
SENATE BILL 6164
Corrected Copy

State of Washington **52nd Legislature** **1992 Regular Session**

By Senators Talmadge, Moore, Skratek and Pelz

Read first time 01/20/92. Referred to Committee on Children & Family Services.

1 AN ACT Relating to enhancement of youth recreation opportunities;
2 amending RCW 9A.36.031; adding new sections to chapter 43.63A 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 and
9 participation in youth team sports. Many local governments, community
10 groups, and private citizens have expressed a willingness to
11 participate in the purchase, construction, and maintenance 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

1 current hours of operation. The legislature also acknowledges that
2 insufficient resources are devoted to injury prevention, and to
3 comprehensive training programs for referees, umpires, and coaches.

4 The tax imposed by section 3 of this act is intended to raise
5 revenue for the following purposes: The purchase, construction, and
6 maintenance of recreational facilities for youth; the extension of
7 hours for existing recreational centers; research on injury prevention
8 and sports medicine; and comprehensive training programs for referees,
9 umpires, and coaches.

10 NEW SECTION. **Sec. 2.** Unless the context clearly requires
11 otherwise, the definitions in this section apply throughout this
12 chapter.

13 (1) "Professional sporting event" means any event in which the
14 contestants, or if the contestants are not human the owner of the
15 contestants, are paid to compete physically or perform physical feats,
16 regardless of whether the outcome is predetermined.

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

21 NEW SECTION. **Sec. 3.** (1) An assessment in the amount of
22 twenty-five cents is imposed on every admission ticket to a
23 professional sporting event held within this state. The tax shall be
24 imposed on all admission tickets, including those sold at face value,
25 reduced prices, or provided at no charge.

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
28 professional sporting event.

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

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

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

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

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

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

20 NEW SECTION. **Sec. 5.** (1) Each professional sporting event
21 ticket retailer shall post notices stating: "Price includes a twenty-
22 five cent assessment for youth recreation."

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

25 NEW SECTION. **Sec. 6.** (1) The department of revenue shall
26 deposit all moneys collected under section 4 of this act into the youth
27 recreation account which is hereby created in the custody of the state

1 treasurer. All earnings of investments of balances in the youth
2 recreation account shall be credited to the general fund.

3 (2) Moneys deposited in the account shall be distributed by the
4 department of community development as provided in section 8 of this
5 act. Only the director of community development or the director's
6 designee may authorize expenditures from the account. The account is
7 subject to allotment procedures under chapter 43.88 RCW, but no
8 appropriation is required for expenditures.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.63A RCW
10 to read as follows:

11 (1) The director shall establish and appoint a youth recreation
12 advisory committee. The advisory committee shall include the following
13 members: The director of the state parks and recreation commission, or
14 the director's designee; three representatives from professional sports
15 teams; three representatives from youth sports teams; two
16 representatives from local governments, one each from eastern and
17 western Washington; and two representatives from private nonprofit
18 entities.

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

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

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.63A RCW
26 to read as follows:

27 (1) The department shall distribute the moneys contained in the
28 youth recreation account created in section 6 of this act, through

1 grants to local governments, public agencies, or private nonprofit
2 entities for: (a) The purchase, construction, and maintenance of
3 recreational facilities for youth; (b) the extension of hours for
4 existing recreational centers; (c) sports medicine research in the
5 field of injury prevention; and (d) comprehensive training programs for
6 referees, umpires, managers, and coaches of youth recreational
7 activities and sports.

8 (2) The director shall adopt, by rule, standards for determining
9 the eligibility and approval of the grant applications and the
10 priorities therefor, and shall have final authority to approve or deny
11 funding for such projects. The director also shall adopt, by rule,
12 standards for the use of the youth recreational facilities that receive
13 funds under this section to ensure that youth are given preeminence.

14 (3) The department may use up to five percent of the youth
15 recreation account funds to contract with the University of Washington
16 for the purposes of conducting sports medicine research in the specific
17 area of injury prevention in youth sports. The contract shall contain
18 a provision requiring the dissemination of the research findings and
19 recommendations to the public.

20 (4) The department may use up to fifteen percent of the youth
21 recreation account funds for the purposes of the development and
22 presentation of comprehensive training programs for referees, umpires,
23 managers, and coaches involved in youth team sports. The primary focus
24 of the training programs shall be on injury prevention and safety
25 techniques.

26 (5) The department shall give priority to purchase and construction
27 of youth recreational facility projects that are matched by nonstate
28 resources. The nonstate resources may be in the form of cash or in-
29 kind resources. The department shall also ensure the geographical
30 diversity of the projects.

1 (6) The grants to local governments shall not be used to supplant
2 any existing funds or resources dedicated to the purchase,
3 construction, or maintenance of parks or other recreational facilities.

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

6 NEW SECTION. **Sec. 10.** Any referee, umpire, judge, manager, or
7 coach who is participating in an organized physical activity or sport
8 is immune from suit in any civil action based on his or her good faith
9 acts conducted in the performance of his or her duties as a referee,
10 umpire, judge, manager, or coach. The immunity granted in this section
11 shall only apply to persons who perform the duties of a referee,
12 umpire, judge, manager, or coach for youth activities or sports, or to
13 persons who perform the duties on a voluntary basis or for a nominal
14 fee.

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

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

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

23 (b) Assaults a person employed as a transit operator or driver by
24 a public or private transit company while that person is operating or
25 is in control of a vehicle that is owned or operated by the transit
26 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, 1998, as provided in section 13 of this act.

23 NEW SECTION. Sec. 13. The following acts or parts of acts, as
24 now existing or hereafter amended, are each repealed, effective June
25 30, 1999:

26 (1) RCW 67.---.-- and 1992 c ... s 1 (section 1 of this act);

27 (2) RCW 67.---.-- and 1992 c ... s 2 (section 2 of this act);

28 (3) RCW 67.---.-- and 1992 c ... s 3 (section 3 of this act);

- 1 (4) RCW 67.---.-- and 1992 c ... s 4 (section 4 of this act);
2 (5) RCW 67.---.-- and 1992 c ... s 5 (section 5 of this act);
3 (6) RCW 67.---.-- and 1992 c ... s 6 (section 6 of this act);
4 (7) RCW 43.63A.-- and 1992 c ... s 7 (section 7 of this act);
5 (8) RCW 43.63A.-- and 1992 c ... s 8 (section 8 of this act); and
6 (9) RCW 67.---.-- and 1992 c ... s 9 (section 9 of this act).

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

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

11 NEW SECTION. **Sec. 15.** This act shall take effect July 1, 1992.