

CHAPTER 8

[Substitute Senate Bill No. 6074]

PUBLIC FACILITIES DISTRICTS—TAXING AUTHORITY

AN ACT Relating to the repeal of public facilities districts' authority to tax without voter approval and reappropriating funds to public facilities districts; and amending RCW 36.100.010, 36.100.020, 36.100.030, 36.100.040, and 36.100.060.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 11, chapter 1, Laws of 1988 ex. sess. and RCW 36.100.010 are each amended to read as follows:

(1) A public facilities district may be created in any county with three hundred thousand or more population that is located more than one hundred miles from any county in which the state has constructed and owns a convention center. A public facilities district shall be coextensive with the boundaries of the county.

~~(2) A public facilities district shall be created upon ((approval)) adoption of a ((proposition to create such)) resolution providing for the creation of such a district by ((a majority of the voters of the proposed district:~~

~~A proposition to create a public facilities district shall be submitted to the voters of the proposed district after)) the county legislative authority in which the proposed district is located and the city council of the largest city within such county ((have each adopted resolutions calling for such submittal. The proposition shall be placed on the ballot at the next general election held sixty or more days after the adoption of both the city and county resolutions. The resolution calling for providing submittal of the proposition to the voters may be adopted only after the county legislative authority and the city council hold a joint public hearing on the proposition. Notice of the public hearing shall be published in a newspaper of general circulation in the county in which the proposed district is located at least ten days before the public hearing.~~

~~A public facilities district shall be coextensive with the boundaries of the county)).~~

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

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has validated the creation of the public facilities district at a general or special election.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred

by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

Sec. 2. Section 12, chapter 1, Laws of 1988 ex. sess. and RCW 36-100.020 are each amended to read as follows:

A public facilities district shall be governed by a board of directors consisting of five members as follows: (1) Two members appointed by the county legislative authority to serve for four-year staggered terms; (2) two members appointed by the city council to serve for four-year staggered terms; and (3) one person to serve for a four-year term who is selected by the other directors. At least one member shall be representative of the lodging industry in the public facilities district.

One of the initial members appointed by the county legislative authority shall have a term of office of two years and the other initial member appointed by the county legislative authority shall have a term of four years. One of the initial members appointed by the city council shall have a term of two years and the other initial member appointed by the city council shall have a term of four years.

Sec. 3. Section 13, chapter 1, Laws of 1988 ex. sess. and RCW 36-100.030 are each amended to read as follows:

A public facilities district is authorized to acquire, construct, own, and operate ~~((convention, sports, entertainment, trade, and related facilities, including parking facilities:))~~ sports and entertainment facilities with contiguous parking facilities. A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations. The taxes that are provided for in this chapter ~~((only))~~ may only be imposed for such purposes.

Sec. 4. Section 14, chapter 1, Laws of 1988 ex. sess. and RCW 36-100.040 are each amended to read as follows:

~~((+))~~ A public facilities district may impose an excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than forty lodging units. The rate of the tax shall not exceed two percent and the proceeds of the tax shall only be used for the acquisition, design, and construction of ~~((convention, sports, entertainment, trade, and related facilities:))~~

~~(2) A public facilities district may impose an excise tax on the admission charge to any public assembly facility owned and operated by the district member county or city, other than an admission to any activity of any elementary or secondary school, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or~~

~~accommodations. The excise tax shall be imposed at a rate of up to fifty cents on each admission charge, or each ticket for each separate admission. This tax is in addition to all other admission and excise taxes imposed upon admissions. Anyone who receives such an admission charge shall collect and remit the tax to the public facilities district. As used in this subsection, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations, a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided, a charge made for rental or use of equipment or facilities for the purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile)) sports and entertainment facilities. This excise tax shall not be imposed until the district has approved the proposal to acquire, design, and construct the public facilities.~~

Sec. 5. Section 16, chapter 1, Laws of 1988 ex. sess and RCW 36.100-.060 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36-.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in ((RCW 36.100.030(2))) this chapter.

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

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

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for the sports and entertainment facility.

Passed the Senate May 7, 1989.

Passed the House May 7, 1989.

Approved by the Governor May 31, 1989.

Filed in Office of Secretary of State May 31, 1989.

CHAPTER 9

[Senate Bill No. 6152]

DEPARTMENT OF HEALTH

AN ACT Relating to health; amending RCW 9.02.005, 26.04.165, 26.09.020, 26.09.150, 28B.104.020, 42.48.010, 43.20.025, 43.20.050, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.360, 43.20A.660, 43.20B.110, 43.21A.170, 43.21A.445, 48.21A.090, 48.42.070, 48.44.320, 48.46.040, 68.50.280, 69.04.915, 71.12.460, 71.12.480, 71.12.485, 71.12.490, 71.12.500, 71.12.520, 71.12.530, 71.12.540, 71.12.640, 70.123.030, 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 70.37.030, 74.15.060, 74.15.080, 18.120.040, 18.122.010, 18.122.020, 18.122.030, 18.122.050, 18.122.100, 18.122.110, 18.130.020, 18.130.310, 43.24.020, 43.24.086, 19.02.040, 19.02.050, 43.24.015, 18.64.044, 18.64.245, 18.64.080, 18.64.165, 69.41.020, 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 18.64A.010, 18.64A.030, 18.64A.050, 18.64A.060, 69.41.010, 69.41.075, 69.41.220, 69.50.101, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.311, 69.50.500, 69.51.030, 69.51.040, 69.38.060, 69.43.040, 69.43.050, 69.43.090, 69.45.010, 69.45.020, 69.45.030, 69.45.070, 70.38.015, 70.38.025, 70.38.105, 70.38.111, 70.38.115, 70.38.125, 70.38.135, 70.41.090, 70.41.170, 43.17.010, 43.17.020, 42.17.2401, and 74.38.020; reenacting and amending RCW 43.20.030, 43.200.040, 42.17.310, and 74.04.005; adding a new section to chapter 15.36 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 19.32 RCW; adding a new section to chapter 28A.31 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.83B RCW; adding a new section to chapter 43.99D RCW; adding a new section to chapter 43.99E RCW; adding new sections to chapter 69.41 RCW; adding a new section to chapter 70.—RCW (ESHB 1968); adding a new section to chapter 70.05 RCW; adding a new section to chapter 70.08 RCW; adding a new section to chapter 70.12 RCW; adding a new section to chapter 70.22 RCW; adding a new section to chapter 70.24 RCW; adding a new section to chapter 70.40 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 70.54 RCW; adding a new chapter to Title 18 RCW; adding a new chapter to Title 43 RCW; adding new chapters to Title 70 RCW; creating new sections; recodifying RCW 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 43.24.015, 43.20A.140, and 43.24.072; repealing RCW 18.32.326, 18.34.040, 43.24.075, 70.38.055, 70.38.065, 70.38.145, 18.64.007, 70.38.045, 70.38.085, 70.38.035, and 74.— (section 35, chapter — (ESHB 1968), Laws of 1989); prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART I

GENERAL PROVISIONS

NEW SECTION. Sec. 101. The legislature finds and declares that it is of importance to the people of Washington state to live in a healthy environment and to expect a minimum standard of quality in health care. The legislature further finds that the social and economic vitality of the state