

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 1811

Chapter 434, Laws of 2007

(partial veto)

60th Legislature
2007 Regular Session

NIGHTCLUBS--AUTOMATIC SPRINKLER SYSTEMS

EFFECTIVE DATE: 07/22/07

Passed by the House April 17, 2007
Yeas 98 Nays 0

CERTIFICATE

FRANK CHOPP

Speaker of the House of Representatives

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1811** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Passed by the Senate April 11, 2007
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

RICHARD NAFZIGER

Chief Clerk

Approved May 11, 2007, 11:04 a.m., with the exception of section 4 which is vetoed.

FILED
May 11, 2007

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1811

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Finance (originally sponsored by Representatives Pedersen, Simpson, Wood, Moeller and Quall)

READ FIRST TIME 3/5/07.

AN ACT Relating to the installation of automatic sprinkler systems in nightclubs; amending RCW 19.27.500, 19.27.510, and 84.36.660; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1 RCW 19.27.500 and 2005 c 148 s 1 are each amended to read as follows:

(1) The building code council shall adopt rules ((by December 1, 2005,)) requiring that all nightclubs be provided with an automatic sprinkler system. Rules adopted by the council shall consider applicable nationally recognized fire and building code standards and local conditions and require that the automatic sprinkler systems be installed by December 1, 2009.

((By December 15, 2005,)) (2) The council shall transmit to the fire protection policy board copies of the rules as adopted. The fire protection policy board shall respond to the council ((by February 15, 2006)) within sixty days after receipt of the rules. If changes are recommended by the fire protection policy board the council shall immediately consider those changes to the rules through its rule-making procedures. ((The rules shall be effective December 1, 2007.))

Sec.2 RCW 19.27.510 and 2005 c 148 s 2 are each amended to read as follows:

As used in this chapter:

"Nightclub" means an ~~((establishment, other than a theater with fixed seating, which is characterized by all of the following:~~

~~(1) Provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so;~~

~~(2) Has as its primary source of revenue (a) the sale of beverages of any kind for consumption on the premises, (b) cover charges, or (c) both; and~~

~~(3) Has an occupant load of one hundred or more where the occupant load for any portion~~

of the occupancy is calculated at one person per ten square feet or less, excluding the entry foyer)) A-2 occupancy use under the 2006 international building code in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

Sec. 3 RCW 84.36.660 and 2005 c 148 s 4 are each amended to read as follows:

(1) Prior to installation of an automatic sprinkler system under RCW 19.27.500 through 19.27.520, an owner or lessee of property who meets the requirements of this section may apply to the assessor of the county in which the property is located for a special property tax exemption. This application shall be made upon forms prescribed by the department of revenue and supplied by the county assessor.

(a)(i) If a lessee of the property has paid for all expenses associated with the installation and purchase of the automatic sprinkler system, then the benefit of the exemption must inure to the lessee.

(ii) A lessee, otherwise eligible to receive the benefit of the exemption under this section, is entitled to receive such benefit only to the extent that the lessee maintains a valid lease agreement with the property owner for the property in which the automatic sprinkler system was installed pursuant to RCW 19.27.500.

(b) An exemption may be granted under this section only to the property owner or lessee that pays for all expenses associated with the installation and purchase of the automatic sprinkler system. In no event may both the property owner and the lessee receive an exemption under this section in the same calendar year for the installation and purchase of the same automatic sprinkler system.

(c) After December 31, 2009, no new application for a special tax exemption under this section may be: Made by a property owner or lessee; or accepted by the county assessor.

(2) As used in this chapter, "special property tax exemption" means the determination of the assessed value of the property subtracting, for ten years, the increase in value attributable to the installation of an automatic sprinkler system under RCW 19.27.500 through 19.27.520.

(3) The county assessor shall, for ten consecutive assessment years following the calendar year in which application is made, place a special property tax exemption on property classified as eligible.

****NEW SECTION. Sec. 4 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007.***

**Sec. 4 was vetoed. See message at end of chapter.*

Passed by the House April 17, 2007.

Passed by the Senate April 11, 2007.

Approved by the Governor May 11, 2007, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 11, 2007.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 4, Second Substitute House Bill **1811** entitled:

"AN ACT Relating to the installation of automatic sprinkler systems in nightclubs."

This bill helps to promote fire safety at nightclubs, while giving nightclub owners the necessary time to install automatic fire sprinkler systems. The bill contains an unnecessary emergency clause. With the emergency clause, the bill would go into effect on July 1, without it, early August. Regardless of the effective date of the bill, my signing it into law tells nightclub owners that the two year implementation delay will be in effect. Emergency clauses should be used sparingly and only when necessary.

For these reasons, I have vetoed Section 4 of Second Substitute House Bill **1811**.

With the exception of Section 4, Second Substitute House Bill **1811** is approved."