

1 **SHB 2821** - H AMD TO CB COMM AMD (H-4987.3/96) **232**

2 By Representative Sheldon

3 On page 7, after line 38 of the amendment, insert the
4 following:

5 "Sec. 7. RCW 82.29A.130 and 1995 3rd sp.s. c 1 s 307 are each
6 amended to read as follows:

7 The following leasehold interests shall be exempt from taxes
8 imposed pursuant to RCW 82.29A.030 and 82.29A.040:

9 (1) All leasehold interests constituting a part of the
10 operating properties of any public utility which is assessed and
11 taxed as a public utility pursuant to chapter 84.12 RCW.

12 (2) All leasehold interests in facilities owned or used by a
13 school, college or university which leasehold provides housing for
14 students and which is otherwise exempt from taxation under
15 provisions of RCW 84.36.010 and 84.36.050.

16 (3) All leasehold interests of subsidized housing where the
17 fee ownership of such property is vested in the government of the
18 United States, or the state of Washington or any political
19 subdivision thereof but only if income qualification exists for
20 such housing.

21 (4) All leasehold interests used for fair purposes of a
22 nonprofit fair association that sponsors or conducts a fair or
23 fairs which receive support from revenues collected pursuant to RCW
24 67.16.100 and allocated by the director of the department of
25 agriculture where the fee ownership of such property is vested in
26 the government of the United States, the state of Washington or any
27 of its political subdivisions: PROVIDED, That this exemption shall
28 not apply to the leasehold interest of any sublessee of such
29 nonprofit fair association if such leasehold interest would be
30 taxable if it were the primary lease.

1 (5) All leasehold interests in any property of any public
2 entity used as a residence by an employee of that public entity who
3 is required as a condition of employment to live in the publicly
4 owned property.

5 (6) All leasehold interests held by enrolled Indians of lands
6 owned or held by any Indian or Indian tribe where the fee ownership
7 of such property is vested in or held in trust by the United States
8 and which are not subleased to other than to a lessee which would
9 qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

10 (7) All leasehold interests in any real property of any Indian
11 or Indian tribe, band, or community that is held in trust by the
12 United States or is subject to a restriction against alienation
13 imposed by the United States: PROVIDED, That this exemption shall
14 apply only where it is determined that contract rent paid is
15 greater than or equal to ninety percent of fair market rental, to
16 be determined by the department of revenue using the same criteria
17 used to establish taxable rent in RCW 82.29A.020(2)(b).

18 (8) All leasehold interests for which annual taxable rent is
19 less than two hundred fifty dollars per year. For purposes of this
20 subsection leasehold interests held by the same lessee in
21 contiguous properties owned by the same lessor shall be deemed a
22 single leasehold interest.

23 (9) All leasehold interests which give use or possession of
24 the leased property for a continuous period of less than thirty
25 days: PROVIDED, That for purposes of this subsection, successive
26 leases or lease renewals giving substantially continuous use of
27 possession of the same property to the same lessee shall be deemed
28 a single leasehold interest: PROVIDED FURTHER, That no leasehold
29 interest shall be deemed to give use or possession for a period of
30 less than thirty days solely by virtue of the reservation by the
31 public lessor of the right to use the property or to allow third
32 parties to use the property on an occasional, temporary basis.

1 (10) All leasehold interests under month-to-month leases in
2 residential units rented for residential purposes of the lessee
3 pending destruction or removal for the purpose of constructing a
4 public highway or building.

5 (11) All leasehold interests in any publicly owned real or
6 personal property to the extent such leasehold interests arises
7 solely by virtue of a contract for public improvements or work
8 executed under the public works statutes of this state or of the
9 United States between the public owner of the property and a
10 contractor.

11 (12) All leasehold interests that give use or possession of
12 state adult correctional facilities for the purposes of operating
13 correctional industries under RCW 72.09.100.

14 (13) All leasehold interests used to provide organized and
15 supervised recreational activities for disabled persons of all ages
16 in a camp facility and for public recreational purposes by a
17 nonprofit organization, association, or corporation that would be
18 exempt from property tax under RCW 84.36.030(1) if it owned the
19 property. If the publicly owned property is used for any taxable
20 purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and
21 82.29A.040 shall be imposed and shall be apportioned accordingly.

22 ~~((14) All leasehold interests in the public or entertainment~~
23 ~~areas of a baseball stadium with natural turf and a retractable~~
24 ~~roof or canopy that is in a county with a population of over one~~
25 ~~million, that has a seating capacity of over forty thousand, and~~
26 ~~that is constructed on or after January 1, 1995. "Public or~~
27 ~~entertainment areas" include ticket sales areas, ramps and stairs,~~
28 ~~lobbies and concourses, parking areas, concession areas,~~
29 ~~restaurants, hospitality and stadium club areas, kitchens or other~~
30 ~~work areas primarily servicing other public or entertainment areas,~~
31 ~~public rest room areas, press and media areas, control booths,~~
32 ~~broadcast and production areas, retail sales areas, museum and~~
33 ~~exhibit areas, scoreboards or other public displays, storage areas,~~

1 ~~loading, staging, and servicing areas, seating areas and suites,~~
2 ~~the playing field, and any other areas to which the public has~~
3 ~~access or which are used for the production of the entertainment~~
4 ~~event or other public usage, and any other personal property used~~
5 ~~for these purposes. — "Public or entertainment areas" does not~~
6 ~~include locker rooms or private offices exclusively used by the~~
7 ~~lessee.))"~~

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9 Correct the title of the bill.

EFFECT: Removes the leasehold tax exemption at the new
baseball stadium.