

2 **2SSB 5452** - H COMM AMD **NOT CONSIDERED 04/14/99**

3 By Committee on Economic Development, Housing & Trade

4

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

7 "NEW SECTION. **Sec. 1.** (1) The legislative authority of any town  
8 or city located in a county with a population of less than one million  
9 may create a public facilities district. The legislative authorities  
10 of any contiguous group of towns or cities located in a county or  
11 counties each with a population of less than one million may enter an  
12 agreement under chapter 39.34 RCW for the creation and joint operation  
13 of a public facilities district.

14 (2) A public facilities district shall be coextensive with the  
15 boundaries of the city or town or contiguous group of cities or towns  
16 that created the district.

17 (3)(a) A public facilities district created by a single city or  
18 town shall be governed by a board of directors consisting of five  
19 members selected as follows: (i) Two members appointed by the  
20 legislative authority of the city or town; and (ii) three members  
21 appointed by legislative authority based on recommendations from local  
22 organizations. The members appointed under (a)(i) of this subsection,  
23 shall not be members of the legislative authority of the city or town.  
24 The members appointed under (a)(ii) of this subsection, shall be based  
25 on recommendations received from local organizations that may include,  
26 but are not limited to the local chamber of commerce, local economic  
27 development council, and local labor council. The members shall serve  
28 four-year terms. Of the initial members, one must be appointed for a  
29 one-year term, one must be appointed for a two-year term, one must be  
30 appointed for a three-year term, and the remainder must be appointed  
31 for four-year terms.

32 (b) A public facilities district created by contiguous group of  
33 cities and towns shall be governed by a board of directors consisting  
34 of seven members selected as follows: (i) Three members appointed by  
35 the legislative authorities of the cities and towns; and (ii) four  
36 members appointed by the legislative authority based on recommendations

1 from local organizations. The members appointed under (b)(i) of this  
2 subsection shall not be members of the legislative authorities of the  
3 cities and towns. The members appointed under (b)(ii) of this  
4 subsection, shall be based on recommendations received from local  
5 organizations that include, but are not limited to the local chamber of  
6 commerce, local economic development council, local labor council, and  
7 a neighborhood organization that is directly affected by the location  
8 of the regional center in their area. The members of the board of  
9 directors shall be appointed in accordance with the terms of the  
10 agreement under chapter 39.34 RCW for the joint operation of the  
11 district and shall serve four-year terms. Of the initial members, one  
12 must be appointed for a one-year term, one must be appointed for a two-  
13 year term, one must be appointed for a three-year term, and the  
14 remainder must be appointed for four-year terms.

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

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

25 (6) A public facilities district may acquire and transfer real and  
26 personal property by lease, sublease, purchase, or sale. No direct or  
27 collateral attack on any metropolitan facilities district purported to  
28 be authorized or created in conformance with this chapter may be  
29 commenced more than thirty days after creation by the city legislative  
30 authority.

31 NEW SECTION. **Sec. 2.** (1) A public facilities district is  
32 authorized to acquire, construct, own, remodel, maintain, equip,  
33 reequip, repair, finance, and operate one or more regional centers.  
34 For purposes of this chapter, "regional center" means a convention,  
35 conference, or special events center, or any combination of facilities,  
36 and related parking facilities, serving a regional population  
37 constructed, improved, or rehabilitated after the effective date of  
38 this section at a cost of at least ten million dollars, including debt

1 service. "Regional center" also includes an existing convention,  
2 conference, or special events center, and related parking facilities,  
3 serving a regional population, that is improved or rehabilitated after  
4 the effective date of this section where the costs of improvement or  
5 rehabilitation are at least ten million dollars, including debt  
6 service. A regional center is conclusively presumed to serve a  
7 regional population if state and local government investment in the  
8 construction, improvement, or rehabilitation of the regional center is  
9 equal to or greater than ten million dollars.

10 (2) A public facilities district may impose charges and fees for  
11 the use of its facilities, and may accept and expend or use gifts,  
12 grants, and donations for the purpose of a regional center.

13 (3) A public facilities district may impose charges, fees, and  
14 taxes authorized in section 4 of this act, and use revenues derived  
15 therefrom for the purpose of paying principal and interest payments on  
16 bonds issued by the public facilities district to construct a regional  
17 center.

18 (4) Notwithstanding the establishment of a career, civil, or merit  
19 service system, a public facilities district may contract with a public  
20 or private entity for the operation or management of its public  
21 facilities.

22 (5) A public facilities district is authorized to use the  
23 supplemental alternative public works contracting procedures set forth  
24 in chapter 39.10 RCW in connection with the design, construction,  
25 reconstruction, remodel, or alteration of any regional center.

26 NEW SECTION. **Sec. 3.** (1) To carry out the purpose of this  
27 chapter, a public facilities district may issue general obligation  
28 bonds, not to exceed an amount, together with any outstanding nonvoter-  
29 approved general obligation indebtedness, equal to one-half of one  
30 percent of the value of the taxable property within the district, as  
31 the term "value of the taxable property" is defined in RCW 39.36.015.  
32 A facilities district additionally may issue general obligation bonds  
33 for capital purposes only, together with any outstanding general  
34 obligation indebtedness, not to exceed an amount equal to one and one-  
35 fourth percent of the value of the taxable property within the  
36 district, as the term "value of the taxable property" is defined in RCW  
37 39.36.015, when authorized by the voters of the public facilities  
38 district pursuant to Article VIII, section 6 of the state Constitution,

1 and to provide for the retirement thereof by taxes authorized in this  
2 act.

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

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

9 NEW SECTION. **Sec. 4.** (1) The board of directors of the public  
10 facilities district may impose the following for the purpose of funding  
11 a regional center:

- 12 (a) Charges and fees for the use of any of its facilities;
- 13 (b) Admission charges under section 10 of this act;
- 14 (c) Vehicle parking charges under section 11 of this act; and
- 15 (d) Sales and use taxes authorized under RCW 82.14.048 and section  
16 13 of this act.

17 (2) The board may accept and expend or use gifts, grants, and  
18 donations for the purpose of a regional center. The revenue from the  
19 charges, fees, and taxes imposed under this section shall be used only  
20 for the purposes authorized by this chapter.

21 NEW SECTION. **Sec. 5.** The board of directors of the public  
22 facilities district shall adopt a resolution that may be amended from  
23 time to time that shall establish the basic requirements governing  
24 methods and amounts of reimbursement payable to such district officials  
25 and employees for travel and other business expenses incurred on behalf  
26 of the district. The resolution shall, among other things, establish  
27 procedures for approving such expenses; the form of the travel and  
28 expense voucher; and requirements governing the use of credit cards  
29 issued in the name of the district. The resolution may also establish  
30 procedures for payment of per diem to board members. The state auditor  
31 shall, as provided by general law, cooperate with the public facilities  
32 district in establishing adequate procedures for regulating and  
33 auditing the reimbursement of all such expenses.

34 NEW SECTION. **Sec. 6.** The board of directors of the public  
35 facilities district shall have authority to authorize the expenditure  
36 of funds for the public purposes of preparing and distributing

1 information to the general public and promoting, advertising,  
2 improving, developing, operating, and maintaining a regional center.  
3 Nothing contained in this section may be construed to authorize  
4 preparation and distribution of information to the general public for  
5 the purpose of influencing the outcome of a district election.

6 NEW SECTION. **Sec. 7.** The public facilities district may secure  
7 services by means of an agreement with a service provider. The public  
8 facilities district shall publish notice, establish criteria, receive  
9 and evaluate proposals, and negotiate with respondents under  
10 requirements set forth by district resolution.

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

15 NEW SECTION. **Sec. 9.** (1) A public facilities district may issue  
16 revenue bonds to fund revenue-generating facilities, or portions of  
17 facilities, which it is authorized to provide or operate. Whenever  
18 revenue bonds are to be issued, the board of directors of the district  
19 shall create or have created a special fund or funds from which, along  
20 with any reserves created pursuant to RCW 39.44.140, the principal and  
21 interest on such revenue bonds shall exclusively be payable. The board  
22 may obligate the district to set aside and pay into the special fund or  
23 funds a fixed proportion or a fixed amount of the revenues from the  
24 public improvements, projects, or facilities, and all related  
25 additions, that are funded by the revenue bonds. This amount or  
26 proportion shall be a lien and charge against these revenues, subject  
27 only to operating and maintenance expenses. The board shall have due  
28 regard for the cost of operation and maintenance of the public  
29 improvements, projects, or facilities, or additions, that are funded by  
30 the revenue bonds, and shall not set aside into the special fund or  
31 funds a greater amount or proportion of the revenues that in its  
32 judgment will be available over and above the cost of maintenance and  
33 operation and the amount or proportion, if any, of the revenue so  
34 previously pledged. The board may also provide that revenue bonds  
35 payable out of the same source or sources of revenue may later be  
36 issued on a parity with any revenue bonds being issued and sold.

1 (2) Revenue bonds issued under this section shall not be an  
2 indebtedness of the district issuing the bonds, and the interest and  
3 principal on the bonds shall only be payable from the revenues lawfully  
4 pledged to meet the principal and interest requirements and any  
5 reserves created under RCW 39.44.140. The owner or bearer of a revenue  
6 bond or any interest coupon issued under this section shall not have  
7 any claim against the district arising from the bond or coupon except  
8 for payment from the revenues lawfully pledged to meet the principal  
9 and interest requirements and any reserves created under RCW 39.44.140.  
10 The substance of the limitations included in this subsection shall be  
11 plainly printed, written, or engraved on each bond issued under this  
12 section.

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

23 NEW SECTION. **Sec. 10.** A public facility district may levy and fix  
24 a tax of not more than one cent on twenty cents or fraction thereof to  
25 be paid by the person who pays an admission charge to a regional  
26 center. This includes a tax on persons who are admitted free of charge  
27 or at reduced rates if other persons pay a charge or a regular higher  
28 charge for the same privileges or accommodations.

29 The term "admission charge" includes:

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

1 general admission is charged, the combined charges shall be considered  
2 as the admission charge;

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

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

15 **Sec. 12.** RCW 82.14.048 and 1995 c 396 s 6 are each amended to read  
16 as follows:

17 The governing board of a public facilities district under chapter  
18 36.100 RCW or chapter 35.-- RCW (sections 1 through 11 of this act) may  
19 submit an authorizing proposition to the voters of the district, and if  
20 the proposition is approved by a majority of persons voting, fix and  
21 impose a sales and use tax in accordance with the terms of this  
22 chapter.

23 The tax authorized in this section shall be in addition to any  
24 other taxes authorized by law and shall be collected from those persons  
25 who are taxable by the state under chapters 82.08 and 82.12 RCW upon  
26 the occurrence of any taxable event within the public facilities  
27 district. The rate of tax shall (~~equal one-tenth~~) not exceed two-  
28 tenths of one percent of the selling price in the case of a sales tax,  
29 or value of the article used, in the case of a use tax.

30 Moneys received from any tax imposed under this section shall be  
31 used for the purpose of providing funds for the costs associated with  
32 the financing, design, acquisition, construction, equipping, operating,  
33 maintaining, remodeling, repairing, and reequipping of its public  
34 facilities.

35 No tax may be collected under this section by a public facilities  
36 district under chapter 35.-- RCW (sections 1 through 11 of this act)  
37 before August 1, 2000, and no tax in excess of one-tenth of one percent

1 may be collected under this section by a public facilities district  
2 under chapter 36.100 RCW before August 1, 2000.

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 82.14 RCW  
4 to read as follows:

5 (1) Except as provided in subsection (6) of this section, the  
6 governing body of a public facilities district created under chapter  
7 35.-- RCW (sections 1 through 11 of this act) or chapter 36.100 RCW  
8 that commences construction of a new regional center, or improvement or  
9 rehabilitation of an existing new regional center, before January 1,  
10 2003, may impose a sales and use tax in accordance with the terms of  
11 this chapter. The tax is in addition to other taxes authorized by law  
12 and shall be collected from those persons who are taxable by the state  
13 under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable  
14 event within the public facilities district. The rate of tax shall not  
15 exceed 0.033 percent of the selling price in the case of a sales tax or  
16 value of the article used in the case of a use tax.

17 (2) The tax imposed under subsection (1) of this section shall be  
18 deducted from the amount of tax otherwise required to be collected or  
19 paid over to the department of revenue under chapter 82.08 or 82.12  
20 RCW. The department of revenue shall perform the collection of such  
21 taxes on behalf of the county at no cost to the public facilities  
22 district.

23 (3) No tax may be collected under this section before August 1,  
24 2000. The tax imposed in this section shall expire when the bonds  
25 issued for the construction of the regional center and related parking  
26 facilities are retired, but not more than twenty-five years after the  
27 tax is first collected.

28 (4) Moneys collected under this section shall only be used for the  
29 purposes set forth in section 2 of this act and must be matched with an  
30 amount from other public or private sources equal to thirty-three  
31 percent of the amount collected under this section.

32 (5) The combined total tax levied under this section shall not be  
33 greater than 0.033 percent. If both a public facilities district  
34 created under chapter 35.-- RCW (sections 1 through 11 of this act) and  
35 a public facilities district created under chapter 36.100 RCW impose a  
36 tax under this section, the tax imposed by a public facilities district  
37 created under chapter 35.-- RCW (sections 1 through 11 of this act)



1 shall be credited against the tax imposed by a public facilities  
2 district created under chapter 36.100 RCW.

3 (6) A public facilities district created under chapter 36.100 RCW  
4 is not eligible to impose the tax under this section if the public  
5 facilities district has imposed the sales and use tax under RCW  
6 82.14.0485.

7 **Sec. 14.** RCW 82.14.050 and 1991 sp.s. c 13 s 34 are each amended  
8 to read as follows:

9 The counties, cities, and transportation authorities under RCW  
10 82.14.045 and public facilities districts under chapter 36.100 RCW and  
11 chapter 35.-- RCW (sections 1 through 11 of this act) shall contract,  
12 prior to the effective date of a resolution or ordinance imposing a  
13 sales and use tax, the administration and collection to the state  
14 department of revenue, which shall deduct a percentage amount, as  
15 provided by contract, not to exceed two percent of the taxes collected  
16 for administration and collection expenses incurred by the department.  
17 The remainder of any portion of any tax authorized by this chapter  
18 which is collected by the department of revenue shall be deposited by  
19 the state department of revenue in the local sales and use tax account  
20 hereby created in the state treasury. Moneys in the local sales and  
21 use tax account may be spent only for distribution to counties, cities,  
22 transportation authorities, and public facilities districts imposing a  
23 sales and use tax. All administrative provisions in chapters 82.03,  
24 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be  
25 amended, shall, insofar as they are applicable to state sales and use  
26 taxes, be applicable to taxes imposed pursuant to this chapter. Except  
27 as provided in RCW 43.08.190, all earnings of investments of balances  
28 in the local sales and use tax account shall be credited to the local  
29 sales and use tax account and distributed to the counties, cities,  
30 transportation authorities, and public facilities districts monthly.

31 **Sec. 15.** RCW 36.100.060 and 1995 1st sp.s. c 14 s 4 are each  
32 amended to read as follows:

33 (1) To carry out the purpose of this chapter, a public facilities  
34 district may issue general obligation bonds, not to exceed an amount,  
35 together with any outstanding nonvoter approved general obligation  
36 indebtedness, equal to one-half of one percent of the value of taxable  
37 property within the district, as the term "value of taxable property"

1 is defined in RCW 39.36.015. A facilities district additionally may  
2 issue general obligation bonds for capital purposes only, together with  
3 any outstanding general obligation indebtedness, not to exceed an  
4 amount equal to one and one-fourth percent of the value of the taxable  
5 property within the district, as the term "value of taxable property"  
6 is defined in RCW 39.36.015, when authorized by the voters of the  
7 public facilities district pursuant to Article VIII, section 6 of the  
8 state Constitution, and to provide for the retirement thereof by excess  
9 property tax levies as provided in this chapter.

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

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

16 (4) The excise tax imposed pursuant to RCW 36.100.040 shall  
17 terminate upon final payment of all bonded indebtedness for its public  
18 facilities, except that the excise tax may be reauthorized by a public  
19 vote, in the same manner as originally authorized, for funding of  
20 additional public facilities or a regional center.

21 **Sec. 16.** RCW 36.100.030 and 1995 1st sp.s. c 14 s 3 are each  
22 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  
26 facilities, or ~~((any combination of such facilities))~~ regional centers  
27 as defined in section 2 of this act, together with contiguous parking  
28 facilities. The taxes that are provided for in this chapter may only  
29 be imposed for these purposes.

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

35 (3) Notwithstanding the establishment of a career, civil, or merit  
36 service system, a public facility [facilities] district may contract  
37 with a public or private entity for the operation or management of its  
38 public 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 NEW SECTION. **Sec. 17.** A new section is added to chapter 36.100  
9 RCW to read as follows:

10 A public facility district may levy and fix a tax of not more than  
11 one cent on twenty cents or fraction thereof to be paid by the person  
12 who pays an admission charge to a regional center, as defined in  
13 section 2 of this act. This includes a tax on persons who are admitted  
14 free of charge or at reduced rates if other persons pay a charge or a  
15 regular higher charge for the same privileges or accommodations.

16 The term "admission charge" includes:

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

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

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

22 (4) A charge made for rental or use of equipment or facilities for  
23 purposes of recreation or amusement; if the rental of the equipment or  
24 facilities is necessary to the enjoyment of a privilege for which a  
25 general admission is charged, the combined charges shall be considered  
26 as the admission charge;

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

29 NEW SECTION. **Sec. 18.** A new section is added to chapter 36.100  
30 RCW to read as follows:

31 A public facility district may levy and fix a tax on any vehicle  
32 parking charges imposed at any parking facility that is owned or leased  
33 by the public facility district as part of a regional center, as  
34 defined in section 2 of this act. No county or city or town within  
35 which the regional center is located may impose a tax of the same or  
36 similar kind on any vehicle parking charges at the facility. For the  
37 purposes of this section, "vehicle parking charges" means only the

1 actual parking charges exclusive of taxes and service charges and the  
2 value of any other benefit conferred. The tax authorized under this  
3 section shall be at the rate of not more than ten percent.

4 **Sec. 19.** RCW 35.21.280 and 1995 3rd sp.s. c 1 s 202 are each  
5 amended to read as follows:

6 Every city and town may levy and fix a tax of not more than one  
7 cent on twenty cents or fraction thereof to be paid by the person who  
8 pays an admission charge to any place: PROVIDED, No city or town shall  
9 impose such tax on persons paying an admission to any activity of any  
10 elementary or secondary school or any public facility of a public  
11 facility district under chapter 35.-- RCW (sections 1 through 11 of  
12 this act) or chapter 36.100 RCW for which a tax is imposed under  
13 section 10 or 17 of this act. This includes a tax on persons who are  
14 admitted free of charge or at reduced rates to any place for which  
15 other persons pay a charge or a regular higher charge for the same  
16 privileges or accommodations. A city that is located in a county with  
17 a population of one million or more may not levy a tax on events in  
18 stadia constructed on or after January 1, 1995, that are owned by a  
19 public facilities district under chapter 36.100 RCW and that have  
20 seating capacities over forty thousand. The city or town may require  
21 anyone who receives payment for an admission charge to collect and  
22 remit the tax to the city or town.

23 The term "admission charge" includes:

- 24 (1) A charge made for season tickets or subscriptions;  
25 (2) A cover charge, or a charge made for use of seats and tables  
26 reserved or otherwise, and other similar accommodations;  
27 (3) A charge made for food and refreshment in any place where free  
28 entertainment, recreation or amusement is provided;  
29 (4) A charge made for rental or use of equipment or facilities for  
30 purposes of recreation or amusement; if the rental of the equipment or  
31 facilities is necessary to the enjoyment of a privilege for which a  
32 general admission is charged, the combined charges shall be considered  
33 as the admission charge;  
34 (5) Automobile parking charges if the amount of the charge is  
35 determined according to the number of passengers in the automobile.

36 **Sec. 20.** RCW 36.38.010 and 1997 c 220 s 301 (Referendum Bill No.  
37 48) are each amended to read as follows:

1 (1) Any county may by ordinance enacted by its county legislative  
2 authority, levy and fix a tax of not more than one cent on twenty cents  
3 or fraction thereof to be paid for county purposes by persons who pay  
4 an admission charge to any place, including a tax on persons who are  
5 admitted free of charge or at reduced rates to any place for which  
6 other persons pay a charge or a regular higher charge for the same or  
7 similar privileges or accommodations; and require that one who receives  
8 any admission charge to any place shall collect and remit the tax to  
9 the county treasurer of the county: PROVIDED, No county shall impose  
10 such tax on persons paying an admission to any activity of any  
11 elementary or secondary school or any public facility of a public  
12 facility district under chapter 35.-- RCW (sections 1 through 11 of  
13 this act) or chapter 36.100 RCW for which a tax is imposed under  
14 section 10 or 17 of this act.

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

27 (3) Subject to subsections (4) and (5) of this section, the tax  
28 herein authorized shall not be exclusive and shall not prevent any city  
29 or town within the taxing county, when authorized by law, from imposing  
30 within its corporate limits a tax of the same or similar kind:  
31 PROVIDED, That whenever the same or similar kind of tax is imposed by  
32 any such city or town, no such tax shall be levied within the corporate  
33 limits of such city or town by the county.

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

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

9 (b) Not more than one cent on twenty cents or fraction thereof, to  
10 be used for the purpose of paying the principal and interest payments  
11 on bonds issued by a county to construct a baseball stadium as defined  
12 in RCW 82.14.0485. The tax imposed under this subsection (4)(b) shall  
13 expire when the bonds issued for the construction of the baseball  
14 stadium are retired, but not later than twenty years after the tax is  
15 first collected.

16 (5) Notwithstanding subsection (3) of this section, the legislative  
17 authority of a county that has created a public stadium authority to  
18 develop a stadium and exhibition center under RCW 36.102.050 may levy  
19 and fix a tax on charges for admission to events in a stadium and  
20 exhibition center, as defined in RCW 36.102.010, constructed in the  
21 county on or after January 1, 1998, that is owned by a public stadium  
22 authority under chapter 36.102 RCW. The tax shall be exclusive and  
23 shall preclude the city or town within which the stadium and exhibition  
24 center is located from imposing a tax of the same or similar kind on  
25 charges for admission to events in the stadium and exhibition center,  
26 and shall preclude the imposition of a general county admissions tax on  
27 charges for admission to events in the stadium and exhibition center.  
28 For the purposes of this subsection, "charges for admission to events"  
29 means only the actual admission charge, exclusive of taxes and service  
30 charges and the value of any other benefit conferred by the admission.  
31 The tax authorized under this subsection shall be at the rate of not  
32 more than one cent on ten cents or fraction thereof. Revenues  
33 collected under this subsection shall be deposited in the stadium and  
34 exhibition center account under RCW 43.99N.060 until the bonds issued  
35 under RCW 43.99N.020 for the construction of the stadium and exhibition  
36 center are retired. After the bonds issued for the construction of the  
37 stadium and exhibition center are retired, the tax authorized under  
38 this section shall be used exclusively to fund repair, reequipping, and  
39 capital improvement of the stadium and exhibition center. The tax

1 under this subsection may be levied upon the first use of any part of  
2 the stadium and exhibition center but shall not be collected at any  
3 facility already in operation as of July 17, 1997.

4 **Sec. 21.** RCW 82.29A.130 and 1997 c 220 s 202 (Referendum Bill No.  
5 48) are each amended to read as follows:

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

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

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

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

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

29 (5) All leasehold interests in any property of any public entity  
30 used as a residence by an employee of that public entity who is  
31 required as a condition of employment to live in the publicly owned  
32 property.

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

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

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

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

24 (10) All leasehold interests under month-to-month leases in  
25 residential units rented for residential purposes of the lessee pending  
26 destruction or removal for the purpose of constructing a public highway  
27 or building.

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

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

36 (13) All leasehold interests used to provide organized and  
37 supervised recreational activities for disabled persons of all ages in  
38 a camp facility and for public recreational purposes by a nonprofit  
39 organization, association, or corporation that would be exempt from



1 property tax under RCW 84.36.030(1) if it owned the property. If the  
2 publicly owned property is used for any taxable purpose, the leasehold  
3 excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be  
4 imposed and shall be apportioned accordingly.

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

22 (15) All leasehold interests in the public or entertainment areas  
23 of a stadium and exhibition center, as defined in RCW 36.102.010, that  
24 is constructed on or after January 1, 1998. For the purposes of this  
25 subsection, "public or entertainment areas" has the same meaning as in  
26 subsection (14) of this section, and includes exhibition areas.

27 (16) All leasehold interests in public facilities districts, as  
28 provided in chapter 36.100 RCW or chapter 35.-- RCW (sections 1 through  
29 11 of this act).

30 NEW SECTION. Sec. 22. Sections 1 through 11 of this act  
31 constitute a new chapter in Title 35 RCW.

32 NEW SECTION. Sec. 23. If any provision of this act or its  
33 application to any person or circumstance is held invalid, the  
34 remainder of the act or the application of the provision to other  
35 persons or circumstances is not affected."

1 **2SSB 5452** - H COMM AMD  
2 By Committee on Economic Development, Housing & Trade

3  
4 On page 1, line 2 of the title, after "centers;" strike the  
5 remainder of the title and insert "amending RCW 82.14.048, 82.14.050,  
6 36.100.060, 36.100.030, 35.21.280, 36.38.010, and 82.29A.130; adding a  
7 new section to chapter 82.14 RCW; adding new sections to chapter 36.100  
8 RCW; and adding a new chapter to Title 35 RCW."

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