

HB 1499 - S AMD 788
By Senator Short

OUT OF ORDER 04/25/2019

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

3 "Sec. 1. RCW 35.57.020 and 2010 c 192 s 2 are each amended to
4 read as follows:

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

25 (b) A public facilities district created under RCW
26 35.57.010(1)(e):

27 (i) Is authorized, in addition to the authority granted under (a)
28 of this subsection, to acquire, construct, own, remodel, maintain,
29 equip, reequip, repair, finance, and operate one or more recreational
30 facilities other than a ski area;

31 (ii) If exercising its authority under (a) or (b)(i) of this
32 subsection, must obtain voter approval to fund each recreational

1 facility or regional center pursuant to RCW 82.14.048(~~(3)~~) (4)(a);
2 and

3 (iii) Possesses all of the powers with respect to recreational
4 facilities other than a ski area that all public facilities districts
5 possess with respect to regional centers under subsections (3), (4),
6 and (7) of this section.

7 (c)(i) A public facilities district created under
8 RCW 35.57.010(1)(a) by a city or town that participated in the
9 creation of an additional public facilities district under
10 RCW 35.57.010(1)(e):

11 (A) Is authorized, in addition to the authority granted under (a)
12 of this subsection, to acquire, construct, own, remodel, maintain,
13 equip, reequip, repair, finance, and operate an aquatics facility;

14 (B) If exercising its authority under (c)(i)(A) of this
15 subsection, must obtain voter approval to fund the aquatics facility
16 pursuant to section 3 of this act; and

17 (C) Except as provided in (c)(ii) of this subsection, possesses
18 all of the powers with respect to an aquatics facility that all
19 public facilities districts possess with respect to regional centers.

20 (ii) A public facilities district created under RCW
21 35.57.010(1)(a) by a city or town that participated in the creation
22 of an additional public facilities district under RCW 35.57.010(1)(e)
23 is not authorized to fund an aquatics facility with the sales and use
24 tax pursuant to RCW 82.14.048.

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

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

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

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

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

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

13 (8) Any provision required to be submitted for voter approval
14 under this section, may not be submitted for voter approval prior to
15 January 1, 2011.

16 **Sec. 2.** RCW 82.14.048 and 2012 c 4 s 6 are each amended to read
17 as follows:

18 (1) The following definitions apply throughout this section
19 unless the context clearly requires otherwise.

20 (a) "Distressed public facilities district" means a public
21 facilities district that has defaulted on bond anticipation notes or
22 bonds in excess of forty million dollars on or before April 1, 2012;
23 and

24 (b) "Anchor jurisdiction" means a city that has entered into an
25 agreement to form a public facilities district under RCW
26 35.57.010(1)(c) that constitutes a distressed public facilities
27 district under this chapter and in which the largest asset of such
28 public facilities district is located.

29 (2)(a) The governing board of a public facilities district under
30 chapter 36.100 or 35.57 RCW may submit an authorizing proposition to
31 the voters of the district, and if the proposition is approved by a
32 majority of persons voting, impose a sales and use tax in accordance
33 with the terms of this chapter.

34 (b) In addition to the tax authorized pursuant to (a) of this
35 subsection and in addition to any other authority conferred by law,
36 the legislative authority of an anchor jurisdiction may impose a
37 sales and use tax within the geographical boundaries of the anchor
38 jurisdiction in accordance with the terms of this chapter without

1 submitting an authorizing proposition to the voters of the anchor
2 jurisdiction or the distressed public facilities district.

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

33 (4)(a) Except for the purposes of an aquatics facility as
34 provided in RCW 35.57.020(1)(c), moneys received by a public
35 facilities district from any tax imposed by the public facilities
36 district under the authority of this section must be used for the
37 purpose of providing funds for the costs associated with the
38 financing, refinancing, design, acquisition, construction, equipping,
39 operating, maintaining, remodeling, repairing, and reequipping of its
40 public facilities.

1 (b) A public facilities district created under RCW
2 35.57.010(1)(a) by a city or town that participated in the creation
3 of an additional public facilities district under RCW 35.57.010(1)(e)
4 is not authorized to use moneys received from the tax in this section
5 for the purposes of an aquatics facility as provided under RCW
6 35.57.020(1)(c).

7 (c) Moneys received by an anchor jurisdiction from any tax
8 imposed by the anchor jurisdiction under the authority of this
9 section must be used for the purpose of providing funds for the costs
10 associated with the financing, refinancing, design, acquisition,
11 construction, equipping, operating, maintaining, remodeling,
12 repairing, and reequipping of the public facilities of the distressed
13 public facilities district, and for all litigation, investigation,
14 and related costs and expenses incurred by the anchor jurisdiction
15 toward resolving matters related to the defaults of the distressed
16 public facilities district. To the extent the distressed public
17 facilities district owes money to an anchor jurisdiction, the anchor
18 jurisdiction may apply money from the sales tax imposed under this
19 section to any such obligations. Any sales tax imposed by an anchor
20 jurisdiction under this section must terminate no later than thirty
21 years after it is first imposed.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.73
23 RCW to read as follows:

24 A transportation benefit district may enter into an interlocal
25 agreement pursuant to chapter 39.34 RCW with a public facilities
26 district created under RCW 35.57.010(1)(a) by a city or town that
27 participated in the creation of an additional public facilities
28 district under RCW 35.57.010(1)(e) in order to fund an aquatics
29 facility as provided under RCW 35.57.020(1)(c) with money received
30 from the sales and use tax pursuant to RCW 82.14.0455(4).

31 **Sec. 4.** RCW 82.14.0455 and 2010 c 105 s 3 are each amended to
32 read as follows:

33 (1) Subject to the provisions in RCW 36.73.065, a transportation
34 benefit district under chapter 36.73 RCW may fix and impose a sales
35 and use tax in accordance with the terms of this chapter. The tax
36 authorized in this section is in addition to any other taxes
37 authorized by law and shall be collected from those persons who are
38 taxable by the state under chapters 82.08 and 82.12 RCW upon the

1 occurrence of any taxable event within the boundaries of the
2 district. The rate of tax shall not exceed two-tenths of one percent
3 of the selling price in the case of a sales tax, or value of the
4 article used, in the case of a use tax. Except as provided in
5 subsection (2) of this section, the tax may not be imposed for a
6 period exceeding ten years. This tax, if not imposed under the
7 conditions of subsection (2) of this section, may be extended for a
8 period not exceeding ten years with an affirmative vote of the voters
9 voting at the election.

10 (2) The voter-approved sales tax initially imposed under this
11 section after July 1, 2010, may be imposed for a period exceeding ten
12 years if the moneys received under this section are dedicated for the
13 repayment of indebtedness incurred in accordance with the
14 requirements of chapter 36.73 RCW.

15 (3) Money received from the tax imposed under this section must
16 be spent in accordance with the requirements of chapter 36.73 RCW.

17 (4) (a) Money received from the tax imposed under this section
18 within the boundaries of a public facilities district located within
19 the boundaries of a transportation benefit district may be utilized
20 to acquire, construct, own, remodel, maintain, equip, reequip,
21 repair, finance, or operate an aquatics facility pursuant to an
22 interlocal agreement as authorized under chapter 39.34 RCW and
23 section 3 of this act.

24 (b) For the purposes of this subsection, "public facilities
25 district" means a public facilities district created under RCW
26 35.57.010(1) (a) by a city or town that participated in the creation
27 of an additional public facilities district under RCW
28 35.57.010(1) (e)."

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29 On page 1, line 4 of the title, after "approval;" strike the
30 remainder of the title and insert "amending RCW 35.57.020, 82.14.048,
31 and 82.14.0455; and adding a new section to chapter 36.73 RCW."

EFFECT: Specifies that the public facilities district is
authorized to acquire, construct, own, remodel, maintain, equip,
reequip, repair, finance, and operate an aquatics facility, rather

than one or more recreational facilities other than a ski area. Removes the authority of the public facilities district to impose a sales and use tax of up to 0.2 percent for the purposes of the aquatics facility. Subject to voter approval, allows a transportation benefit district and the public facilities district to enter into an interlocal agreement in order for the transportation benefit district to provide moneys received from its sales and use tax within the borders of the public facilities district located within the borders of the transportation benefit district for the purposes of the aquatics facility.

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