

EHB 2299 - S COMM AMD

By Committee on Government Operations & Elections

NOT ADOPTED 04/16/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 35.57.010 and 2007 c 486 s 1 are each amended to read
4 as follows:

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

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

12 (c) The legislative authority of any town or city, or any
13 contiguous group of towns or cities, located in a county with a
14 population of less than one million and the legislative authority of a
15 contiguous county, or the legislative authority of the county or
16 counties in which the towns or cities are located, may enter into an
17 agreement under chapter 39.34 RCW for the creation and joint operation
18 of a public facilities district.

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

24 (e) At least two legislative authorities, one or more of which
25 previously created a public facilities district or districts under (b)
26 or (c) of this subsection, may create an additional public facilities
27 district notwithstanding the fact that one or more of those towns or
28 cities, with or without a county or counties, previously have created
29 one or more public facilities districts within the geographic
30 boundaries of the additional public facilities district. Those

1 existing districts may continue their full corporate existence and
2 activities notwithstanding the creation and existence of the additional
3 district within all or part of the same geographic area. Additional
4 public facilities districts formed under this subsection may be
5 comprised of a maximum of three contiguous towns or cities separately
6 or in combination with a maximum of two contiguous counties.

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

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

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

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

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

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

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

37 (d)(i) A public facilities district created under subsection (1)(e)
38 of this section may provide, in the agreement providing for its

1 creation and operation, that the district must be governed by a board
2 of directors appointed under (b) or (c) of this subsection, or by a
3 board of directors of not more than nine members who are also members
4 of the legislative authorities that created the public facilities
5 district or of the governing boards of the public facilities district
6 or districts, or both, previously created by those legislative
7 authorities.

8 (ii) A board of directors formed under this subsection must have an
9 equal number of members representing each city, town, or county
10 participating in the public facilities district. If a public
11 facilities district is created by an even number of legislative
12 authorities, the members representing or appointed by those legislative
13 authorities shall appoint an additional board member. For a board
14 formed under this subsection to approve a proposition to be sent to the
15 voters, the proposition must be approved by a majority of the members
16 representing or appointed by each legislative authority participating
17 in the public facilities district.

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

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

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

34 **Sec. 2.** RCW 35.57.020 and 2002 c 363 s 2 and 2002 c 218 s 25 are
35 each reenacted and amended to read as follows:

36 (1) A public facilities district is authorized to acquire,
37 construct, own, remodel, maintain, equip, reequip, repair, finance, and

1 operate one or more regional centers. For purposes of this chapter,
2 "regional center" means a convention, conference, or special events
3 center, recreation facility other than a ski area, or any combination
4 of facilities, and related parking facilities, serving a regional
5 population constructed, improved, or rehabilitated after July 25, 1999,
6 at a cost of at least ten million dollars, including debt service.
7 "Regional center" also includes an existing convention, conference, or
8 special events center, and related parking facilities, serving a
9 regional population, that is improved or rehabilitated after July 25,
10 1999, where the costs of improvement or rehabilitation are at least ten
11 million dollars, including debt service. A "special events center" is
12 a facility, available to the public, used for community events,
13 sporting events, trade shows, and artistic, musical, theatrical, or
14 other cultural exhibitions, presentations, or performances. A regional
15 center is conclusively presumed to serve a regional population if state
16 and local government investment in the construction, improvement, or
17 rehabilitation of the regional center is equal to or greater than ten
18 million dollars.

19 (2) A public facilities district may enter into contracts with any
20 city or town for the purpose of exercising any powers of a community
21 renewal agency under chapter 35.81 RCW.

22 (3) A public facilities district may impose charges and fees for
23 the use of its facilities, and may accept and expend or use gifts,
24 grants, and donations for the purpose of a regional center.

25 (4) A public facilities district may impose charges, fees, and
26 taxes authorized in RCW 35.57.040, and use revenues derived therefrom
27 for the purpose of paying principal and interest payments on bonds
28 issued by the public facilities district to construct a regional
29 center.

30 (5) Notwithstanding the establishment of a career, civil, or merit
31 service system, a public facilities district may contract with a public
32 or private entity for the operation or management of its public
33 facilities.

34 (6) A public facilities district is authorized to use the
35 supplemental alternative public works contracting procedures set forth
36 in chapter 39.10 RCW in connection with the design, construction,
37 reconstruction, remodel, or alteration of any regional center.

1 (7) A city or town in conjunction with any special agency,
2 authority, or other district established by a county or any other
3 governmental agency is authorized to use the supplemental alternative
4 public works contracting procedures set forth in chapter 39.10 RCW in
5 connection with the design, construction, reconstruction, remodel, or
6 alteration of any regional center funded in whole or in part by a
7 public facilities district.

8 **Sec. 3.** RCW 82.14.048 and 2008 c 86 s 103 are each amended to read
9 as follows:

10 (1) The governing board of a public facilities district under
11 chapter 36.100 or 35.57 RCW may submit an authorizing proposition to
12 the voters of the district, and if the proposition is approved by a
13 majority of persons voting, impose a sales and use tax in accordance
14 with the terms of this chapter.

15 (2) The tax authorized in this section shall be in addition to any
16 other taxes authorized by law and shall be collected from those persons
17 who are taxable by the state under chapters 82.08 and 82.12 RCW upon
18 the occurrence of any taxable event within the public facilities
19 district. The rate of tax shall not exceed two-tenths of one percent
20 of the selling price in the case of a sales tax, or value of the
21 article used, in the case of a use tax. A public facilities district
22 formed under RCW 35.57.010(1)(e) may not impose the tax authorized
23 under this subsection at a rate that exceeds two-tenths of one percent
24 minus the rate of the highest tax authorized by this subsection that is
25 imposed by any other public facilities district within its boundaries.
26 If a public facilities district formed under RCW 35.57.010(1)(e) has
27 imposed a tax under this subsection and issued or incurred obligations
28 pledging that tax, so long as those obligations are outstanding no
29 other public facilities district within its boundaries may thereafter
30 impose a tax under this subsection at a rate that would reduce the rate
31 of the tax that was pledged to the repayment of those obligations. A
32 public facilities district that imposes a tax under this subsection is
33 responsible for the payment of any costs incurred for the purpose of
34 administering the provisions of this subsection, RCW 35.57.010(1) (e)
35 and (d) and 35.57.020(1)(b), including any administrative costs
36 associated with the imposition of a tax under this subsection incurred
37 by either the department of revenue or local government, or both.

1 (3) Moneys received from any tax imposed under the authority of
2 this section shall be used for the purpose of providing funds for the
3 costs associated with the financing, design, acquisition, construction,
4 equipping, operating, maintaining, remodeling, repairing, and
5 reequipping of its public facilities."

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6 On page 1, line 2 of the title, after "districts;" strike the
7 remainder of the title and insert "amending RCW 35.57.010 and
8 82.14.048; and reenacting and amending RCW 35.57.020."

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