

2 **ESSB 6049 - H AMD 819 ADOPTED 4/13/95**

3 By Representative Van Luven and others

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 67.28 RCW
8 to read as follows:

9 The legislative authority of a county with a population of one
10 million or more may by resolution or ordinance impose a sales and use
11 tax upon retail car rentals within the county that are taxable by the
12 state under chapters 82.08 and 82.12 RCW. The rate of tax shall be two
13 percent of the selling price in the case of a sales tax or rental value
14 of the vehicle in the case of a use tax. Any seller, as defined in RCW
15 82.08.010, who is required to collect any tax under this section for
16 any county shall pay over such tax to the county as provided in RCW
17 67.28.200 and such tax shall be deducted from the amount of tax such
18 seller would otherwise be required to collect and pay over to the
19 department of revenue under RCW 82.14.030 and 82.14.049. All taxes
20 levied and collected under this section shall be deposited into the
21 baseball stadium account created in section 3 of this act.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.04 RCW
23 to read as follows:

24 In computing tax there may be deducted from the measure of tax by
25 those engaged in banking, loan, security, or other financial
26 businesses, amounts derived from interest received on loans for the
27 siting, acquisition, or construction of a major league baseball stadium
28 in a county with a population of one million or more.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 67.28 RCW
30 to read as follows:

31 The baseball stadium account is created in the state treasury. The
32 account shall include revenue from the sources established by section
33 1 of this act, appropriations by the legislature, private
34 contributions, and all other sources. Expenditures from the fund may

1 be used only for the purpose of paying all or part of the cost of the
2 siting, acquisition, and construction of a major league baseball
3 stadium by a county with a population of one million or more. To be
4 eligible to receive disbursements from the fund, a county must evidence
5 intent to build a stadium through the adoption of a resolution and must
6 establish that it is obligated and committed to the project. Only the
7 director of the office of financial management or the director's
8 designee may authorize expenditures from the account. The account is
9 subject to allotment procedures under chapter 43.88 RCW, but no
10 appropriation is required for expenditures.

11 NEW SECTION. **Sec. 4.** Unless the context clearly requires
12 otherwise, the definitions in this section apply throughout this
13 chapter.

14 (1) "Applicant" means a person applying for a tax deferral under
15 this chapter.

16 (2) "Certificate holder" means an applicant to whom a tax deferral
17 certificate has been issued.

18 (3) "Department" means the department of revenue.

19 (4) "Initiation of construction" means that date upon which on-site
20 construction commences.

21 (5) "Investment project" means construction of buildings, site
22 preparation, and the acquisition of related machinery and equipment
23 when the buildings, machinery, and equipment are to be used in the
24 siting, acquisition, and construction of a major league baseball
25 stadium, including services and labor rendered and tangible personal
26 property consumed.

27 (6) "Machinery and equipment" means all fixtures, equipment, and
28 support facilities that are an integral and necessary part of a major
29 league baseball stadium.

30 (7) "Major league baseball stadium" means a site for major league
31 baseball that is located in a county with a population of one million
32 or more on which construction is commenced after the effective date of
33 this act and prior to July 1, 1999.

34 (8) "Operationally complete" means constructed or improved to the
35 point of being functionally useable for major league baseball.

36 (9) "Person" has the meaning given in RCW 82.04.030.

37 (10) "Recipient" means a person receiving a tax deferral under this
38 chapter.

1 NEW SECTION. **Sec. 5.** Application for deferral of taxes under this
2 chapter shall be made before initiation of construction of the major
3 league baseball stadium or acquisition of machinery and equipment. The
4 application shall be made to the department in a form and manner
5 prescribed by the department. The application shall contain
6 information regarding the location of the investment project, estimated
7 or actual costs, time schedules for completion and operation, and other
8 information required by the department. The department shall rule on
9 the application within sixty days.

10 NEW SECTION. **Sec. 6.** (1) The department shall issue a sales and
11 use tax deferral certificate for state and local sales and use taxes
12 due under chapters 82.08, 82.12, and 82.14 RCW on each investment
13 project. The use of the certificate shall be governed by rules
14 established by the department.

15 (2) This section shall expire July 1, 1999.

16 NEW SECTION. **Sec. 7.** (1) The recipient shall begin paying the
17 deferred taxes in the fifth year after the date certified by the
18 department as the date on which the investment project is operationally
19 complete. The first payment is due on December 31st of the fifth
20 calendar year after such certified date, with subsequent annual
21 payments due on December 31st of the following nine years with amounts
22 of payment scheduled as follows:

23	Repayment Year	% of Deferred Tax Repaid
24	1	10%
25	2	10%
26	3	10%
27	4	10%
28	5	10%
29	6	10%
30	7	10%
31	8	10%
32	9	10%
33	10	10%

34 (2) The department may authorize an accelerated repayment schedule
35 upon request of the recipient.

1 (3) Interest shall not be charged on any taxes deferred under this
2 chapter for the period of deferral, although all other penalties and
3 interest applicable to delinquent excise taxes may be assessed and
4 imposed for delinquent payments under this chapter. The debt for
5 deferred taxes is not extinguished by insolvency or other failure of
6 the recipient.

7 NEW SECTION. **Sec. 8.** Chapter 82.32 RCW applies to the
8 administration of this chapter.

9 NEW SECTION. **Sec. 9.** Applications and any other information
10 received by the department under this chapter is not confidential and
11 is subject to disclosure.

12 NEW SECTION. **Sec. 10.** Sections 4 through 9 of this act shall
13 constitute a new chapter in Title 82 RCW.

14 NEW SECTION. **Sec. 11.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and shall take
21 effect July 1, 1995."

22 **ESSB 6049** - H AMD
23 By Representative Van Luven

24

25 On page 1, line 2 of the title, after "teams;" strike the remainder
26 of the title and insert "adding new sections to chapter 67.28 RCW;
27 adding a new section to chapter 82.04 RCW; adding a new chapter to
28 Title 82 RCW; providing an effective date; and declaring an emergency."

--- END ---