

2 **SB 6085** - S AMD - 003  
3 By Senator Stranigan

4 WITHDRAWN 10/13/95

5 On page 1, after line 5, strike all material down through line 28  
6 on page 16 and insert the following:

7 "PART I  
8 STATE CONTRIBUTION

9 NEW SECTION. **Sec. 101.** A new section is added to chapter 43.79  
10 RCW to read as follows:

11 Any moneys that may be donated to the state for the purpose of  
12 constructing a baseball stadium as defined in section 104 of this act  
13 shall be deposited in the sports bond retirement account under section  
14 104 of this act.

15 NEW SECTION. **Sec. 102.** A new section is added to chapter 67.70  
16 RCW to read as follows:

17 The lottery commission shall conduct at least two but not more than  
18 four games with sports themes per year. Revenues from these games  
19 shall be deposited into the sports bond retirement account under  
20 section 104 of this act.

21 **Sec. 103.** RCW 67.70.240 and 1987 c 513 s 7 are each amended to  
22 read as follows:

23 The moneys in the state lottery account shall be used only: (1)  
24 For the payment of prizes to the holders of winning lottery tickets or  
25 shares; (2) for purposes of making deposits into the reserve account  
26 created by RCW 67.70.250 and into the lottery administrative account  
27 created by RCW 67.70.260; (3) for purposes of making deposits into the  
28 state's general fund; (4) for purposes of making deposits into the  
29 housing trust fund under the provisions of section 7 of this 1987 act;  
30 (5) for purposes of making deposits into the sports bond retirement  
31 account under section 104 of this act of revenues generated from games  
32 with sports themes under section 104 of this act; (6) for the purchase  
33 and promotion of lottery games and game-related services; and ((+6))  
34 (7) for the payment of agent compensation.

1       The office of financial management shall require the allotment of  
2 all expenses paid from the account and shall report to the ways and  
3 means committees of the senate and house of representatives any changes  
4 in the allotments.

5       NEW SECTION.   **Sec. 104.** A new section is added to chapter 43.79  
6 RCW to read as follows:

7       (1) The sports bond retirement account is created in the custody of  
8 the state treasurer. The account shall be used exclusively for the  
9 payment of the principal and interest payments on up to twenty million  
10 dollars in bonds issued by a county with a population of one million or  
11 more to construct a baseball stadium. Interest and earnings on  
12 investments of moneys in the account shall be deposited into the  
13 account.

14       (2) The sports bond retirement account shall consist of all moneys  
15 deposited into the account under sections 101 and 102 of this act and  
16 interest and earnings on investments of moneys in the account under  
17 subsection (1) of this section.

18       (3) A county with a population of one million or more that has  
19 issued bonds to construct a baseball stadium shall, on or before June  
20 30th of each year, certify to the state treasurer the amount needed in  
21 the ensuing twelve months to meet the bond retirement and interest  
22 requirements on twenty million dollars of bonds. On the date on which  
23 any such interest or principal and interest payment is due, the state  
24 treasurer shall withdraw and transmit to the county from the sports  
25 bond retirement account, an amount equal to the amount certified by the  
26 county to be due on the payment date. To the extent moneys in the  
27 account exceed the amount necessary, they shall be used for early  
28 retirement of the state's share of the bonds.

29       (4) The sports bond retirement account is abolished on the date of  
30 the retirement of the bonds issued by a county with a population of one  
31 million or more to construct a baseball stadium. Moneys remaining in  
32 the account shall be transferred to the state general fund on that  
33 date.

34       (5) As used in this section, "baseball stadium" means a baseball  
35 stadium with natural turf and a retractable roof or canopy, together  
36 with associated parking facilities, constructed in the largest city in  
37 a county with a population of one million or more.

1       **Sec. 105.** RCW 43.79A.040 and 1995 c 394 s 2 and 1995 c 365 s 1 are  
2 each reenacted and amended to read as follows:

3       (1) Money in the treasurer's trust fund may be deposited, invested  
4 and reinvested by the state treasurer in accordance with RCW 43.84.080  
5 in the same manner and to the same extent as if the money were in the  
6 state treasury.

7       (2) All income received from investment of the treasurer's trust  
8 fund shall be set aside in an account in the treasury trust fund to be  
9 known as the investment income account.

10       (3) The investment income account may be utilized for the payment  
11 of purchased banking services on behalf of treasurer's trust funds  
12 including, but not limited to, depository, safekeeping, and  
13 disbursement functions for the state treasurer or affected state  
14 agencies. The investment income account is subject in all respects to  
15 chapter 43.88 RCW, but no appropriation is required for payments to  
16 financial institutions. Payments shall occur prior to distribution of  
17 earnings set forth in subsection (4) of this section.

18       (4)(a) Monthly, the state treasurer shall distribute the earnings  
19 credited to the investment income account to the state general fund  
20 except under (b) and (c) of this subsection.

21       (b) The following accounts and funds shall receive their  
22 proportionate share of earnings based upon each account's or fund's  
23 average daily balance for the period: The agricultural local fund, the  
24 American Indian scholarship endowment fund, the energy account, the  
25 fair fund, the game farm alternative account, the grain inspection  
26 revolving fund, the rural rehabilitation account, ~~((and))~~ the self-  
27 insurance revolving fund, and the sports bond retirement account.  
28 However, the earnings to be distributed shall first be reduced by the  
29 allocation to the state treasurer's service fund pursuant to RCW  
30 43.08.190.

31       (c) The following accounts and funds shall receive eighty percent  
32 of their proportionate share of earnings based upon each account's or  
33 fund's average daily balance for the period: The advanced right of way  
34 revolving fund, the federal narcotics asset forfeitures account, the  
35 high occupancy vehicle account, and the local rail service assistance  
36 account.

37       (5) In conformance with Article II, section 37 of the state  
38 Constitution, no trust accounts or funds shall be allocated earnings  
39 without the specific affirmative directive of this section.



1 the article used in the case of a use tax. The tax imposed under this  
2 section shall not be credited against any other tax imposed upon the  
3 same taxable event.

4 (3) The revenue from the tax imposed under this section shall be  
5 transferred to the county and used for the purpose of principal and  
6 interest payments on bonds issued by ((a public facilities district,  
7 created within)) the county ((under chapter 36.100 RCW,)) to acquire,  
8 construct, own, remodel, maintain, equip, reequip, repair, and operate  
9 a baseball stadium ((with a retractable roof or canopy and natural  
10 turf. If the revenue from the tax imposed under this section exceeds  
11 the amount needed for such principal and interest payments in any year,  
12 the excess shall be used solely)). Bonds shall be issued to acquire,  
13 construct, own, and equip the baseball stadium in an amount determined  
14 to be necessary by the public facilities district but not greater than  
15 one hundred fifteen million dollars. Revenues from the tax imposed  
16 under this section in excess of the amount needed for principal and  
17 interest payments in any year may be used for ((either or both: (a))  
18 early retirement of the bonds issued for the baseball stadium; or ((b)  
19 retirement of bonds issued for expanding, remodelling, repairing, or  
20 reequipping of a multipurpose stadium that has a seating capacity over  
21 forty-five thousand)) placed in a contingency fund which may only be  
22 used to pay unanticipated capital costs on the baseball stadium.

23 (4) The tax authorized under this section may be collected only  
24 after the county executive has certified to the department of revenue  
25 that a professional major league baseball team has made a binding and  
26 legally enforceable contractual commitment to:

27 (a) Play at least ninety percent of its home games in the stadium  
28 for a period of time not shorter than the term of the bonds issued to  
29 finance the initial construction of the stadium;

30 (b) Contribute ((principal of)) at least forty-five million dollars  
31 toward the ((bonded)) reasonably necessary preconstruction costs  
32 including, but not limited to architectural, engineering,  
33 environmental, and legal services, and the cost of construction of the  
34 stadium, or to any associated public purpose separate from bond-  
35 financed property, including without limitation land acquisition,  
36 parking facilities, equipment, infrastructure or other similar costs  
37 associated with the project, which contribution shall be made during a  
38 term not to exceed the term of the bonds issued to finance the initial  
39 construction of the stadium. If all or part of the contribution is

1 made after the date of issuance of the bonds, the team shall contribute  
2 an additional amount equal to the accruing interest on the deferred  
3 portion of the contribution, calculated at the interest rate on the  
4 bonds maturing in the year in which the deferred contribution is made.  
5 No part of the contribution may be made without the consent of the  
6 county until a public facilities district is created under chapter  
7 36.100 RCW to acquire, construct, own, remodel, maintain, equip,  
8 reequip, repair, and operate a baseball stadium. To the extent  
9 possible, contributions shall be structured in a manner that would  
10 allow for the issuance of bonds to construct the stadium that are  
11 exempt from federal income taxes;

12 (c) Agree to pay as rent for the stadium at least one million  
13 dollars per year; and

14 ~~((e))~~ (d) Share a portion of the profits generated by the  
15 baseball team from the operation of the professional franchise for a  
16 period of time equal to the term of the bonds issued to finance the  
17 initial construction of the stadium, after offsetting any losses  
18 incurred by the baseball team after the effective date of chapter 14,  
19 Laws of 1995 1st sp. sess. Such profits and the portion to be shared  
20 shall be defined by agreement between the public facilities district  
21 and the baseball team. The shared profits shall be used to retire the  
22 bonds issued to finance the initial construction of the stadium. If  
23 the bonds are retired before the expiration of their term, the shared  
24 profits shall be paid to the public facilities district.

25 (5) No tax may be collected under this section before January 1,  
26 1996. Before imposing the taxes under this section or issuing bonds  
27 for a baseball stadium, the county shall create a public facilities  
28 district under chapter 36.100 RCW to acquire, construct, own, remodel,  
29 maintain, equip, reequip, repair, and operate a baseball stadium, and  
30 the county shall acquire and contribute to the district such real  
31 property as the district determines to be necessary as a site for the  
32 baseball stadium. The proceeds of any bonds issued for the baseball  
33 stadium or any other facility that the district will own shall be  
34 provided to the district.

35 (6) As used in this section, "baseball stadium" means "baseball  
36 stadium" as defined in section 104 of this act.

37 (7) The tax imposed under this section shall expire when the bonds  
38 issued for the construction of the ~~((new public facilities))~~ baseball

1 stadium are retired, but not later than twenty years after the tax is  
2 first collected.

3 **Sec. 202.** RCW 35.21.280 and 1995 1st sp.s. c 14 s 8 are each  
4 amended to read as follows:

5 Every city and town may levy and fix a tax of not more than one  
6 cent on twenty cents or fraction thereof to be paid by the person who  
7 pays an admission charge to any place: PROVIDED, No city or town shall  
8 impose such tax on persons paying an admission to any activity of any  
9 elementary or secondary school. This includes a tax on persons who are  
10 admitted free of charge or at reduced rates to any place for which  
11 other persons pay a charge or a regular higher charge for the same  
12 privileges or accommodations. A city that is located in a county with  
13 a population of one million or more may not levy a tax on events in  
14 stadia constructed on or after January 1, 1995, that are owned by  
15 (~~county government or~~) a public facilities district under chapter  
16 36.100 RCW and that have seating capacities over forty thousand. The  
17 city or town may require anyone who receives payment for an admission  
18 charge to collect and remit the tax to the city or town.

19 The term "admission charge" includes:

- 20 (1) A charge made for season tickets or subscriptions;
- 21 (2) A cover charge, or a charge made for use of seats and tables  
22 reserved or otherwise, and other similar accommodations;
- 23 (3) A charge made for food and refreshment in any place where free  
24 entertainment, recreation or amusement is provided;
- 25 (4) A charge made for rental or use of equipment or facilities for  
26 purposes of recreation or amusement; if the rental of the equipment or  
27 facilities is necessary to the enjoyment of a privilege for which a  
28 general admission is charged, the combined charges shall be considered  
29 as the admission charge;
- 30 (5) Automobile parking charges if the amount of the charge is  
31 determined according to the number of passengers in the automobile.

32 **Sec. 203.** RCW 36.38.010 and 1995 1st sp.s. c 14 s 9 are each  
33 amended to read as follows:

34 (1) Any county may by ordinance enacted by its county legislative  
35 authority, levy and fix a tax of not more than one cent on twenty cents  
36 or fraction thereof to be paid for county purposes by persons who pay  
37 an admission charge to any place, including a tax on persons who are

1 admitted free of charge or at reduced rates to any place for which  
2 other persons pay a charge or a regular higher charge for the same or  
3 similar privileges or accommodations; and require that one who receives  
4 any admission charge to any place shall collect and remit the tax to  
5 the county treasurer of the county: PROVIDED, No county shall impose  
6 such tax on persons paying an admission to any activity of any  
7 elementary or secondary school.

8 (2) As used in this chapter, the term "admission charge" includes  
9 a charge made for season tickets or subscriptions, a cover charge, or  
10 a charge made for use of seats and tables, reserved or otherwise, and  
11 other similar accommodations; a charge made for food and refreshments  
12 in any place where any free entertainment, recreation, or amusement is  
13 provided; a charge made for rental or use of equipment or facilities  
14 for purpose of recreation or amusement, and where the rental of the  
15 equipment or facilities is necessary to the enjoyment of a privilege  
16 for which a general admission is charged, the combined charges shall be  
17 considered as the admission charge. It shall also include any  
18 automobile parking charge where the amount of such charge is determined  
19 according to the number of passengers in any automobile.

20 (3) The tax herein authorized shall not be exclusive and shall not  
21 prevent any city or town within the taxing county, when authorized by  
22 law, from imposing within its corporate limits a tax of the same or  
23 similar kind: PROVIDED, That whenever the same or similar kind of tax  
24 is imposed by any such city or town, no such tax shall be levied within  
25 the corporate limits of such city or town by the county, except that  
26 the legislative authority of a county with a population of one million  
27 or more may exclusively levy a tax on events in stadiums constructed on  
28 or after January 1, 1995, that are owned by (~~county government or~~) a  
29 public facilities district under chapter 36.100 RCW and that have  
30 seating capacities over forty thousand at the rate of not more than one  
31 cent on (~~twenty~~) ten cents or fraction thereof. The revenues shall  
32 be used as provided in RCW 82.14.360(3).

33 (4) By contract, the county shall obligate itself to provide the  
34 revenue from the tax authorized by this section on events in stadia  
35 owned, managed, or operated by a public facilities district, having  
36 seating capacities over forty thousand, and constructed on or after  
37 January 1, 1995, to the public facilities district.



