
SENATE BILL 5133

State of Washington

53rd Legislature

1993 Regular Session

By Senators Talmadge, Pelz, Moore, Skratek, Owen, A. Smith, Winsley and McAuliffe

Read first time 01/14/93. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to enhancement of youth recreation opportunities;
2 amending RCW 9A.36.031; adding new sections to chapter 43.99 RCW;
3 adding new sections to chapter 43.131 RCW; adding a new chapter to
4 Title 67 RCW; prescribing penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that there are an
7 insufficient number of youth recreational facilities within our state
8 and that the lack of these facilities has discouraged the formation of
9 and participation in youth team sports. Many local governments,
10 community groups, and private citizens have expressed a willingness to
11 participate in the purchase, construction, and renovation of local
12 youth recreational facilities if funding is available.

13 The legislature recognizes that existing recreational centers could
14 better serve their communities if the centers could extend their
15 current hours of operation. The legislature also acknowledges that
16 insufficient resources are devoted to injury prevention, and to
17 comprehensive training programs for referees, umpires, and coaches.

18 The tax imposed by section 3 of this act is intended to raise
19 revenue for the following purposes: The purchase, construction, and

1 renovation of recreational facilities for youth; the extension of hours
2 for existing recreational centers; research on injury prevention and
3 sports medicine; and comprehensive training programs for referees,
4 umpires, and coaches.

5 NEW SECTION. **Sec. 2.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout this
7 chapter.

8 (1) "Sporting event" means any professional or public or
9 independent collegiate event in which the contestants, or if the
10 contestants are not human the owner of the contestants, compete
11 physically or perform physical feats, regardless of whether the outcome
12 is predetermined.

13 (2) "Youth recreational facilities" means any field, park, court,
14 structure, or building dedicated to the primary purpose of providing
15 youth with a place to engage in organized physical activities or
16 sports.

17 NEW SECTION. **Sec. 3.** (1) A tax shall be imposed on every
18 admission ticket sold to a sporting event held within this state. The
19 assessment shall be twenty-five cents per ticket if the professional
20 sports team or the college or university sells more than one hundred
21 thousand sporting event admission tickets in a calendar year. The
22 total number of tickets sold for all sporting events sponsored by the
23 team or school shall be included when determining whether the one
24 hundred thousand ticket criterion is met. The assessment shall be ten
25 cents per ticket for all other sporting event admission tickets.

26 (2) The following are exempt from the tax imposed in this section:

27 (a) Any successive sale of a previously taxed ticket to a sporting
28 event.

29 (b) Any admission ticket to a sporting event where the entire net
30 proceeds of the event are donated to charity.

31 (3) The tax provided for in this section shall not be exclusive and
32 shall not prevent any county, city, or town, when authorized by law,
33 from imposing a tax of the same or similar nature.

34 NEW SECTION. **Sec. 4.** (1) The tax imposed in section 3 of this act
35 shall be collected by the ticket retailer and remitted to the
36 department of revenue.

1 (2) The amount of tax required to be collected under this section
2 shall constitute a debt from the buyer to the retailer until paid by
3 the buyer to the retailer.

4 (3) The tax due dates, reporting periods, and return requirements
5 applicable to chapter 82.04 RCW, and the general administrative
6 provisions contained in chapter 82.32 RCW apply to the tax imposed in
7 section 3 of this act.

8 (4) Any retailer who fails or refuses to collect tax imposed in
9 section 3 of this act, with intent to violate the provisions of
10 sections 2 through 6 of this act or to gain some advantage or benefit,
11 either direct or indirect, is guilty of a misdemeanor.

12 NEW SECTION. Sec. 5. (1) Each sporting event ticket retailer
13 shall post notices stating: "Price includes a twenty-five cent
14 assessment for youth recreation."

15 (2) The assessment shall be stated separately from the selling
16 price in any sales invoice or other instrument of sale.

17 NEW SECTION. Sec. 6. (1) The department of revenue shall deposit
18 all moneys collected under section 4 of this act into the youth
19 recreation account which is hereby created in the custody of the state
20 treasurer. All earnings of investments of balances in the youth
21 recreation account shall be credited to the general fund.

22 (2) Moneys deposited in the account shall be distributed by the
23 interagency committee for outdoor recreation as provided in section 8
24 of this act. The account is subject to allotment procedures under
25 chapter 43.88 RCW, but no appropriation is required for expenditures.

26 NEW SECTION. Sec. 7. A new section is added to chapter 43.99 RCW
27 to read as follows:

28 (1) The committee shall establish and appoint a youth recreation
29 advisory committee. The advisory committee shall include the following
30 members: The director of the state parks and recreation commission, or
31 the director's designee; three representatives from professional or
32 collegiate sports teams; three representatives from youth sports teams;
33 two representatives from local governments, one each from eastern and
34 western Washington; two representatives from private nonprofit
35 entities; and the president of the Washington park and recreation
36 association, or the president's designee.

1 (2) The advisory committee shall review all applications for
2 funding of the purchase and construction of youth recreational
3 facilities from the youth recreation account, and shall make funding
4 recommendations to the director.

5 (3) Per diem and mileage for the three representatives from youth
6 sports teams shall be established pursuant to RCW 43.03.240.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.99 RCW
8 to read as follows:

9 (1) The committee shall distribute the moneys contained in the
10 youth recreation account created in section 6 of this act, through
11 grants to local governments, public agencies, park districts, schools,
12 or private nonprofit entities who act in conjunction with a local
13 government, for: (a) The purchase, construction, and renovation of
14 recreational facilities for youth; (b) the extension of hours for
15 existing recreational centers; (c) sports medicine research in the
16 field of injury prevention; and (d) comprehensive training programs for
17 referees, umpires, managers, and coaches of youth recreational
18 activities and sports.

19 (2) The committee shall adopt, by rule, standards for determining
20 the eligibility and approval of the grant applications and the
21 priorities therefor, and shall have final authority to approve or deny
22 funding for such projects. The committee also shall adopt, by rule,
23 standards for the use of the youth recreational facilities that receive
24 funds under this section to ensure that youth are given preeminence.

25 (3) The committee may use up to twelve and one-half percent or five
26 hundred thousand dollars, whichever is less, of the youth recreation
27 account funds for the purposes of: (a) Contracting with the University
28 of Washington to conduct research on injury prevention techniques in
29 youth sports and for the dissemination of the research findings and
30 recommendations to the public; and (b) the development and presentation
31 of comprehensive training programs for referees, umpires, managers, and
32 coaches involved in youth team sports.

33 (4) For the purposes of this section a "comprehensive training
34 program" means a program which includes the following subjects in its
35 curriculum: Injury prevention; safety techniques; coaching techniques;
36 sportsmanship; the psychological, emotional, and physical needs of
37 youth; and general youth program management skills.

1 (5) The committee shall give priority to purchase, construction,
2 and renovation of youth recreational facility projects that are matched
3 by nonstate resources. The nonstate resources may be in the form of
4 cash or in-kind resources. The committee shall also give priority for
5 projects located in communities with the greatest need for the youth
6 recreational facilities. The committee shall, to the extent possible,
7 ensure the geographical diversity of the projects.

8 (6) The grants to local governments shall not be used to supplant
9 any existing funds or resources dedicated to the purchase,
10 construction, or renovation of parks or other recreational facilities.

11 NEW SECTION. **Sec. 9.** Sections 1 through 9 of this act may be
12 known and cited as the youth recreation act.

13 NEW SECTION. **Sec. 10.** Any sponsor, referee, umpire, judge,
14 manager, or coach who is participating in an organized physical
15 activity or sport is immune from suit in any civil action based on his
16 or her good faith acts conducted in the performance of his or her
17 duties as a sponsor, referee, umpire, judge, manager, or coach. Except
18 for sponsors, the immunity granted in this section shall only apply to
19 persons: (1) Who perform the duties of a referee, umpire, judge,
20 manager, or coach for youth activities or sports, or to persons who
21 perform the duties on a voluntary basis or for a nominal fee; and (2)
22 who have completed a comprehensive training program as defined in
23 section 8(4) of this act.

24 **Sec. 11.** RCW 9A.36.031 and 1990 c 236 s 1 are each amended to read
25 as follows:

26 (1) A person is guilty of assault in the third degree if he or she,
27 under circumstances not amounting to assault in the first or second
28 degree:

29 (a) With intent to prevent or resist the execution of any lawful
30 process or mandate of any court officer or the lawful apprehension or
31 detention of himself or another person, assaults another; or

32 (b) Assaults a person employed as a transit operator or driver by
33 a public or private transit company while that person is operating or
34 is in control of a vehicle that is owned or operated by the transit
35 company and that is occupied by one or more passengers; or

1 (c) Assaults a school bus driver employed by a school district or
2 a private company under contract for transportation services with a
3 school district while the driver is operating or is in control of a
4 school bus that is occupied by one or more passengers; or

5 (d) With criminal negligence, causes bodily harm to another person
6 by means of a weapon or other instrument or thing likely to produce
7 bodily harm; or

8 (e) Assaults a fire fighter or other employee of a fire department
9 or fire protection district who was performing his or her official
10 duties at the time of the assault; or

11 (f) With criminal negligence, causes bodily harm accompanied by
12 substantial pain that extends for a period sufficient to cause
13 considerable suffering; or

14 (g) Assaults a law enforcement officer or other employee of a law
15 enforcement agency who was performing his or her official duties at the
16 time of the assault; or

17 (h) Assaults a referee, umpire, judge, manager, or coach of an
18 organized physical activity or sporting event, either during or
19 immediately following the activity or event.

20 (2) Assault in the third degree is a class C felony.

21 NEW SECTION. **Sec. 12.** The youth recreation act shall be
22 terminated on June 30, 1999, as provided in section 13 of this act.

23 NEW SECTION. **Sec. 13.** The following acts or parts of acts, as now
24 existing or hereafter amended, are each repealed, effective June 30,
25 2000:

26 (1) RCW 67.---.-- and 1993 c ... s 1 (section 1 of this act);

27 (2) RCW 67.---.-- and 1993 c ... s 2 (section 2 of this act);

28 (3) RCW 67.---.-- and 1993 c ... s 3 (section 3 of this act);

29 (4) RCW 67.---.-- and 1993 c ... s 4 (section 4 of this act);

30 (5) RCW 67.---.-- and 1993 c ... s 5 (section 5 of this act);

31 (6) RCW 67.---.-- and 1993 c ... s 6 (section 6 of this act);

32 (7) RCW 43.99.-- and 1993 c ... s 7 (section 7 of this act);

33 (8) RCW 43.99.-- and 1993 c ... s 8 (section 8 of this act); and

34 (9) RCW 67.---.-- and 1993 c ... s 9 (section 9 of this act).

35 NEW SECTION. **Sec. 14.** (1) Sections 1 through 6, 9, and 10 of this
36 act shall constitute a new chapter in Title 67 RCW.

1 (2) Sections 12 and 13 of this act are each added to chapter 43.131
2 RCW.

3 NEW SECTION. **Sec. 15.** This act shall take effect January 1, 1994.

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