

TWENTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 24, 2011

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Nelson, Prentice and Shin.

The Sergeant at Arms Color Guard consisting of Senate Security Staff Ken Boad and Paul Henden, presented the Colors. Senator Regala offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

May 23, 2011

SB 5919 Prime Sponsor, Senator Murray: Regarding education funding. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5919 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Brown; Conway; Fraser; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Pflug.

Passed to Committee on Rules for second reading.

May 23, 2011

ESHB 2082 Prime Sponsor, Committee on Ways & Means: Concerning the long-term disability assistance program and the essential needs and housing support program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Hatfield; Honeyford; Kastama; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

May 23, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DENISE PORTMANN, appointed April 20, 2011, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

At 9:10 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 4:41 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

May 23, 2011

HB 2111 Prime Sponsor, Representative Maxwell: Implementing selected recommendations from the 2011 report of the quality education council. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner; Baxter; Hewitt; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Supplemental Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

May 24, 2011

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1548,
ENGROSSED HOUSE BILL NO. 2003.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

May 24, 2011

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5749.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

May 24, 2011

MR. PRESIDENT:

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981 and passed the bill as amended by the Senate.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5749.

SIGNED BY THE PRESIDENT

The President signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5742,

SECOND ENGROSSED SENATE BILL NO. 5764.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1548 by House Committee on Ways & Means (originally sponsored by Representatives Hunter, Darneille and Kenney)

AN ACT Relating to implementation of long-term care worker requirements regarding background checks and training; amending RCW 18.88B.020, 18.88B.030, 18.88B.040, 18.88B.050, 74.39A.050, 74.39A.055, 74.39A.073, 74.39A.075, 74.39A.085, 74.39A.260, 74.39A.330, 74.39A.340, 74.39A.350, 74.39A.095, 18.20.125, 43.20A.710, and 43.43.837; and declaring an emergency.

EHB 2003 by Representatives Pettigrew, Hunter, Ryu and Kenney

AN ACT Relating to premium payments for children's health coverage for children in families with income greater than two hundred percent of the federal poverty level who are not eligible for the federal children's health insurance program; amending RCW 74.09.470 and 74.09.470; providing an effective date; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide and without objections, Engrossed Substitute House Bill No. 1548 and Engrossed House Bill No. 2003 were placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Eide, Senators Nelson, Prentice and Shin were excused.

MOTION

On motion of Senator Ericksen, Senators Benton and Carrell were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2119, by House Committee on Ways & Means (originally sponsored by Representatives Orwall, Hope, Eddy, Hunter, Rodne and Pedersen)

Requiring another one-time sum due by beneficiaries for reporting certain notices of default.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

TWENTY NINTH DAY, MAY 24, 2011

2011 1ST SPECIAL SESSION

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2119.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2119 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Parlette, Pflug, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Swecker, Tom, White and Zarelli

Voting nay: Senators Baumgartner, Baxter, Delvin, Ericksen, Holmquist Newbry, Honeyford, Morton, Roach and Stevens

Excused: Senators Benton, Nelson, Prentice and Shin

SUBSTITUTE HOUSE BILL NO. 2119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1131, by Representative Haigh

Regarding student achievement fund allocations.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

MOTION

On motion of Senator White, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1131.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1131 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 17; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Conway, Delvin, Eide, Ericksen, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Morton, Murray, Parlette, Regala, Rockefeller, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Baumgartner, Baxter, Becker, Carrell, Chase, Fain, Harper, Hill, Holmquist Newbry, Litzow, McAuliffe, Pflug, Pridemore, Ranker, Roach, Tom and White

Excused: Senators Benton, Nelson, Prentice, Sheldon and Shin

HOUSE BILL NO. 1131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1132, by House Committee on Ways & Means (originally sponsored by Representative Haigh)

Regarding reducing compensation for educational and academic employees.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Second Substitute House Bill No. 1132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1132.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1132 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 16; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Conway, Delvin, Eide, Ericksen, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Morton, Murray, Parlette, Pflug, Regala, Rockefeller, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Baumgartner, Baxter, Becker, Carrell, Chase, Fain, Harper, Hill, Holmquist Newbry, Litzow, McAuliffe, Pridemore, Ranker, Roach, Tom and White

Excused: Senators Benton, Nelson, Prentice, Sheldon and Shin

SECOND SUBSTITUTE HOUSE BILL NO. 1132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

May 24, 2011

SB 5181 Prime Sponsor, Senator Parlette: Creating a statutory limitation on state debts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5181 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pflug.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, and without objections, Senate Bill No. 5181 was placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

May 24, 2011

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5182,

SENATE BILL 5289,

SECOND ENGROSSED SENATE BILL NO. 5638,

SUBSTITUTE SENATE BILL NO. 5912,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5921,

SENATE BILL NO. 5941,

SENATE BILL NO. 5956,

SENATE JOINT RESOLUTION NO. 8206.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

May 24, 2011

MR. PRESIDENT:

The Speaker has signed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1224,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1371,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1449,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1795,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1965,

ENGROSSED HOUSE BILL NO. 2123.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1224,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1371,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1449,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1795,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1965,

ENGROSSED HOUSE BILL NO. 2123.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Ericksen, Senator Carrell was excused.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5834, by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Litzow, McAuliffe, Nelson, Hill, White, Kohl-Welles, Fain and Eide).

Permitting counties to direct an existing portion of local lodging taxes to programs for arts and heritage.

The bill was read on Third Reading.

MOTION

On motion of Senator White, the rules were suspended and Engrossed Substitute Senate Bill No. 5834 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5834, by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Litzow, McAuliffe, Nelson, Hill, White, Kohl-Welles, Fain and Eide)

Permitting counties to direct an existing portion of local lodging taxes to programs for arts and heritage.

The measure was read the second time.

MOTION

Senator White moved that the following striking amendment by Senator White and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 67.28.180 and 2010 1st sp.s. c 26 s 8 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, 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 that is subject to tax under chapter 82.08 RCW.

(2) Any levy authorized by this section (~~shall be~~) is subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section (~~shall~~) must contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section up on the same taxable event.

TWENTY NINTH DAY, MAY 24, 2011

2011 1ST SPECIAL SESSION

(b)(i) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county ~~((shall be))~~ is exempt from the provisions of (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160 ~~((= PROVIDED, That))~~. However, so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: ~~((=))~~ (A) In any county with a population of one million five hundred thousand or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; ~~((=))~~ (B) in any county with a population of one million five hundred thousand or more, for repayment or refinancing of bonded indebtedness incurred prior to January 1, 1997, for any purpose authorized by this section or relating to stadium repairs or rehabilitation, including but not limited to the cost of settling legal claims, reimbursing operating funds, interest payments on short-term loans, and any other purpose for which such debt has been incurred if the county has created a public stadium authority to develop a stadium and exhibition center under RCW 36.102.030; or ~~((=))~~ (C) in other counties, for county-owned facilities for agricultural promotion until January 1, 2009, and thereafter for any purpose authorized in this chapter.

(ii) A county is exempt under this subsection with respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013. If any county located east of the crest of the Cascade mountains has levied the tax authorized by this section and has, prior to June 26, 1975, pledged the tax revenue for payment of principal and interest on city revenue or general obligation bonds, the county is exempt under this subsection with respect to revenue or general obligation bonds issued after January 1, ~~((2021))~~ 2035. Such a county may only use funds under this subsection ~~(2)(b)~~ for constructing or improving facilities authorized under this chapter, including county-owned facilities for agricultural promotion ~~((, and must perform an annual financial audit of organizations receiving funding on the use of the funds))~~.

(iii) As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) ~~((shall))~~ must be operated by a private concessionaire under a contract with the county.

(c)(i) No city within a county exempt under ~~((subsection (2)))(b)~~ of this subsection may levy the tax authorized by this section so long as said county is so exempt.

(ii) ~~((If bonds have been issued under RCW 43.99N.020 and any necessary property transfers have been made under RCW 36.102.100,))~~ No city within a county with a population of one

million five hundred thousand or more may levy the tax authorized by this section ~~((before January 1, 2021))~~.

(iii) However, in the event that any city in a county described in ~~(c)(i)~~ or (ii) of this subsection ~~(2)((=))~~ has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has ~~((levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be))~~ a population of one million five hundred thousand or more is subject to the following:

(a) Taxes collected under this section in any calendar year before 2013 in excess of five million three hundred thousand dollars ~~((shall))~~ may only be used as follows:

(i) ~~((Seventy five percent from January 1, 1992, through December 31, 2000, and))~~ Seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, the arts, and the performing arts. Moneys spent under this subsection (3)(a)(i) ~~((shall))~~ must be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

(ii) ~~((Twenty five percent from January 1, 1992, through December 31, 2000, and))~~ Thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium purposes as authorized under subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion. If all or part of the debt on the stadium is refinanced, all revenues under this subsection (3)(a)(ii) ~~((shall))~~ must be used to retire the debt.

(b) From January 1, 2013, through December 31, 2015, ~~((in a county with a population of one million or more,))~~ all revenues under this section shall be used to retire the debt on the stadium, ~~((or deposited in the stadium and exhibition center account under RCW 43.99N.060 after))~~ until the debt on the stadium is retired. On and after the date the debt on the stadium is retired, and through December 31, 2015, all revenues under this section in a county of one million five hundred thousand or more must be deposited in the special account under (e) of this subsection.

(c) From January 1, 2016, through December 31, 2020, ~~((in a county with a population of one million or more,))~~ all revenues under this section ~~((shall))~~ must be deposited in the stadium and exhibition center account under RCW 43.99N.060.

(d) ~~((At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)(d) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)(d) must be financially stable and have at least the following:~~

- ~~— (i) A legally constituted and working board of directors;~~
- ~~— (ii) A record of artistic, heritage, or cultural accomplishments;~~

~~— (iii) Been in existence and operating for at least two years;~~
~~— (iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;~~
~~— (v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and~~

~~— (vi) Evidence that there has been independent financial review of the organization.)~~ On and after January 1, 2021, the revenues under this section must be used as follows:

(i) At least thirty-seven and one-half percent of the revenues under this section must be deposited in the special account under (e) of this subsection.

(ii) At least thirty-seven and one-half percent of the revenues under this section must be used for nonprofit organizations or public housing authorities for affordable workforce housing within one-half of a mile of a transit station, as described under RCW 9.91.025 or for services for homeless youth.

(iii) The remainder must be used for capital or operating programs that promote tourism and attract tourists to the county.

(e) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection ~~((for the period January 1, 2001, through December 31, 2012, shall))~~ must be deposited in ~~((an))~~ a special account ~~((and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible)).~~ The ~~((earnings from investments of balances in the))~~ account may only be used for the purposes of (a)(i) of this subsection.

(f) School districts and schools ~~((shall))~~ may not receive revenues distributed pursuant to (a)(i) of this subsection.

(g) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion ~~((shall))~~ must be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(h) ~~((As used in))~~ For the purposes of this section ((:)):

(i) "Affordable workforce housing" means housing for a single person, family, or unrelated persons living together whose income is between thirty percent and eighty percent of the median income, adjusted for household size, for the county where the housing is located; and

(ii) "Tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a county with a population of one million or more ((shall)) must be allocated to local public organizations and nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations ((shall)) must use moneys from the taxes to promote events in all parts of the county.

(i) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(j) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(k) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired. This subsection (3)(k) does not apply in respect to

a public stadium under chapter 36.102 RCW transferred to, owned by, or constructed by a public facilities district under chapter 36.100 RCW or a stadium and exhibition center.

(1) The county ~~((shall))~~ may not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(l) does not apply to contracts in existence on April 1, 1986.

(4) If a court of competent jurisdiction declares any provision of ~~((this))~~ subsection (3) of this section invalid, then that invalid provision ~~((shall be))~~ is null and void and the remainder of this section is not affected.

Sec. 2. RCW 36.38.010 and 1999 c 165 s 20 are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, 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; and require that one who receives any admission charge to any place ~~((shall))~~ must collect and remit the tax to the county treasurer of the county ~~((:—PROVIDED,))~~. However, no county ((shall)) may impose such tax on persons paying an admission to any activity of any elementary or secondary school or any public facility of a public facility district under chapter 35.57 or 36.100 RCW for which a tax is imposed under RCW 35.57.100 or 36.100.210.

(2) As used in this chapter, 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 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))~~ must be considered as the admission charge. ~~((It shall))~~ Admission charge also includes any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) Subject to subsections (4) and (5) of this section, the tax ~~((herein))~~ authorized ~~((shall))~~ in this section is not ~~((be))~~ exclusive and ~~((shall))~~ does not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind ~~((:—PROVIDED, That))~~. However, whenever the same or similar kind of tax is imposed by any such city or town, no such tax ~~((shall))~~ may be levied within the corporate limits of such city or town by the county.

(4) Notwithstanding subsection (3) of this section, the legislative authority of a county with a population of one million or more may exclusively levy taxes on events in baseball stadiums constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rates of:

(a) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. If the revenue from the tax exceeds the amount needed for that purpose, the excess ~~((shall))~~ must be placed in a contingency fund which ~~((may only))~~ must be used ~~((to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction))~~ exclusively by

TWENTY NINTH DAY, MAY 24, 2011

2011 1ST SPECIAL SESSION

the public facilities district to fund repair, reequipping, and capital improvement of the baseball stadium; and

(b) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. The tax imposed under this subsection (4)(b) ~~((shall))~~ expires when the bonds issued for the construction of the baseball stadium are retired, but not later than twenty years after the tax is first collected.

(5) Notwithstanding subsection (3) of this section, the legislative authority of a county that has created a public stadium authority to develop a stadium and exhibition center under RCW 36.102.050 may levy and fix a tax on charges for admission to events in a stadium and exhibition center, as defined in RCW 36.102.010, constructed in the county on or after January 1, 1998, that is owned by a public stadium authority under chapter 36.102 RCW. The tax ~~((shall be))~~ is exclusive and ~~((shall))~~ precludes the city or town within which the stadium and exhibition center is located from imposing a tax of the same or similar kind on charges for admission to events in the stadium and exhibition center, and ~~((shall))~~ precludes the imposition of a general county admissions tax on charges for admission to events in the stadium and exhibition center. For the purposes of this subsection, "charges for admission to events" means only the actual admission charge, exclusive of taxes and service charges and the value of any other benefit conferred by the admission. The tax authorized under this subsection ~~((shall be))~~ is at the rate of not more than one cent on ten cents or fraction thereof. Revenues collected under this subsection ~~((shall))~~ must be deposited in the stadium and exhibition center account under RCW 43.99N.060 until the bonds issued under RCW 43.99N.020 for the construction of the stadium and exhibition center are retired. After the bonds issued for the construction of the stadium and exhibition center are retired, the tax authorized under this section ~~((shall be))~~ is used exclusively to fund repair, reequipping, and capital improvement of the stadium and exhibition center. The tax under this subsection may be levied upon the first use of any part of the stadium and exhibition center but ~~((shall))~~ may not be collected at any facility already in operation as of July 17, 1997.

Sec. 3. RCW 36.100.220 and 1999 c 165 s 18 are each amended to read as follows:

(1) A public facility district may levy and fix a tax on any vehicle parking charges imposed at any parking facility that is owned or leased by the public facility district as part of a regional center, as defined in RCW 35.57.020, or a baseball stadium, as defined in RCW 82.14.0485. No county ~~((or)),~~ city, or town within which the regional center or baseball stadium is located may impose a tax of the same or similar kind on any vehicle parking charges at the facility.

(2) For the purposes of this section, "vehicle parking charges" means only the actual parking charges exclusive of taxes and service charges and the value of any other benefit conferred.

(3) The tax authorized under this section ~~((shall))~~ must be at the rate of not more than ten percent. The tax authorized by this section must be used exclusively to fund repair, reequipping, and capital improvement of the baseball stadium, and is not subject to the requirements of RCW 36.100.010(4).

Senator White spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator White and others to Substitute Senate Bill No. 5834.

The motion by Senator White carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "arts" strike the remainder of the title and insert ", culture, heritage, tourism, and housing; and amending RCW 67.28.180, 36.38.010, and 36.100.220."

MOTION

On motion of Senator White, the rules were suspended, Engrossed Substitute Senate Bill No. 5834 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators White, King and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator White, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5834.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5834 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 8; Absent, 1; Excused, 7.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Parlette, Ranker, Regala, Rockefeller, Schoesler, Swecker, White and Zarelli

Voting nay: Senators Baumgartner, Baxter, Holmquist Newbry, Honeyford, Pflug, Pridemore, Roach and Stevens

Absent: Senator Ericksen

Excused: Senators Benton, Carrell, Nelson, Prentice, Sheldon, Shin and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5181, by Senators Parlette, Kilmer, Zarelli, Murray, Litzow, Rockefeller, Stevens, Becker, Baumgartner and Hill

Creating a statutory limitation on state debts. Revised for 1st Substitute: Concerning limitations on state debt.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5181 was substituted for Senate Bill No. 5181 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5181 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Parlette, Kilmer, Roach, Brown and Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5181.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5181 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 1; Excused, 7.

Voting yea: Senators Baumgartner, Baxter, Becker, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Parlette, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Stevens, Swecker and White

Voting nay: Senator Pflug

Absent: Senator Zarelli

Excused: Senators Benton, Carrell, Nelson, Prentice, Sheldon, Shin and Tom

SUBSTITUTE SENATE BILL NO. 5181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

MOTION

At 5:49 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, May 25, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1131		Committee Report.....	3
	Second Reading	Other Action	4
	Third Reading Final Passage	Second Reading	7
1132-S2		5181-S	
	Second Reading	Second Reading	8
	Third Reading Final Passage	Third Reading Final Passage	8
1224-S		5182-S2	
	President Signed	Speaker Signed	4
	Speaker Signed	5289	
1371-S2		Speaker Signed	4
	President Signed	5638	
	Speaker Signed	Speaker Signed	4
1449-S		5742-S	
	President Signed	President Signed	2
	Speaker Signed	5749-S	
1548-S		Messages	2
	Introduction & 1 st Reading	President Signed	2
	Messages	5764	
	Other Action	President Signed	2
1795-S2		5834-S	
	President Signed	Other Action	7
	Speaker Signed	Other Action	4
1965-S2		Second Reading	4
	President Signed	Third Reading	4
	Speaker Signed	Third Reading Final Passage	7
1981-S		5912-S	
	Messages	Speaker Signed	4
2003		5919	
	Introduction & 1 st Reading	Committee Report.....	1
	Messages	5921-S	
	Other Action	Speaker Signed	4
2082-S		5941	
	Committee Report.....	Speaker Signed	4
2111		5956	
	Committee Report.....	Speaker Signed	4
2119-S		8206	
	Second Reading	Speaker Signed	4
	Third Reading Final Passage	9173 Denise Portmann	
2123		Introduced.....	1
	President Signed	MESSAGE FROM GOVERNOR	
	Speaker Signed	Gubernatorial Appointments	1
5181			