

- (21) Pages 67 and 68, Laws of 1866; and  
 (22) RCW sections 24.01.010, 24.04.010 through 24.04.170, 24.08.010 through 24.08.900, and 24.16.010 through 24.16.140.

Passed the Senate March 5, 1967.

Passed the House March 4, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 236.

[Senate Bill No. 505.]

### PUBLIC STADIUM FACILITIES.

AN ACT relating to public recreation, sports and culture; establishing a stadium commission; levying taxes; amending section 82.02.020, chapter 15, Laws of 1961 and RCW 82.02.020; and amending section 8, chapter 15, Laws of 1965 and RCW 67.28.900; adding new sections to chapter 67.28 RCW; repealing sections 1 through 7, chapter 15, Laws of 1965 and RCW 67.28.010 through 67.28.070.

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

Section 1. "Municipality" as used in this act means any county, city or town of the state of Washington.

Public stadium facilities—  
Definitions.

"Person" as used in this act means the federal government or any agency thereof, the state or any agency, subdivision, taxing district or municipal corporation thereof other than county, city or town, any private corporation, partnership, association, or individual.

Sec. 2. There is created a stadium commission to consist of six members to be selected as follows:

Public stadium facilities—  
Stadium commission.

The governor shall appoint a chairman and one other member of the commission.

Any class AA county, class A county, or first class county may within ninety days following the effective date of this act submit to the governor a

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facilities—  
Stadium com-  
mission.

request that the commission conduct a study and investigation as provided in section 3 of this act relative to the construction of a stadium within such county. Such request shall be supported by plans and other relevant information.

Within two weeks of the end of the ninety-day period, the governor and/or the two members of the commission appointed by him shall meet and consider any such requests, and shall accept that request which in their sole discretion appears to present the most feasible plan.

Thereupon, the board of county commissioners of the county whose request is accepted shall select two members from its body as members of the commission, and the mayor of the city having the largest population in such county shall appoint two members from such city's legislative body to the commission.

The commission shall meet at such time or times as may be designated either by the governor or by the chairman of the board, and shall serve without compensation. They shall receive, for time spent on the commission, per diem and mileage allowances in conformity with the amounts allowed for legislators under the provisions of RCW 44.04.120.

Stadium  
commission  
—Study.

Sec. 3. The commission is charged with and shall have the duty of making a complete study and investigation into the acquisition of a site for public stadium facilities, including feasibility studies in connection therewith, and shall report its findings and recommendations to the governing body of the county whose request is accepted as provided in section 2 of this act.

Employment  
of professional  
help.

Sec. 4. The commission is authorized to engage professional help including, but not limited to, (1) research and motivational study analysts, (2) cost analysis accountants, (3) professional engineers, ar-

chitects and designers, professional urban planners, and such other staff as may be necessary to carry out its duties under this act.

Sec. 5. Any municipality is authorized either individually or jointly with any other municipality, or person, or any combination thereof, to acquire by purchase, gift or grant, to lease as lessee, and to construct, install, add to, improve, replace, repair, maintain, operate and regulate the use of public stadium facilities whether located within or without such municipality, including but not limited to buildings, structures, concession and service facilities, roads, bridges, walks, ramps and other access facilities, terminal and parking facilities for private vehicles and public transportation vehicles and systems, together with all lands, properties, property rights, equipment, utilities, accessories and appurtenances necessary for such public stadium facilities, and to pay for any engineering, planning, financial, legal and professional services incident to the development and operation of such public stadium facilities.

Authority of municipalities concerning stadium facilities.

Sec. 6. Any municipality, taxing district, or municipal corporation is authorized to convey or lease any lands, properties or facilities to any other municipality for the development by such other municipality of public stadium facilities or to provide for the joint use of such lands, properties or facilities, or to participate in the financing of all or any part of the public stadium facilities on such terms as may be fixed by agreement between the respective legislative bodies without submitting the matter to the voters of such municipalities, unless the provisions of general law applicable to the incurring of municipal indebtedness shall require such submission.

Conveyance or lease—Joint use—Joint financing.

Sec. 7. The acts authorized herein are declared to be strictly for the public purposes of the municipali-

Public stadium  
facilities—  
Eminent  
domain.

ties authorized to perform same. Any municipality as defined in section 1 of this act shall have the power to acquire by condemnation and purchase any lands and property rights, both within and without its boundaries, which are necessary to carry out the purposes of this act. Such right of eminent domain shall be exercised by the legislative body of each such municipality in the manner provided by applicable general law or under chapter 8.12 RCW.

Financing—  
General obli-  
gation bonds.

Sec. 8. To carry out the purposes of this act any municipality shall have the power to issue general obligation bonds within the limitations now or hereafter prescribed by the laws of this state. Such general obligation bonds shall be authorized, executed, issued and made payable as other general obligation bonds of such municipality: *Provided*, That the governing body of such municipality may provide that such bonds mature in not to exceed forty years from the date of their issue, may provide that such bonds also be made payable from any special taxes provided for in section 11 of this act, and may provide that such bonds also be made payable from any otherwise unpledged revenue which may be derived from the ownership or operation of any properties or to establish a guaranty fund for revenue bonds issued solely for stadium facility capital purposes.

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facilities—  
Financing—  
Revenue  
bonds.

Sec. 9. To carry out the purposes of this act the legislative body of any municipality shall have the power to issue revenue bonds without submitting the matter to the voters of the municipality: *Provided*, That the legislative body shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the legislative body may obligate the municipality to pay all or part of amounts collected from the special taxes provided for in section 11 of this act, and/or to pay

such amounts of the gross revenue of all or any part of the facilities constructed, acquired, improved, added to, repaired or replaced pursuant to this act, as the legislative body shall determine: *Provided, further,* That the principal of and interest on such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue pledged to such fund.

Such revenue bonds and the interest thereon issued against such fund or funds shall constitute a claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the municipality.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this act shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest, or may be bearer bonds; shall be in such denominations as the legislative body shall deem proper; shall be payable at such time or times and at such places as shall be determined by the legislative body; shall be executed in such manner and bear interest at such rate or rates as shall be determined by the legislative body.

Such revenue bonds shall be sold in such manner as the legislative body shall deem to be for the best interests of the municipality, either at public or private sale.

The legislative body may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders of said bonds as it may deem necessary to secure and guaranty the payment of the principal thereof and the interest thereon, including but not being limited to cove-

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enue bonds.

nants to set aside adequate reserves to secure or guaranty the payment of such principal and interest, to pledge and apply thereto part or all of any lawfully authorized special taxes provided for in section 11 of this act, to maintain rates, charges or rentals sufficient with other available moneys to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bondholders, to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the legislative body may deem necessary to accomplish the most advantageous sale of such bonds. The legislative body may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The legislative body may include in the principal amount of any such revenue bond issue an amount for engineering, architectural, planning, financial, legal, and other services and charges incident to the acquisition or construction of public stadium facilities, an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any facilities to be financed from the proceeds of such issue plus six months. The legislative body may, if it deems it in the best interest of the municipality, provide in any contract for the construction or acquisition of any facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds.

If the municipality shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against

the municipality and compel the performance of any or all of such covenants.

Sec. 10. The legislative body of any municipality owning or operating public stadium facilities acquired or developed pursuant to this act shall have power to lease to any municipality or person, or to contract for the use or operation by any municipality or person, of all or any part of the stadium facilities authorized by this act, including but not limited to parking facilities, concession facilities of all kinds and any property or property rights appurtenant to such stadium facilities, for such period and under such terms and conditions and upon such rentals, fees and charges as such legislative body may determine, and may pledge all or any portion of such rentals, fees and charges and all other revenue derived from the ownership and/or operation of stadium facilities to pay and to secure the payment of general obligation bonds and/or revenue bonds of such municipality issued for authorized public stadium purposes.

Authority to lease or contract for use of facilities.

Sec. 11. The legislative body of any class AA county is authorized to levy and collect, a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: *Provided*, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

Sales tax to finance.

Sec. 12. Any seller, as defined in RCW 82.08.010, who is required to collect any tax under section 11 of this act for any municipality shall pay over such tax to such municipality as provided in section 13

Payment of tax collected directly to municipality.

Public stadium facilities.

and such tax shall be deducted from the amount of tax such seller would otherwise be required to collect and to pay over to the tax commission under chapter 82.08 RCW.

Adoption of rules and regulations.

Sec. 13. The legislative body of any county may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the taxes authorized by section 11 of this act. The tax commission shall perform the collection of such taxes on behalf of such county at no cost to such county.

Deposit of funds in special account—Use of funds.

Sec. 14. All taxes levied and collected under section 11 of this act shall be credited to a special fund in the treasury of the county imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operation of stadium facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this act, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county treasurer in any manner authorized by law.

Powers of this act are additional and supplemental.

Sec. 15. The powers and authority conferred upon municipalities under the provisions of this act shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of such municipalities.

RCW 82.02.020 amended.

Sec. 16. Section 82.02.020, chapter 15, Laws of 1961 and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in section 11 and section 12 of this 1967 amendatory act, the state



preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature.

Sales Tax—  
State  
preemption—  
Exception.

Sec. 17. Sections 1 through 15 of this act are each added to chapter 67.28 RCW.

Codification  
instructions.

Sec. 18. Sections 1 through 7, chapter 15, Laws of 1965 and RCW 67.28.010 through 67.28.070 are each repealed.

Repeal.

Sec. 19. If any provision of this act, or its application to any municipality, person or circumstance is held invalid, the remainder of this act or the application of the provision to other municipalities, persons or circumstances is not affected.

Severability.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 237.

[Substitute Senate Bill No. 52.]

### ADMINISTRATIVE RULES AND PROCEDURE.

AN ACT relating to state government; regulating administrative rules and regulations, and administrative practice and procedure in and before state agencies; prescribing rights, remedies and duties; providing for administrative and judicial hearings and review; amending section 1, chapter 234, Laws of 1959 and RCW 34.04.010; amending section 2, chapter 234, Laws of 1959 and RCW 34.04.020; amending section 6, chapter 234, Laws of 1959 and RCW 34.04.060; amending section 9, chapter 234, Laws of 1959 and RCW 34.04.090; amending section 13, chapter 234, Laws of 1959 and RCW 34.04.130; amending section 15, chapter 234, Laws of 1959, as amended by section 1, chapter 237, Laws of 1963, and RCW 34.04.150; amending section 17, chapter 234, Laws of 1959 and RCW 34.04.910; amending section .03.07, chapter 79, Laws of 1947, as last amended by section 1, chapter 195, Laws of 1963, and RCW 48.03.070; amending section .04.01, chapter 79, Laws of 1947, as amended by section 2,