

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2388

60th Legislature
2007 Regular Session

Passed by the House April 20, 2007
Yeas 85 Nays 13

Speaker of the House of Representatives

Passed by the Senate April 20, 2007
Yeas 42 Nays 4

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2388** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2388

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Representatives Alexander, P. Sullivan and Hunter

Read first time . Referred to .

1 AN ACT Relating to financing regional centers with seating
2 capacities less than ten thousand that are acquired, constructed,
3 financed, or owned by a public facilities district; amending RCW
4 35.57.010 and 82.14.390; and adding a new section to chapter 82.14 RCW.

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

6 **Sec. 1.** RCW 35.57.010 and 2002 c 363 s 1 are each amended to read
7 as follows:

8 (1)(a) The legislative authority of any town or city located in a
9 county with a population of less than one million may create a public
10 facilities district.

11 (b) The legislative authorities of any contiguous group of towns or
12 cities located in a county or counties each with a population of less
13 than one million may enter an agreement under chapter 39.34 RCW for the
14 creation and joint operation of a public facilities district.

15 (c) The legislative authority of any town or city, or any
16 contiguous group of towns or cities, located in a county with a
17 population of less than one million and the legislative authority of a
18 contiguous county, or the legislative authority of the county or

1 counties in which the towns or cities are located, may enter into an
2 agreement under chapter 39.34 RCW for the creation and joint operation
3 of a public facilities district.

4 (d) The legislative authority of a city located in a county with a
5 population greater than one million may create a public facilities
6 district, when the city has a total population of less than one hundred
7 fifteen thousand but greater than eighty thousand and commences
8 construction of a regional center prior to July 1, 2008.

9 (2)(a) A public facilities district shall be coextensive with the
10 boundaries of the city or town or contiguous group of cities or towns
11 that created the district.

12 (b) A public facilities district created by an agreement between a
13 town or city, or a contiguous group of towns or cities, and a
14 contiguous county or the county in which they are located, shall be
15 coextensive with the boundaries of the towns or cities, and the
16 boundaries of the county or counties as to the unincorporated areas of
17 the county or counties. The boundaries shall not include incorporated
18 towns or cities that are not parties to the agreement for the creation
19 and joint operation of the district.

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

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

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

16 (c) A public facilities district created by a town or city, or a
17 contiguous group of towns or cities, and a contiguous county or the
18 county or counties in which they are located, shall be governed by a
19 board of directors consisting of seven members selected as follows:

20 (i) Three members appointed by the legislative authorities of the
21 cities, towns, and county; and (ii) four members appointed by the
22 legislative authority based on recommendations from local
23 organizations. The members appointed under (c)(i) of this subsection
24 shall not be members of the legislative authorities of the cities,
25 towns, or county. The members appointed under (c)(ii) of this
26 subsection shall be based on recommendations received from local
27 organizations that include, but are not limited to, the local chamber
28 of commerce, the local economic development council, the local labor
29 council, and a neighborhood organization that is directly affected by
30 the location of the regional center in their area. The members of the
31 board of directors shall be appointed in accordance with the terms of
32 the agreement under chapter 39.34 RCW for the joint operation of the
33 district and shall serve four-year terms. Of the initial members, one
34 must be appointed for a one-year term, one must be appointed for a
35 two-year term, one must be appointed for a three-year term, and the
36 remainder must be appointed for four-year terms.

37 (4) A public facilities district is a municipal corporation, an

1 independent taxing "authority" within the meaning of Article VII,
2 section 1 of the state Constitution, and a "taxing district" within the
3 meaning of Article VII, section 2 of the state Constitution.

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

10 (6) A public facilities district may acquire and transfer real and
11 personal property by lease, sublease, purchase, or sale. No direct or
12 collateral attack on any public facilities district purported to be
13 authorized or created in conformance with this chapter may be commenced
14 more than thirty days after creation by the city and/or county
15 legislative authority.

16 **Sec. 2.** RCW 82.14.390 and 2006 c 298 s 1 are each amended to read
17 as follows:

18 (1) Except as provided in subsection (6) of this section, the
19 governing body of a public facilities district (a) created before July
20 31, 2002, under chapter 35.57 or 36.100 RCW that commences construction
21 of a new regional center, or improvement or rehabilitation of an
22 existing new regional center, before January 1, 2004(~~(, 2004)~~); (b)
23 created before July 1, 2006, under chapter 35.57 RCW in a county or
24 counties in which there are no other public facilities districts on
25 June 7, 2006, and in which the total population in the public
26 facilities district is greater than ninety thousand that commences
27 construction of a new regional center before February 1, 2007; (c)
28 created under the authority of RCW 35.57.010(1)(d); or (d) created
29 before September 1, 2007, under chapter 35.57 or 36.100 RCW, in a
30 county or counties in which there are no other public facilities
31 districts on the effective date of this act, and in which the total
32 population in the public facilities district is greater than seventy
33 thousand, that commences construction of a new regional center before
34 January 1, 2009, may impose a sales and use tax in accordance with the
35 terms of this chapter. The tax is in addition to other taxes
36 authorized by law and shall be collected from those persons who are
37 taxable by the state under chapters 82.08 and 82.12 RCW upon the

1 occurrence of any taxable event within the public facilities district.
2 The rate of tax shall not exceed 0.033 percent of the selling price in
3 the case of a sales tax or value of the article used in the case of a
4 use tax.

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

11 (3) No tax may be collected under this section before August 1,
12 2000. The tax imposed in this section shall expire when the bonds
13 issued for the construction of the regional center and related parking
14 facilities are retired, but not more than twenty-five years after the
15 tax is first collected.

16 (4) Moneys collected under this section shall only be used for the
17 purposes set forth in RCW 35.57.020 and must be matched with an amount
18 from other public or private sources equal to thirty-three percent of
19 the amount collected under this section, provided that amounts
20 generated from nonvoter approved taxes authorized under chapter 35.57
21 RCW or nonvoter approved taxes authorized under chapter 36.100 RCW
22 shall not constitute a public or private source. For the purpose of
23 this section, public or private sources includes, but is not limited to
24 cash or in-kind contributions used in all phases of the development or
25 improvement of the regional center, land that is donated and used for
26 the siting of the regional center, cash or in-kind contributions from
27 public or private foundations, or amounts attributed to private sector
28 partners as part of a public and private partnership agreement
29 negotiated by the public facilities district.

30 (5) The combined total tax levied under this section shall not be
31 greater than 0.033 percent. If both a public facilities district
32 created under chapter 35.57 RCW and a public facilities district
33 created under chapter 36.100 RCW impose a tax under this section, the
34 tax imposed by a public facilities district created under chapter 35.57
35 RCW shall be credited against the tax imposed by a public facilities
36 district created under chapter 36.100 RCW.

37 (6) A public facilities district created under chapter 36.100 RCW

1 is not eligible to impose the tax under this section if the legislative
2 authority of the county where the public facilities district is located
3 has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

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

6 (1) In a county with a population under three hundred thousand, the
7 governing body of a public facilities district, which is created before
8 August 1, 2001, under chapter 35.57 RCW or before January 1, 2000,
9 under chapter 36.100 RCW, in which the total population in the public
10 facilities district is greater than ninety thousand and less than one
11 hundred thousand that commences improvement or rehabilitation of an
12 existing regional center, to be used for community events, and
13 artistic, musical, theatrical, or other cultural exhibitions,
14 presentations, or performances and having two thousand or fewer
15 permanent seats, before January 1, 2009, may impose a sales and use tax
16 in accordance with the terms of this chapter. The tax is in addition
17 to other taxes authorized by law and shall be collected from those
18 persons who are taxable by the state under chapters 82.08 and 82.12 RCW
19 upon the occurrence of any taxable event within the public facilities
20 district. The rate of tax for a public facilities district created
21 prior to August 1, 2001, under chapter 35.57 RCW, may not exceed 0.025
22 percent of the selling price in the case of a sales tax or value of the
23 article used in the case of a use tax. The rate of tax, for a public
24 facilities district created prior to January 1, 2000, under chapter
25 36.100 RCW, may not exceed 0.020 percent of the selling price in the
26 case of a sales tax or the value of the article used in the case of a
27 use tax.

28 (2) The tax imposed under subsection (1) of this section shall be
29 deducted from the amount of tax otherwise required to be collected or
30 paid over to the department under chapter 82.08 or 82.12 RCW. The
31 department shall perform the collection of such taxes on behalf of the
32 county at no cost to the public facilities district.

33 (3) The tax imposed in this section shall expire when the bonds
34 issued for the construction of the regional center and related parking
35 facilities are retired, but not more than twenty-five years after the
36 tax is first collected.

1 (4) Moneys collected under this section shall only be used for the
2 purposes set forth in RCW 35.57.020 and must be matched with an amount
3 from other public or private sources equal to thirty-three percent of
4 the amount collected under this section, provided that amounts
5 generated from nonvoter-approved taxes authorized under chapter 35.57
6 RCW may not constitute a public or private source. For the purpose of
7 this section, public or private sources include, but are not limited to
8 cash or in-kind contributions used in all phases of the development or
9 improvement of the regional center, land that is donated and used for
10 the siting of the regional center, cash or in-kind contributions from
11 public or private foundations, or amounts attributed to private sector
12 partners as part of a public and private partnership agreement
13 negotiated by the public facilities district.

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