, section  
6 1 of the state Constitution and the laws adopted to facilitate its  
7 operation. The ballot title shall be: "Shall the state of Washington  
8 impose a ten percent tax on the wholesale value of sports memorabilia  
9 or sports-licensed goods sold in this state as part of the public-  
10 private funding of a stadium and exhibition center and for the funding  
11 of a state-wide education technology grant program?"

12 NEW SECTION. **Sec. 16.** A new section is added to chapter 82.08 RCW  
13 to read as follows:

14 (1) The tax levied by RCW 82.08.020 does not apply to:

15 (a) Retail sales made or incurred for the purpose of constructing  
16 a stadium and exhibition center authorized under section 5 of this act,  
17 including but not limited to the provision of labor or services, the  
18 acquisition and delivery of materials and supplies, the rental or  
19 leasing of equipment, machinery, or tools, and other retail  
20 transactions that are made or incurred for the purpose of constructing  
21 the stadium and exhibition center; and

22 (b) Vehicle parking charges as defined in section 13 of this act,  
23 if taxed under section 13 of this act.

24 (2)(a) Upon application of the governing board of a public  
25 facilities district, the department shall issue a sales and use tax  
26 exemption certificate for state and local sales and use taxes due under  
27 this chapter and chapters 82.12 and 82.14 RCW on the stadium and  
28 exhibition center and permanent seat licenses. The use of the  
29 certificate shall be governed by rules adopted by the department.

30 (b) Application for a sales and use tax exemption certificate under  
31 this subsection shall be made to the department in a form and manner  
32 prescribed by the department. The application shall contain  
33 information regarding the location of the public facility, estimated or  
34 actual costs, time schedules for completion and operation, and other  
35 information required by the department. The department shall approve  
36 the application within sixty days if the application meets the  
37 requirements of this section. Applications and other information

1 received by the department under this section are not confidential and  
2 are subject to disclosure. Chapter 82.32 RCW applies to the  
3 administration of this section.

4 NEW SECTION. **Sec. 17.** A new section is added to chapter 82.12 RCW  
5 to read as follows:

6 (1) The provisions of this chapter do not apply in respect to the  
7 use of:

8 (a) Goods or services used for the purpose of constructing a  
9 stadium and exhibition center authorized under section 5 of this act,  
10 including but not limited to the provision of labor or services, the  
11 acquisition and delivery of materials and supplies, the rental or  
12 leasing of equipment, machinery, or tools, and other goods or services  
13 used for the purpose of constructing the stadium and exhibition center;

14 (b) Vehicle parking charges as defined in section 13 of this act,  
15 if taxed under section 13 of this act.

16 (2) Section 16(2) of this act applies to this section.

17 NEW SECTION. **Sec. 18.** A new section is added to chapter 82.14 RCW  
18 to read as follows:

19 (1) The taxes levied by RCW 82.14.030 and 82.14.045 do not apply  
20 to:

21 (a) Retail sales and use made or incurred for the purpose of  
22 constructing a stadium and exhibition center authorized under section  
23 5 of this act, including but not limited to the provision of labor or  
24 services, the acquisition and delivery of materials and supplies, the  
25 rental or leasing of equipment, machinery, or tools, and other retail  
26 transactions that are made or incurred for the purpose of constructing  
27 the stadium and exhibition center;

28 (b) Vehicle parking charges as defined in section 13 of this act,  
29 if taxed under section 13 of this act.

30 (2) Section 16(2) of this act applies to this section.

31 **Sec. 19.** RCW 82.29A.130 and 1995 3rd sp.s. c 1 s 307 are each  
32 amended to read as follows:

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

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

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

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

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

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

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

31 (7) All leasehold interests in any real property of any Indian or  
32 Indian tribe, band, or community that is held in trust by the United  
33 States or is subject to a restriction against alienation imposed by the  
34 United States: PROVIDED, That this exemption shall apply only where it  
35 is determined that contract rent paid is greater than or equal to  
36 ninety percent of fair market rental, to be determined by the  
37 department of revenue using the same criteria used to establish taxable  
38 rent in RCW 82.29A.020(2)(b).

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

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

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

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

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

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

36 (14) All leasehold interests in the public or entertainment areas  
37 of a baseball stadium with natural turf and a retractable roof or  
38 canopy that is in a county with a population of over one million, that  
39 has a seating capacity of over forty thousand, and that is constructed

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

14 (15) All leasehold interests in the public or entertainment areas  
15 of a stadium and exhibition center, as defined in section 1 of this  
16 act, that is constructed on or after January 1, 1998.

17 For the purposes of subsections (14) and (15) of this section,  
18 "public or entertainment areas" include ticket sales areas, ramps and  
19 stairs, lobbies and concourses, exhibition areas, parking areas,  
20 concession areas, restaurants, hospitality and stadium club areas,  
21 kitchens or other work areas primarily servicing other public or  
22 entertainment areas, public restroom areas, press and media areas,  
23 control booths, broadcast and production areas, retail sales areas,  
24 museum and exhibit areas, scoreboards or other public displays, storage  
25 areas, loading, staging, and servicing areas, seating areas and suites,  
26 the playing field, any other areas to which the public has access or  
27 that are used for the production of the entertainment event or other  
28 public usage, and any other personal property used for these purposes.  
29 "Public or entertainment areas" does not include locker rooms and  
30 private offices exclusively used by the lessee.

31 NEW SECTION. Sec. 20. A new section is added to chapter 82.14 RCW  
32 to read as follows:

33 (1) Beginning January 1, 1998, the legislative authority of a  
34 county that has authorized a tax under section 22 of this act may  
35 impose a sales and use tax in accordance with the terms of this  
36 chapter. The tax is in addition to other taxes authorized by law and  
37 shall be collected from those persons who are taxable by the state  
38 under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable

1 event within the county. The rate of tax shall not exceed 0.016  
2 percent of the selling price in the case of a sales tax or value of the  
3 article used in the case of a use tax.

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

9 (3) The tax imposed under this section shall be used exclusively  
10 for the uses provided in section 23 of this act, shall be subject to  
11 the conditions of section 25 of this act, and shall expire when the  
12 bonds issued for the construction of the stadium and exhibition center  
13 are retired, but not later than twenty-three years after the tax is  
14 first collected.

15 NEW SECTION. **Sec. 21.** A new section is added to chapter 82.14 RCW  
16 to read as follows:

17 Sections 14 through 17, 19, and 20, chapter . . . , Laws of 1997  
18 (sections 14 through 17, 19, and 20 of this act) and 67.70.240(5)  
19 constitute the entire state contribution for a stadium and exhibition  
20 center, as defined in section 1 of this act. The state will not make  
21 any additional contributions based on revised cost or revenue  
22 estimates, cost overruns, unforeseen circumstances, or any other  
23 reason.

24 NEW SECTION. **Sec. 22.** A new section is added to chapter 82.14 RCW  
25 to read as follows:

26 (1) Between June 4, 1997, and June 23, 1997, the legislative  
27 authority of a county with a population of one million or more may  
28 authorize a special stadium and exhibition center sales and use tax  
29 upon retail car rentals within the county that are taxable by the state  
30 under chapters 82.08 and 82.12 RCW. The tax shall not be imposed  
31 before January 1, 1998. The rate of the tax shall not exceed two and  
32 one-half percent of the selling price in the case of a sales tax, or of  
33 the rental value of the vehicle in the case of a use tax. The tax  
34 imposed under this subsection is in addition to any other taxes  
35 authorized by law and shall not be credited against any other tax  
36 imposed upon the same taxable event. If the legislative authority of  
37 a county with a population of one million or more has not authorized

1 the tax under this section by June 23, 1997, then the legislative  
2 authority of a county with a population of five hundred thousand or  
3 more that has created a public facilities district under section 3 of  
4 this act may authorize a tax under this section by September 1, 1998.

5 (2) Any sales or use taxes imposed under this section shall be used  
6 exclusively for the uses provided in section 23 of this act, shall be  
7 subject to the conditions of section 25 of this act, and shall expire  
8 when the bonds issued for the construction of the stadium and  
9 exhibition center are retired, but not later than twenty-three years  
10 after the tax is first collected.

11 NEW SECTION. **Sec. 23.** A new section is added to chapter 36.100  
12 RCW to read as follows:

13 (1) The revenue collected by the state from the taxes imposed under  
14 RCW 36.38.010(5), sections 13, 14, and 22 of this act and the revenue  
15 from the lottery account collected under RCW 67.70.240(5) shall be  
16 distributed to the stadium and exhibition center account created in  
17 section 24 of this act.

18 (2) All revenues collected on behalf of the county under section 20  
19 of this act shall be transferred by the county to the public facilities  
20 district created to develop a stadium and exhibition center under  
21 section 5 of this act upon receipt by the county, to be used only for  
22 predevelopment costs and debt service.

23 (3) The public facilities district created to develop a stadium and  
24 exhibition center under section 5 of this act shall issue bonds in an  
25 amount necessary for the district to pay for public facilities district  
26 operation, preconstruction, site acquisition, design, site preparation,  
27 construction, owning, leasing, and equipping the stadium and exhibition  
28 center and to reimburse the county or the public facilities district  
29 under this chapter for its direct or indirect expenditures or to repay  
30 other indebtedness incurred under subsection (1) of this section.

31 NEW SECTION. **Sec. 24.** A new section is added to chapter 36.100  
32 RCW to read as follows:

33 The stadium and exhibition center account is created in the custody  
34 of the state treasurer. All receipts from section 23(1) of this act  
35 must be deposited into the account. Only the treasurer or the  
36 treasurer's designee may authorize expenditures from the account, not  
37 to exceed the amount available in the account. The account is subject

1 to allotment procedures under chapter 43.88 RCW, but an appropriation  
2 is not required for expenditures. Expenditures from the account may be  
3 made only as follows:

4 (1) For fiscal year 1998, all revenues shall be distributed to the  
5 public facilities district created to develop a stadium and exhibition  
6 center under section 5 of this act for predevelopment costs of the  
7 district for the stadium and exhibition center;

8 (2) For any fiscal year after fiscal year 1998 and through the  
9 fiscal year in which the bonds under section 23(3) of this act are  
10 issued:

11 (a) Fifteen million dollars shall be distributed to the district  
12 for predevelopment costs of the district for the stadium and exhibition  
13 center and payment of debt service if the bonds are issued in that  
14 fiscal year; and

15 (b) Any revenues in excess of fifteen million dollars shall be  
16 distributed to the technology grant account created in subsection (4)  
17 of this section.

18 (3) For each fiscal year after the fiscal year in which the bonds  
19 under section 23(3) of this act are issued:

20 (a) Such revenues shall be distributed to the district as are  
21 needed by the district beyond those collected under section 20 of this  
22 act for direct or indirect payment of, repayment of principal and  
23 interest payments on bonds issued by the public facilities district to  
24 fund payment of, or repayment of principal and interest payments on  
25 other indebtedness incurred by the public facilities district to fund  
26 payment of, any costs or expenses incurred by the public facilities  
27 district under this chapter for public facilities district operation,  
28 preconstruction, site acquisition, design, site preparation,  
29 construction, owning, leasing, remodeling, maintaining, equipping,  
30 reequipping, repairing, and operation of a stadium and exhibition  
31 center. The authority to use the revenue under this subsection (3)(a)  
32 is not conditioned upon whether the public facilities district ever  
33 enters into any agreement with a professional football team that will  
34 use the stadium and exhibition center, or whether the stadium and  
35 exhibition center is ever constructed, so long as the public facilities  
36 district had a good faith intent to enter into an agreement with the  
37 professional football team that proposes to use the stadium and  
38 exhibition center or to construct a stadium and exhibition center at  
39 the time of the use of the revenue.



1 (b) Any revenues in excess of those needed for the purposes of (a)  
2 of this subsection shall be distributed to the technology grant account  
3 in subsection (4) of this section.

4 (4)(a) The technology grant account is created in the custody of  
5 the state treasurer. All designated receipts from subsections (2) and  
6 (3) of this section must be deposited into the account. Only the  
7 superintendent of public instruction, or the superintendent's designee,  
8 may authorize expenditures from the account. The account is subject to  
9 allotment procedures under chapter 43.88 RCW, but an appropriation is  
10 not required for expenditures. Expenditures from the account may be  
11 used only for the purposes of technology grants to school districts for  
12 use in the acquisition of K-12 classroom computer hardware and  
13 software, on-line access services and equipment, and teacher training  
14 with respect to the acquisitions. A district is eligible for a grant  
15 if it either has ongoing programs emphasizing specific approaches to  
16 learning assisted by technology or it is identified by the center for  
17 the improvement of student learning based on best practices, and the  
18 district has plans and means for evaluating the improvement in student  
19 learning resulting from the technology-based strategies of the  
20 district.

21 (b) The technology grant account funds may be supplemented by a  
22 combination of:

23 (i) Private financial contributions;

24 (ii) In-kind contributions through partnerships with technology  
25 companies, educational service districts, institutions of higher  
26 education, community and technical colleges, or any other organization  
27 with expertise in applications of technology to learning that are  
28 willing to assist school districts in applying technology to the  
29 learning process through in-kind assistance; and

30 (iii) Other school district funds.

31 (c) School districts must submit proposals for grants from the  
32 technology grant account. To the extent that funds are available,  
33 school districts that meet the eligibility criteria of this subsection  
34 shall be provided grants under this subsection in the order they are  
35 prioritized by the technology education committee serving under section  
36 501(2)(p)(iii), chapter 283, Laws of 1996, based on a competitive  
37 application process.

38 (5) Notwithstanding anything seemingly to the contrary in this  
39 section, the amounts and uses of the revenues received by the county,

1 the public facilities district, or any related governmental entity,  
2 from any taxes levied in respect of the stadium and exhibition center  
3 shall be structured and limited in such a manner that their present  
4 value shall not exceed the amount that would permit the interest on any  
5 bonds or other obligations issued to finance the stadium and exhibition  
6 center to be treated as tax exempt to the fullest extent permitted by  
7 federal law.

8 NEW SECTION. **Sec. 25.** A new section is added to chapter 36.100  
9 RCW to read as follows:

10 (1) The taxes imposed under RCW 36.38.010(5) and section 13 of this  
11 act are effective upon the first use of any part of the stadium and  
12 exhibition center, but shall not be collected at any facility already  
13 in operation as of the effective date of this section.

14 (2) Collection of the revenues distributed under section 23 (1) and  
15 (2) of this act is subject to the conditions that:

16 (a) By December 31, 1997, the citizens of the state have approved  
17 the taxes under section 14 of this act;

18 (b) On December 31, 1997, the professional football team that will  
19 use the stadium and exhibition center is at least majority-owned and  
20 controlled by, directly or indirectly, one or more persons who are each  
21 residents of the state of Washington and who have been residents of the  
22 state of Washington continuously since at least January 1, 1993; and

23 (c) The county in which the stadium and exhibition center is to be  
24 constructed has created a public facilities district under this chapter  
25 to acquire property, construct, own, remodel, maintain, equip, reequip,  
26 repair, and operate a stadium and exhibition center.

27 (3) Bonds shall not be issued under section 23 of this act unless  
28 the public facilities district has certified to the department of  
29 revenue that:

30 (a) A professional football team has made a binding and legally  
31 enforceable contractual commitment to play all of its regular season  
32 and playoff home games in the stadium and exhibition center for a  
33 period of time not shorter than the term of the bonds issued or to be  
34 issued to finance the initial construction of the stadium and  
35 exhibition center;

36 (b) If a team affiliate has entered into a development agreement  
37 with a public facilities district under section 5 of this act, the  
38 agreement includes a binding and legally enforceable contractual

1 commitment by the team affiliate to assume the risks of cost overruns,  
2 which are the costs of development that are in excess of the project  
3 budget established under section 5 of this act.

4 (c) A team affiliate has made a binding and legally enforceable  
5 contractual commitment to raise at least one hundred million dollars,  
6 including through an equity contribution of a team affiliate and sale  
7 of permanent seat licenses, toward the reasonably necessary  
8 preconstruction, site acquisition, design, site preparation,  
9 construction, and equipping of the stadium and exhibition center, or to  
10 any associated public purpose separate from bond-financed property,  
11 including purposes related to parking facilities, equipment,  
12 infrastructure, or other similar costs associated with the project,  
13 which shall be raised and paid before the completion of construction of  
14 the stadium and exhibition center. No part of the payment may be made  
15 without the consent of the public facilities district. To the extent  
16 possible, contributions shall be structured in a manner that would  
17 allow for the issuance of bonds to construct the stadium and exhibition  
18 center that are exempt from federal income taxes;

19 (d) At least seven percent of the seats in the stadium must be  
20 considered affordable. For the purposes of this subsection (3)(d),  
21 "affordable" means that the price is an average of the lowest ticket  
22 prices charged by all national football league teams that are not the  
23 team that uses the stadium and exhibition center;

24 (e) One luxury box must be made available, on a lottery basis, as  
25 a free upgrade, every game, to purchasers of certain specified tickets;  
26 and

27 (f) If the professional football team is sold, twenty-five percent  
28 of the amount above the seller's original purchase price must be used  
29 to retire the public debt of the stadium and exhibition center. If the  
30 debt is retired at the time of the sale, then the twenty-five percent  
31 must be used for future stadium and exhibition center maintenance. For  
32 the purposes of this subsection (3)(f), "seller's original purchase  
33 price" means the price paid by the seller for the acquisition of the  
34 professional football team, but does not include any costs associated  
35 with the ownership or operation of the team, such as operating losses,  
36 contributions to stadium and exhibition center construction,  
37 predevelopment costs, maintenance, and operation, the additional  
38 expenses attributable to a purchase option, and any other costs not  
39 included in the stated sale price under the purchase contract.

1       **Sec. 26.** RCW 67.28.180 and 1995 1st sp.s. c 14 s 10 are each  
2 amended to read as follows:

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

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

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

20       (b) In the event that any county has levied the tax authorized by  
21 this section and has, prior to June 26, 1975, either pledged the tax  
22 revenues for payment of principal and interest on city revenue or  
23 general obligation bonds authorized and issued pursuant to RCW  
24 67.28.150 through 67.28.160 or has authorized and issued revenue or  
25 general obligation bonds pursuant to the provisions of RCW 67.28.150  
26 through 67.28.160, such county shall be exempt from the provisions of  
27 (a) of this subsection, to the extent that the tax revenues are pledged  
28 for payment of principal and interest on bonds issued at any time  
29 pursuant to the provisions of RCW 67.28.150 through 67.28.160:  
30 PROVIDED, That so much of such pledged tax revenues, together with any  
31 investment earnings thereon, not immediately necessary for actual  
32 payment of principal and interest on such bonds may be used: (i) In  
33 any county with a population of one million or more, for repayment  
34 either of limited tax levy general obligation bonds or of any county  
35 fund or account from which a loan was made, the proceeds from the bonds  
36 or loan being used to pay for constructing, installing, improving, and  
37 equipping stadium capital improvement projects, and to pay for any  
38 engineering, planning, financial, legal and professional services  
39 incident to the development of such stadium capital improvement

1 projects, regardless of the date the debt for such capital improvement  
2 projects was or may be incurred; ((or)) (ii) in any county with a  
3 population of one million or more, for repayment or refinancing of  
4 bonded indebtedness incurred prior to January 1, 1997, for any purpose  
5 authorized by this section or relating to stadium repairs or  
6 rehabilitation, including but not limited to the cost of settling legal  
7 claims, reimbursing operating funds, interest payments on short-term  
8 loans, and any other purpose for which such debt has been incurred if  
9 the county has authorized the tax under section 22 of this act; or  
10 (iii) in other counties, for county-owned facilities for agricultural  
11 promotion. A county is exempt under this subsection in respect to city  
12 revenue or general obligation bonds issued after April 1, 1991, only if  
13 such bonds mature before January 1, 2013.

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

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

31 (3) Any levy authorized by this section by a county that has levied  
32 the tax authorized by this section and has, prior to June 26, 1975,  
33 either pledged the tax revenues for payment of principal and interest  
34 on city revenue or general obligation bonds authorized and issued  
35 pursuant to RCW 67.28.150 through 67.28.160 or has authorized and  
36 issued revenue or general obligation bonds pursuant to the provisions  
37 of RCW 67.28.150 through 67.28.160 shall be subject to the following:

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

4 (i) Seventy-five percent from January 1, 1992, through December 31,  
5 2000, and seventy percent from January 1, 2001, through December 31,  
6 2012, or through December 31, 2015, if the county authorized a tax  
7 under section 22 of this act, for art museums, cultural museums,  
8 heritage museums, the arts, and the performing arts. Moneys spent  
9 under this subsection (3)(a)(i) shall be used for the purposes of this  
10 subsection (3)(a)(i) in all parts of the county.

11 (ii) Twenty-five percent from January 1, 1992, through December 31,  
12 2000, and thirty percent from January 1, 2001, through December 31,  
13 2012, or through December 31, 2015, if the county authorized a tax  
14 under section 22 of this act, for the following purposes and in a  
15 manner reflecting the following order of priority: Stadium capital  
16 improvements, as defined in subsection (2)(b) of this section;  
17 acquisition of open space lands; youth sports activities; and tourism  
18 promotion.

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

- 31 (i) A legally constituted and working board of directors;
- 32 (ii) A record of artistic, heritage, or cultural accomplishments;
- 33 (iii) Been in existence and operating for at least two years;
- 34 (iv) Demonstrated ability to maintain net current liabilities at  
35 less than thirty percent of general operating expenses;
- 36 (v) Demonstrated ability to sustain operational capacity subsequent  
37 to completion of projects or purchase of machinery and equipment; and
- 38 (vi) Evidence that there has been independent financial review of  
39 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, or through December 31, 2015, if the county  
4 authorized a tax under section 22 of this act, shall be deposited in an  
5 account and shall be used to establish an endowment. Principal in the  
6 account shall remain permanent and irreducible. The earnings from  
7 investments of balances in the account may only be used for the  
8 purposes of (a)(i) of this subsection.

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

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

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

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

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

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

1 to which the tax is pledged, any bonds to which the tax is pledged  
2 shall be retired. This subsection (3)(i) does not apply in respect to  
3 a public stadium, or a stadium and exhibition center, transferred to,  
4 owned by, or constructed by a public facilities district under chapter  
5 36.100 RCW.

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

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

16 NEW SECTION. Sec. 27. A new section is added to chapter 67.70 RCW  
17 to read as follows:

18 The lottery commission shall conduct new games with themes related  
19 to activities that will take place at the stadium and exhibition center  
20 as defined in section 1 of this act. These games are in addition to  
21 any games conducted under RCW 67.70.042 and are intended to generate  
22 additional moneys sufficient to cover the distributions under RCW  
23 67.70.240(5). For purposes of this section, the lottery may accept and  
24 market prize promotions provided in conjunction with private-sector  
25 marketing efforts.

26 NEW SECTION. Sec. 28. A new section is added to chapter 67.70 RCW  
27 to read as follows:

28 The person or entity responsible for operating a stadium and  
29 exhibition center as defined in section 1 of this act shall provide the  
30 lottery with any combination of in-kind advertising, sponsorship, or  
31 prize promotions, valued at one million dollars annually for the  
32 purpose of increasing lottery sales of games authorized under section  
33 27 of this act. The content and value of the advertising sponsorship  
34 or prize promotions must be approved in advance by the lottery  
35 commission.



1       **Sec. 29.** RCW 67.70.240 and 1995 3rd sp.s. c 1 s 105 are each  
2 amended to read as follows:

3       The moneys in the state lottery account shall be used only:

4       (1) For the payment of prizes to the holders of winning lottery  
5 tickets or shares;

6       (2) For purposes of making deposits into the reserve account  
7 created by RCW 67.70.250 and into the lottery administrative account  
8 created by RCW 67.70.260;

9       (3) For purposes of making deposits into the state's general fund;

10       (4) (~~for purposes of making deposits into the housing trust fund~~  
11 ~~under the provisions of section 7 of this 1987 act; (5)) For~~  
12 distribution to a county for the purpose of paying the principal and  
13 interest payments on bonds issued by the county to construct a baseball  
14 stadium, as defined in RCW 82.14.0485, including reasonably necessary  
15 preconstruction costs(~~(; (6) for the purchase and promotion of lottery~~  
16 ~~games and game-related services; and (7) for the payment of agent~~  
17 ~~compensation)). Three million dollars shall be distributed under this  
18 subsection (~~((5) of this section))~~ during calendar year 1996. During  
19 subsequent years, such distributions shall equal the prior year's  
20 distributions increased by four percent. Distributions under this  
21 subsection (~~((5) of this section))~~ shall cease when the bonds issued  
22 for the construction of the baseball stadium are retired, but not more  
23 than twenty years after the tax under RCW 82.14.0485 is first imposed.  
24 The office of financial management shall require the allotment of all  
25 expenses paid from the account and shall report to the ways and means  
26 committees of the senate and house of representatives any changes in  
27 the allotments;~~

28       (5) For distribution to the stadium and exhibition center account,  
29 created in section 24 of this act, for the purposes described in  
30 section 23 of this act. Subject to the conditions of section 25 of  
31 this act, commencing January 1, 1998, six million dollars shall be  
32 distributed under this subsection during the calendar year 1998.  
33 During subsequent years, such distribution shall equal the prior year's  
34 distributions increased by four percent. Distributions under this  
35 subsection shall cease when the bonds issued for the construction of  
36 the stadium and exhibition center, as defined in section 1 of this act,  
37 are retired, but not later than December 31, 2020. The office of  
38 financial management shall require the allotment of all expenses paid  
39 from the account and shall report to the ways and means committees of

1 the senate and the house of representatives any changes in the  
2 allotments;

3 (6) For the purchase and promotion of lottery games and game-  
4 related services; and

5 (7) For the payment of agent compensation.

6 **Sec. 30.** RCW 67.70.042 and 1995 3rd sp.s. c 1 s 104 are each  
7 amended to read as follows:

8 The lottery commission shall conduct at least two but not more than  
9 four scratch games with sports themes per year. These games are  
10 intended to generate additional moneys sufficient to cover the  
11 distributions under RCW 67.70.240(~~((+5))~~) (4).

12 **Sec. 31.** RCW 39.10.120 and 1995 3rd sp.s. c 1 s 305 are each  
13 amended to read as follows:

14 (1) Except as provided in subsection (2) of this section, the  
15 alternative public works contracting procedures authorized under this  
16 chapter are limited to public works contracts signed before July 1,  
17 1997. Methods of public works contracting authorized by RCW 39.10.050  
18 and 39.10.060 shall remain in full force and effect until completion of  
19 contracts signed before July 1, 1997.

20 (2) For the purposes of a baseball stadium as defined in RCW  
21 82.14.0485, the design-build contracting procedures under RCW 39.10.050  
22 shall remain in full force and effect until completion of contracts  
23 signed before December 31, 1997.

24 (3) For the purposes of a stadium and exhibition center, as defined  
25 in section 1 of this act, the design-build contracting procedures under  
26 RCW 39.10.050 shall remain in full force and effect until completion of  
27 contracts signed before December 31, 2000.

28 **Sec. 32.** RCW 39.10.050 and 1994 c 132 s 5 are each amended to read  
29 as follows:

30 (1) Notwithstanding any other provision of law, and after complying  
31 with RCW 39.10.030, the following public bodies may utilize the design-  
32 build procedure of public works contracting for public works projects  
33 authorized under this section: The state department of general  
34 administration; the University of Washington; Washington State  
35 University; every city with a population greater than one hundred fifty  
36 thousand; and every county with a population greater than four hundred

1 fifty thousand. For the purposes of this section, "design-build  
2 procedure" means a contract between a public body and another party in  
3 which the party agrees to both design and build the structure,  
4 facility, or other item specified in the contract.

5 (2) Public bodies authorized under this section may utilize the  
6 design-build procedure for public works projects valued over ten  
7 million dollars where:

8 (a) The construction activities are highly specialized and a  
9 design-build approach is critical in developing the construction  
10 methodology;

11 (b) The project design is repetitive in nature and is an incidental  
12 part of the installation or construction; or

13 (c) The program elements of the project design are simple and do  
14 not involve complex functional interrelationships.

15 (3) The state department of general administration may use the  
16 design-build procedure authorized in subsection (2)(c) of this section  
17 for one project.

18 (4) Contracts for design-build services shall be awarded through a  
19 competitive process utilizing public solicitation of proposals for  
20 design-build services. The public body shall publish at least once in  
21 a legal newspaper of general circulation published in or as near as  
22 possible to that part of the county in which the public work will be  
23 done, a notice of its request for proposals for design-build services  
24 and the availability and location of the request for proposal  
25 documents. The request for proposal documents shall include:

26 (a) A detailed description of the project including programmatic,  
27 performance, and technical requirements and specifications, functional  
28 and operational elements, and minimum and maximum net and gross areas  
29 of any building;

30 (b) The reasons for using the design-build procedure;

31 (c) A description of the qualifications, if any, to be required of  
32 the proposer;

33 (d) A description of the process the public body will use to  
34 evaluate qualifications and proposals, including evaluation factors and  
35 the relative weight of factors. Evaluation factors shall include, but  
36 not be limited to: Proposal price; ability of professional personnel;  
37 past performance on similar projects; ability to meet time and budget  
38 requirements; ability to provide a performance and payment bond for the

1 project; recent, current, and projected work loads of the firm; and the  
2 concept of the proposal;

3 (e) The form of the contract to be awarded;

4 (f) The maximum allowable construction cost and minority and women  
5 enterprise total project goals;

6 (g) The amount to be paid to finalists submitting best and final  
7 proposals who are not awarded a design-build contract; and

8 (h) Other information relevant to the project.

9 (5) The public body shall establish a committee to evaluate the  
10 proposals based on the factors, weighting, and process identified in  
11 the request for proposals. Based on its evaluation, the public body  
12 shall select not fewer than three nor more than five finalists to  
13 submit best and final proposals. Best and final proposals shall be  
14 evaluated and scored based on the factors, weighting, and process  
15 identified in the initial request for proposals. Final proposals may  
16 not be considered if the proposal cost is greater than the maximum  
17 allowable construction cost identified in the initial request for  
18 proposals.

19 (6) The public body shall initiate negotiations with the firm  
20 submitting the highest scored final proposal. If the public body is  
21 unable to execute a contract with that firm, negotiations with that  
22 firm may be suspended or terminated and the public body may proceed to  
23 negotiate with the next highest scored firm. Public bodies shall  
24 continue in accordance with this procedure until a contract agreement  
25 is reached or the selection process is terminated. The public body  
26 may, in its sole discretion, reject all proposals. The finalist  
27 awarded the contract shall provide a performance and payment bond for  
28 the contracted amount. The public body shall provide appropriate  
29 honorarium payments to finalists submitting best and final proposals  
30 who are not awarded a design-build contract. Honorarium payments shall  
31 be sufficient to generate meaningful competition among potential  
32 proposers on design-build projects.

33 (7) Beginning July 1, 1997, this section applies only for the  
34 purposes of a stadium and exhibition center, as defined in section 1 of  
35 this act and has no effect beyond the completion of contracts signed  
36 before December 31, 2000.

37 **Sec. 33.** RCW 39.10.902 and 1995 3rd sp.s. c 1 s 306 are each  
38 amended to read as follows:

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

- 3 (1) RCW 39.10.010 and 1994 c 132 s 1;
- 4 (2) RCW 39.10.020 and 1994 c 132 s 2;
- 5 (3) RCW 39.10.030 and 1994 c 132 s 3;
- 6 (4) RCW 39.10.040 and 1994 c 132 s 4;
- 7 (5) (~~RCW 39.10.050 and 1994 c 132 s 5;~~
- 8 ~~(6)~~) RCW 39.10.060 and 1994 c 132 s 6;
- 9 (~~(7)~~) (6) RCW 39.10.070 and 1994 c 132 s 7;
- 10 (~~(8)~~) (7) RCW 39.10.080 and 1994 c 132 s 8;
- 11 (~~(9)~~) (8) RCW 39.10.090 and 1994 c 132 s 9;
- 12 (~~(10)~~) (9) RCW 39.10.100 and 1994 c 132 s 10;
- 13 (~~(11)~~) (10) RCW 39.10.110 and 1994 c 132 s 11;
- 14 (~~(12)~~) (11) RCW 39.10.900 and 1994 c 132 s 13;
- 15 (~~(13)~~) (12) RCW 39.10.901 and 1994 c 132 s 14; and
- 16 (~~(14)~~) (13) RCW 39.10.902 and 1994 c 132 s 15.

17 **Sec. 34.** RCW 82.14.049 and 1992 c 194 s 3 are each amended to read  
18 as follows:

19 The legislative authority of any county may impose a sales and use  
20 tax, in addition to the tax authorized by RCW 82.14.030, upon retail  
21 car rentals within the county that are taxable by the state under  
22 chapters 82.08 and 82.12 RCW. The rate of tax shall be one percent of  
23 the selling price in the case of a sales tax or rental value of the  
24 vehicle in the case of a use tax. Proceeds of the tax shall not be  
25 used to subsidize any professional sports team and shall be used solely  
26 for the following purposes:

- 27 (1) Acquiring, constructing, maintaining, or operating public  
28 sports stadium facilities;
- 29 (2) Engineering, planning, financial, legal, or professional  
30 services incidental to public sports stadium facilities; (~~or~~)
- 31 (3) Youth or amateur sport activities or facilities; or
- 32 (4) Refinancing debt issued for the purposes of subsection (1) of  
33 this section.

34 NEW SECTION. **Sec. 35.** A new section is added to chapter 82.14 RCW  
35 to read as follows:

36 The definitions in section 1 of this act apply to sections 18 and  
37 20 through 22 of this act.

1        NEW SECTION.    **Sec. 36.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 37.**    Section 14 of this act constitutes a new  
6 chapter in Title 82 RCW.

7        NEW SECTION.    **Sec. 38.**    Sections 1 through 13 and 15 through 36 of  
8 this act are necessary for the immediate preservation of the public  
9 peace, health, or safety, or support of the state government and its  
10 existing public institutions, and take effect immediately.

--- END ---