
HOUSE BILL 1269

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Kirby, Ladenburg, Jinkins, and Darneille

Read first time 01/18/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to exempting minor league baseball stadiums from
2 the leasehold excise tax; and reenacting and amending RCW 82.29A.130.

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

4 **Sec. 1.** RCW 82.29A.130 and 2008 c 194 s 1 and 2008 c 84 s 2 are
5 each reenacted and amended to read as follows:

6 The following leasehold interests (~~shall be~~) are exempt from
7 taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

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

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

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

1 (4) All leasehold interests used for fair purposes of a nonprofit
2 fair association that sponsors or conducts a fair or fairs which
3 receive support from revenues collected pursuant to RCW 67.16.100 and
4 allocated by the director of the department of agriculture where the
5 fee ownership of such property is vested in the government of the
6 United States, the state of Washington or any of its political
7 subdivisions(~~(+ PROVIDED, That)~~). However, this exemption (~~shall~~)
8 does not apply to the leasehold interest of any sublessee of such
9 nonprofit fair association if such leasehold interest would be taxable
10 if it were the primary lease.

11 (5) All leasehold interests in any property of any public entity
12 used as a residence by an employee of that public entity who is
13 required as a condition of employment to live in the publicly owned
14 property.

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

20 (7) All leasehold interests in any real property of any Indian or
21 Indian tribe, band, or community that is held in trust by the United
22 States or is subject to a restriction against alienation imposed by the
23 United States(~~(+ PROVIDED, That)~~). However, this exemption (~~shall~~
24 ~~apply~~) applies only where it is determined that contract rent paid is
25 greater than or equal to ninety percent of fair market rental, to be
26 determined by the department of revenue using the same criteria used to
27 establish taxable rent in RCW 82.29A.020(2)(b).

28 (8) All leasehold interests for which annual taxable rent is less
29 than two hundred fifty dollars per year. For purposes of this
30 subsection leasehold interests held by the same lessee in contiguous
31 properties owned by the same lessor (~~shall be~~) are deemed a single
32 leasehold interest.

33 (9) All leasehold interests which give use or possession of the
34 leased property for a continuous period of less than thirty days(~~(+~~
35 ~~PROVIDED, That)~~). For purposes of this subsection(7):

36 (a) Successive leases or lease renewals giving substantially
37 continuous use of possession of the same property to the same lessee

1 ((~~shall be~~)) are deemed a single leasehold interest(~~(~~PROVIDED~~~~
2 ~~FURTHER, That~~)).

3 (b) No leasehold interest ((~~shall~~)) may be deemed to give use or
4 possession for a period of less than thirty days solely by virtue of
5 the reservation by the public lessor of the right to use the property
6 or to allow third parties to use the property on an occasional,
7 temporary basis.

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

12 (11) All leasehold interests in any publicly owned real or personal
13 property to the extent such leasehold interests arises solely by virtue
14 of a contract for public improvements or work executed under the public
15 works statutes of this state or of the United States between the public
16 owner of the property and a contractor.

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

20 (13) All leasehold interests used to provide organized and
21 supervised recreational activities for persons with disabilities of all
22 ages in a camp facility and for public recreational purposes by a
23 nonprofit organization, association, or corporation that would be
24 exempt from property tax under RCW 84.36.030(1) if it owned the
25 property. If the publicly owned property is used for any taxable
26 purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and
27 82.29A.040 ((~~shall~~)) must be imposed and ((~~shall~~)) must be apportioned
28 accordingly.

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

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

8 (15) All leasehold interests in the public or entertainment areas
9 of a baseball stadium owned or used by a minor league baseball team.
10 For the purposes of this subsection, "public or entertainment areas"
11 has the same meaning as in subsection (14) of this section, and
12 includes exhibition areas.

13 (16) All leasehold interests in the public or entertainment areas
14 of a stadium and exhibition center, as defined in RCW 36.102.010, that
15 is constructed on or after January 1, 1998. For the purposes of this
16 subsection, "public or entertainment areas" has the same meaning as in
17 subsection (14) of this section, and includes exhibition areas.

18 ~~((+16+))~~ (17) All leasehold interests in public facilities
19 districts, as provided in chapter 36.100 or 35.57 RCW.

20 ~~((+17+))~~ (18) All leasehold interests in property that is: (a)
21 Owned by the United States government or a municipal corporation; (b)
22 listed on any federal or state register of historical sites; and (c)
23 wholly contained within a designated national historic reserve under 16
24 U.S.C. Sec. 461.

25 ~~((+18+))~~ (19)(a) All leasehold interests in the public or
26 entertainment areas of an amphitheater if a private entity is
27 responsible for one hundred percent of the cost of constructing the
28 amphitheater which is not reimbursed by the public owner, both the
29 public owner and the private lessee sponsor events at the facility on
30 a regular basis, the lessee is responsible under the lease or agreement
31 to operate and maintain the facility, and the amphitheater has a
32 seating capacity of over seventeen thousand reserved and general
33 admission seats and is in a county that had a population of over three
34 hundred fifty thousand, but less than four hundred twenty-five thousand
35 when the amphitheater first opened to the public.

36 (b) For the purposes of this subsection, "public or entertainment
37 areas" include box offices or other ticket sales areas, entrance gates,
38 ramps and stairs, lobbies and concourses, parking areas, concession

1 areas, restaurants, hospitality areas, kitchens or other work areas
2 primarily servicing other public or entertainment areas, public rest
3 room areas, press and media areas, control booths, broadcast and
4 production areas, retail sales areas, museum and exhibit areas,
5 scoreboards or other public displays, storage areas, loading, staging,
6 and servicing areas, seating areas including lawn seating areas and
7 suites, stages, and any other areas to which the public has access or
8 which are used for the production of the entertainment event or other
9 public usage, and any other personal property used for these purposes.
10 "Public or entertainment areas" does not include office areas used
11 predominately by the lessee.

12 ((+19)) (20) All leasehold interests in real property used for the
13 placement of military housing meeting the requirements of RCW
14 84.36.665.

--- END ---