
SUBSTITUTE HOUSE BILL 1009

State of Washington

64th Legislature

2015 Regular Session

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

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

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the capacity of
8 small, rural hospitals and first responders can be overwhelmed by the
9 influx of large numbers of people attending concerts and festivals in
10 rural amphitheaters. The legislature intends that those who attend
11 these events, most of whom are not from the local community, should
12 share the burden of the local taxpayers to fund spikes in emergency
13 service calls and medical costs that occur during these concerts and
14 festivals. Therefore, the legislature intends to authorize counties
15 to levy and apply an emergency medical services surcharge to the
16 price of admission at such events so that the local medical service
17 providers have the resources to accommodate the additional emergency
18 medical services necessary for these events. The legislature finds
19 that enacting this authority will benefit attendees by making sure
20 their needs for emergency and medical care can be met, while also
21 protecting local taxpayers from disproportionate burdens.

1 **Sec. 2.** RCW 36.38.010 and 2012 c 260 s 1 are each amended to
2 read as follows:

3 (1) Any county may by ordinance enacted by its county legislative
4 authority, levy and fix a tax of not more than one cent on twenty
5 cents or fraction thereof to be paid for county purposes by persons
6 who pay an admission charge to any place, including a tax on persons
7 who are admitted free of charge or at reduced rates to any place for
8 which other persons pay a charge or a regular higher charge for the
9 same or similar privileges or accommodations; and require that one
10 who receives any admission charge to any place must collect and remit
11 the tax to the county treasurer of the county. However, no county may
12 impose such tax on persons paying an admission to any activity of any
13 elementary or secondary school or any public facility of a public
14 facility district under chapter 35.57 or 36.100 RCW for which a tax
15 is imposed under RCW 35.57.100 or 36.100.210.

16 (2) As used in this chapter, the term "admission charge" includes
17 a charge made for season tickets or subscriptions, a cover charge, or
18 a charge made for use of seats and tables, reserved or otherwise, and
19 other similar accommodations; a charge made for food and refreshments
20 in any place where any free entertainment, recreation, or amusement
21 is provided; a charge made for rental or use of equipment or
22 facilities for purpose of recreation or amusement, and where the
23 rental of the equipment or facilities is necessary to the enjoyment
24 of a privilege for which a general admission is charged, the combined
25 charges must be considered as the admission charge. Admission charge
26 also includes any automobile parking charge where the amount of such
27 charge is determined according to the number of passengers in any
28 automobile.

29 (3) Subject to subsections (4) and (5) of this section, the tax
30 authorized in this section is not exclusive and does not prevent any
31 city or town within the taxing county, when authorized by law, from
32 imposing within its corporate limits a tax of the same or similar
33 kind. However, whenever the same or similar kind of tax is imposed by
34 any such city or town, no such tax may be levied within the corporate
35 limits of such city or town by the county.

36 (4) Notwithstanding subsection (3) of this section, the
37 legislative authority of a county with a population of one million or
38 more may exclusively levy taxes on events in baseball stadiums
39 constructed on or after January 1, 1995, that are owned by a public

1 facilities district under chapter 36.100 RCW and that have seating
2 capacities over forty thousand at the rates of:

3 (a) Not more than one cent on twenty cents or fraction thereof,
4 to be used for the purpose of paying the principal and interest
5 payments on bonds issued by a county to construct a baseball stadium
6 as defined in RCW 82.14.0485. If the revenue from the tax exceeds the
7 amount needed for that purpose, the excess must be placed in a
8 contingency fund which must be used exclusively by the public
9 facilities district to fund repair, reequipping, and capital
10 improvement of the baseball stadium; and

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

18 (5)(a) Notwithstanding subsection (3) of this section, the
19 legislative authority of a county that has created a public stadium
20 authority to develop a stadium and exhibition center under RCW
21 36.102.050 may levy and fix a tax on charges for admission to events
22 in a stadium and exhibition center, as defined in RCW 36.102.010,
23 constructed in the county on or after January 1, 1998, that is owned
24 by a public stadium authority under chapter 36.102 RCW.

25 (b) Except as provided otherwise in (c) of this subsection (5),
26 the tax is exclusive and precludes the city or town within which the
27 stadium and exhibition center is located from imposing a tax of the
28 same or similar kind on charges for admission to events in the
29 stadium and exhibition center, and precludes the imposition of a
30 general county admissions tax on charges for admission to events in
31 the stadium and exhibition center.

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

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

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

4 (d) For the purposes of this subsection (5), "charges for
5 admission to events" means only the actual admission charge,
6 exclusive of taxes and service charges and the value of any other
7 benefit conferred by the admission.

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

10 (f) Revenues collected under this subsection (5) must be
11 deposited in the stadium and exhibition center account under RCW
12 43.99N.060 until the bonds issued under RCW 43.99N.020 for the
13 construction of the stadium and exhibition center are retired. After
14 the bonds issued for the construction of the stadium and exhibition
15 center are retired, the tax authorized under this section is used
16 exclusively to fund repair, reequipping, and capital improvement of
17 the stadium and exhibition center.

18 (g) The tax under this subsection (5) may be levied upon the
19 first use of any part of the stadium and exhibition center but may
20 not be collected at any facility already in operation as of July 17,
21 1997.

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

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

34 (c) The county must deposit the surcharge collected under this
35 subsection (6) into a separate account. Except as provided otherwise
36 by this subsection (6)(c), the county must distribute sixty-five
37 percent of the proceeds of the surcharge to a hospital district
38 providing service to the rural amphitheater and the remainder must be
39 distributed to a fire protection district providing service to the
40 rural amphitheater. The county legislative authority may enact an

1 ordinance changing the distribution percentages under this subsection
2 (6)(c). The county must make distributions under this subsection
3 (6)(c) at least once a year.

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

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

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

12 **Sec. 3.** RCW 36.38.020 and 2009 c 549 s 4080 are each amended to
13 read as follows:

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

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

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

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

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

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

35 ~~((6))~~ (f) A provision to the effect that the tax imposed by
36 ~~((said))~~ the ordinance ~~((shall be))~~ is deemed to be held in trust by
37 the person required to collect the same until paid to the county
38 treasurer, and making it a misdemeanor for any person receiving
39 payment of the tax and appropriating or converting the same to his or

1 her own use or to any use other than the payment of the tax as
2 provided in (~~said~~) the ordinance to the extent that the amount of
3 such tax is not available for payment on the due date for filing
4 returns as provided in said ordinance;

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

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

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

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

37 (~~(11)~~) (k) A provision requiring the applicant for a temporary
38 certificate of registration, if required by the ordinance, to furnish
39 with the application therefor, the name and address of the owner,
40 lessee, or custodian of the premises upon which the amusement is to

1 be conducted, and requiring the county treasurer to notify (~~such~~)
2 the owner, lessee, or custodian of the issuance of any such temporary
3 certificate, and of the joint liability for such tax;

4 (~~(12)~~) (1) A provision empowering the county treasurer to
5 declare the tax upon temporary or itinerant places of amusement to be
6 immediately due and payable and to collect the same, when he or she
7 believes there is a possibility that the tax imposed under the
8 ordinance will not be otherwise paid;

9 (~~(13)~~) (m) Any or all of the applicable general administrative
10 provisions contained in RCW 82.32.010 through 82.32.340 and
11 82.32.380, and the amendments thereto, except that unless otherwise
12 indicated by the context of (~~said~~) such sections, in all provisions
13 so incorporated in (~~such~~) the ordinance (~~(a)~~) (i) the term
14 "county treasurer" (of the county enacting (~~said~~) the ordinance)
15 (~~shall~~) must be substituted for each reference made in (~~said~~)
16 such sections to the "department," the "department of revenue," "any
17 employee of the department," or "director of the department of
18 revenue"; (~~(b)~~) (ii) the name of the county enacting (~~such~~) the
19 ordinance (~~shall~~) must be substituted for each reference made in
20 (~~said~~) such sections to the "state" or to the "state of
21 Washington"; (~~(c)~~) (iii) the term "this ordinance" (~~shall~~) must
22 be substituted for each reference made in (~~said~~) such sections to
23 "this chapter"; (~~(d)~~) (iv) the name of the county enacting (~~said~~)
24 the ordinance (~~shall~~) must be substituted for each reference made
25 in (~~said~~) such sections to "Thurston county"; and (~~(e)~~) (v) the
26 term "board of county commissioners" (~~shall~~) must be substituted
27 for each reference made in (~~said~~) such sections to the "director of
28 financial management." With respect to the emergency medical services
29 surcharge authorized under RCW 36.38.010(6), the county legislative
30 authority must enact an ordinance charging interest as provided in
31 RCW 82.32.050 and penalties as provided in RCW 82.32.090 (1) and (2).

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

36 **Sec. 4.** RCW 36.27.020 and 2012 1st sp.s. c 5 s 2 are each
37 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.10
11 RCW to read as follows:

12 (1) The attorney general must appear for and represent any county
13 imposing the emergency medical services surcharge under RCW
14 36.38.010(6) with respect to any action or proceeding arising from
15 the imposition of such surcharge.

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

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