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**SUBSTITUTE HOUSE BILL 1009**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** House Local Government (originally sponsored by Representatives Manweller, Hawkins, Reykdal, Jinkins, Cody, and Moeller)

AN ACT Relating to allowing rural counties providing emergency medical services to locations with a rural amphitheater to impose an additional admissions surcharge; amending RCW 36.38.010, 36.38.020, and 36.27.020; adding a new section to chapter 43.10 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that the capacity of small, rural hospitals and first responders can be overwhelmed by the influx of large numbers of people attending concerts and festivals in rural amphitheaters. The legislature intends that those who attend these events, most of whom are not from the local community, should share the burden of the local taxpayers to fund spikes in emergency service calls and medical costs that occur during these concerts and festivals. Therefore, the legislature intends to authorize counties to levy and apply an emergency medical services surcharge to the price of admission at such events so that the local medical service providers have the resources to accommodate the additional emergency medical services necessary for these events. The legislature finds that enacting this authority will benefit attendees by making sure their needs for emergency and medical care can be met, while also protecting local taxpayers from disproportionate burdens.

**Sec.**  RCW 36.38.010 and 2012 c 260 s 1 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 must collect and remit the tax to the county treasurer of the county. However, no county 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 must be considered as the admission charge. 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 authorized in this section is not exclusive and 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. However, whenever the same or similar kind of tax is imposed by any such city or town, no such tax 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 must be placed in a contingency fund which must be used exclusively by 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) 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)(a) 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.

(b) Except as provided otherwise in (c) of this subsection (5), the tax is exclusive and 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 precludes the imposition of a general county admissions tax on charges for admission to events in the stadium and exhibition center.

(c) A city within which the stadium and exhibition center is located has the exclusive right to impose an admissions tax under the authority of RCW 35.21.280 and the county is precluded from imposing an admissions tax, for a sporting event conducted during calendar year 2012 by a state college or university, if such sporting event occurs:

(i) Due to the temporary closure of any similar facility owned by that college or university; and

(ii) At a facility owned by a public stadium authority located within a city with a population that exceeds five hundred thousand people.

(d) For the purposes of this subsection (5), "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.

(e) The tax authorized under this subsection (5) is at the rate of not more than one cent on ten cents or fraction thereof.

(f) Revenues collected under this subsection (5) 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 is used exclusively to fund repair, reequipping, and capital improvement of the stadium and exhibition center.

(g) The tax under this subsection (5) may be levied upon the first use of any part of the stadium and exhibition center but may not be collected at any facility already in operation as of July 17, 1997.

(6)(a) The legislative authority of a county with a rural amphitheater may, by ordinance, levy and fix an emergency medical services surcharge of up to one dollar per person admitted to a rural amphitheater per admission, including a surcharge on persons who are admitted free of charge or at reduced rates; and require that one who receives any such surcharge must collect and remit the surcharge to the county treasurer of the county. The surcharge under this subsection (6) is in addition to any tax imposed under this section.

(b) The county legislative authority may authorize a person collecting the emergency medical services surcharge to retain an amount not to exceed five cents per dollar of surcharge as reimbursement for costs associated with collecting the surcharge.

(c) The county must deposit the surcharge collected under this subsection (6) into a separate account. Except as provided otherwise by this subsection (6)(c), the county must distribute sixty-five percent of the proceeds of the surcharge to a hospital district providing service to the rural amphitheater and the remainder must be distributed to a fire protection district providing service to the rural amphitheater. The county legislative authority may enact an ordinance changing the distribution percentages under this subsection (6)(c). The county must make distributions under this subsection (6)(c) at least once a year.

(d) For the purposes of this subsection (6), the following definitions apply:

(i) "Rural amphitheater" means an outdoor amphitheater with the capacity to accommodate more than ten thousand people at one time that is located in a rural county; and

(ii) "Rural county" means a county with fewer than one hundred fifteen thousand people as determined by the office of financial management on April 1st of each year.

**Sec.**  RCW 36.38.020 and 2009 c 549 s 4080 are each amended to read as follows:

(1) In addition to the provisions levying and fixing the amount of tax, the ordinance may contain any or all of the following provisions:

((~~(1)~~)) (a) A provision defining the words and terms used therein;

((~~(2)~~)) (b) A provision requiring the price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold to be conspicuously and indelibly printed or written on the face or back of that part of the ticket ((~~which~~)) that is to be taken up by the management of the place for which an admission charge is exacted, and making the violation of such provision a misdemeanor punishable by fine of not exceeding one hundred dollars;

((~~(3)~~)) (c) Provisions fixing reasonable exemptions from such tax;

((~~(4)~~)) (d) Provisions allowing as an offset against the tax, the amount of like taxes levied, fixed, and collected within their jurisdiction by incorporated cities and towns in the county;

((~~(5)~~)) (e) A provision requiring persons receiving payments for admissions taxed under ((~~said~~)) the ordinance to collect the amount of the tax from the persons making such payments;

((~~(6)~~)) (f) A provision to the effect that the tax imposed by ((~~said~~)) the ordinance ((~~shall be~~)) is deemed to be held in trust by the person required to collect the same until paid to the county treasurer, and making it a misdemeanor for any person receiving payment of the tax and appropriating or converting the same to his or her own use or to any use other than the payment of the tax as provided in ((~~said~~)) the ordinance to the extent that the amount of such tax is not available for payment on the due date for filing returns as provided in said ordinance;

((~~(7)~~)) (g) A provision that in case any person required by the ordinance to collect the tax imposed thereby fails to collect the same, or having collected the tax fails to pay the same to the county treasurer in the manner prescribed by the ordinance, whether ((~~such~~)) the failure is the result of ((~~such~~)) the person's own acts or the result of acts or conditions beyond such person's control, such person ((~~shall~~)) must nevertheless be personally liable to the county for the amount of the tax;

((~~(8)~~)) (h) Provisions fixing the time when the taxes imposed by the ordinance ((~~shall be~~)) are due and payable to the county treasurer; requiring persons receiving payments for admissions to make periodic returns to the county treasurer on such forms and setting forth such information as the county treasurer may specify; requiring ((~~such~~)) the return to show the amount of tax upon admissions for which ((~~such~~)) the person is liable for specified preceding periods, and requiring ((~~such~~)) the person to sign and transmit the same to the county treasurer together with a remittance for the amount;

((~~(9)~~)) (i) A provision requiring taxpayers to file with the county treasurer verified annual returns setting forth such additional information as he or she may deem necessary to determine tax liability correctly;

((~~(10)~~)) (j) A provision to the effect that whenever a certificate of registration, if required by the ordinance, is obtained for operating or conducting temporary places of amusement by persons who are not the owners, lessees, or custodians of the building, lot or place where the amusement is to be conducted, or whenever the business is permitted to be conducted without the procurement of a certificate, the tax imposed ((~~shall~~)) must be returned and paid as provided in the ordinance by ((~~such~~)) the owner, lessee, or custodian, unless paid by the person conducting the place of amusement;

((~~(11)~~)) (k) A provision requiring the applicant for a temporary certificate of registration, if required by the ordinance, to furnish with the application therefor, the name and address of the owner, lessee, or custodian of the premises upon which the amusement is to be conducted, and requiring the county treasurer to notify ((~~such~~)) the owner, lessee, or custodian of the issuance of any such temporary certificate, and of the joint liability for such tax;

((~~(12)~~)) (l) A provision empowering the county treasurer to declare the tax upon temporary or itinerant places of amusement to be immediately due and payable and to collect the same, when he or she believes there is a possibility that the tax imposed under the ordinance will not be otherwise paid;

((~~(13)~~)) (m) Any or all of the applicable general administrative provisions contained in RCW 82.32.010 through 82.32.340 and 82.32.380, and the amendments thereto, except that unless otherwise indicated by the context of ((~~said~~)) such sections, in all provisions so incorporated in ((~~such~~)) the ordinance ((~~(a)~~)) (i) the term "county treasurer" (of the county enacting ((~~said~~)) the ordinance) ((~~shall~~)) must be substituted for each reference made in ((~~said~~)) such sections to the "department," the "department of revenue," "any employee of the department," or "director of the department of revenue"; ((~~(b)~~)) (ii) the name of the county enacting ((~~such~~)) the ordinance ((~~shall~~)) must be substituted for each reference made in ((~~said~~)) such sections to the "state" or to the "state of Washington"; ((~~(c)~~)) (iii) the term "this ordinance" ((~~shall~~)) must be substituted for each reference made in ((~~said~~)) such sections to "this chapter"; ((~~(d)~~)) (iv) the name of the county enacting ((~~said~~)) the ordinance ((~~shall~~)) must be substituted for each reference made in ((~~said~~)) such sections to "Thurston county"; and ((~~(e)~~)) (v) the term "board of county commissioners" ((~~shall~~)) must be substituted for each reference made in ((~~said~~)) such sections to the "director of financial management." With respect to the emergency medical services surcharge authorized under RCW 36.38.010(6), the county legislative authority must enact an ordinance charging interest as provided in RCW 82.32.050 and penalties as provided in RCW 82.32.090 (1) and (2).

(2) For the purposes of this section, “tax” means the admission taxes authorized under RCW 36.38.010 (1) through (5) and, to the extent applicable, the emergency medical services surcharge authorized under RCW 36.38.010(6).

**Sec.**  RCW 36.27.020 and 2012 1st sp.s. c 5 s 2 are each amended to read as follows:

Except as provided otherwise in section 5 of this act, the prosecuting attorney shall:

(1) Be legal adviser of the legislative authority, giving it his or her written opinion when required by the legislative authority or the chairperson thereof touching any subject which the legislative authority may be called or required to act upon relating to the management of county affairs;

(2) Be legal adviser to all county and precinct officers and school directors in all matters relating to their official business, and when required draw up all instruments of an official nature for the use of said officers;

(3) Appear for and represent the state, county, and all school districts subject to the supervisory control and direction of the attorney general in all criminal and civil proceedings in which the state or the county or any school district in the county may be a party;

(4) Prosecute all criminal and civil actions in which the state or the county may be a party, defend all suits brought against the state or the county, and prosecute actions upon forfeited recognizances and bonds and actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or the county;

(5) Attend and appear before and give advice to the grand jury when cases are presented to it for consideration and draw all indictments when required by the grand jury;

(6) Institute and prosecute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of felonies when the prosecuting attorney has information that any such offense has been committed and the prosecuting attorney shall for that purpose attend when required by them if the prosecuting attorney is not then in attendance upon the superior court;

(7) Carefully tax all cost bills in criminal cases and take care that no useless witness fees are taxed as part of the costs and that the officers authorized to execute process tax no other or greater fees than the fees allowed by law;

(8) Receive all cost bills in criminal cases before district judges at the trial of which the prosecuting attorney was not present, before they are lodged with the legislative authority for payment, whereupon the prosecuting attorney may retax the same and the prosecuting attorney must do so if the legislative authority deems any bill exorbitant or improperly taxed;

(9) Present all violations of the election laws which may come to the prosecuting attorney's knowledge to the special consideration of the proper jury;

(10) Examine once in each year the official bonds of all county and precinct officers and report to the legislative authority any defect in the bonds of any such officer;

(11) Seek to reform and improve the administration of criminal justice and stimulate efforts to remedy inadequacies or injustice in substantive or procedural law.

NEW SECTION. **Sec.**  A new section is added to chapter 43.10 RCW to read as follows:

(1) The attorney general must appear for and represent any county imposing the emergency medical services surcharge under RCW 36.38.010(6) with respect to any action or proceeding arising from the imposition of such surcharge.

(2) The attorney general must provide the representation required under subsection (1) of this section at no cost to the county.

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