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SENATE BILL 6227

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State of Washington    57th Legislature    2001 Third Special Session

By Senators Rasmussen, Deccio, Honeyford, Morton and T. Sheldon; by request of Governor Locke

Read first time 07/21/2001. Referred to Committee on Ways & Means.

1        AN ACT Relating to relief for farmers, farmworkers, and communities  
2 affected by crop damage due to severe storms occurring on June 26 and  
3 27, 2001; amending RCW 82.29A.130; adding a new section to chapter  
4 50.22 RCW; adding a new section to chapter 84.36 RCW; creating a new  
5 section; making appropriations; and declaring an emergency.

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

7        NEW SECTION.    **Sec. 1.** The legislature declares an emergency caused  
8 by a natural disaster, which was the severe storm that damaged  
9 agricultural crops on June 26 and 27, 2001, in thirteen counties as  
10 designated by the governor and the secretary of the United States  
11 department of agriculture.

12        NEW SECTION.    **Sec. 2.** A new section is added to chapter 50.22 RCW  
13 to read as follows:

14        (1) An additional benefit period is established for an individual  
15 who is engaged in agricultural employment in standard industrial  
16 classification code 011, 016, 017, or 203, but who is unemployed as a  
17 direct result of an emergency declared by the governor. These  
18 additional benefits are intended to provide partial income replacement

1 in order that an individual unemployed as a result of the emergency can  
2 provide for the necessities of living.

3 (a) The additional benefits provided under this section are payable  
4 to an eligible unemployed worker for a maximum of eight weeks of  
5 unemployment during the period July 1, 2001, through July 6, 2002.

6 (b) The additional benefits provided by this section are available  
7 to any individual who is unemployed as a result of the emergency and:

8 (i) At the time of the emergency, resided in the area that is  
9 included in the governor's emergency declaration. Agricultural workers  
10 whose normal work depends on movement from one area to another will be  
11 deemed residing in the emergency area if their presence in that area is  
12 consistent with the normal or reasonable migration required by their  
13 occupation; and

14 (ii) Is able to, available for, and actively seeking work as  
15 provided in RCW 50.20.010(3).

16 (c) A worker is considered unemployed as a result of the emergency  
17 if he or she:

18 (i) Is unemployed due to crop damage at the farm at which he or she  
19 is employed;

20 (ii) Is unable to reach the place of employment or self-employment;  
21 or

22 (iii) Had a bona fide offer of work prior to the emergency, but  
23 could not work or is unable to reach the job due to the emergency.

24 (d) The additional benefits provided under this section are  
25 available to an individual who is not eligible for regular unemployment  
26 compensation under this title, or who is an exhaustee as defined in RCW  
27 50.22.010.

28 (2) For purposes of this section, and subject to the restrictions  
29 in subsection (3) of this section, the term "agricultural employment"  
30 includes:

31 (a) Services performed on a farm, in the employ of any person, in  
32 connection with the cultivation of the soil, or in connection with  
33 raising or harvesting any agricultural commodity; or

34 (b) Services performed packing, packaging, grading, storing, or  
35 delivering to storage, or to market, or to a carrier for transportation  
36 to market, any agricultural commodity.

37 (3) An individual is not eligible for additional benefits under  
38 this section if he or she is:

1 (a) Enrolled as a student and regularly attending classes, or  
2 between two successive years or terms, at an elementary school, a  
3 secondary school, or an institution of higher education as defined in  
4 RCW 50.44.037;

5 (b) Performing services in family employment as defined in RCW  
6 50.04.180;

7 (c) A school employee subject to the between and within denial  
8 terms as provided in RCW 50.44.050; and

9 (d) An alien who is not authorized by the immigration and  
10 naturalization service to work in the United States.

11 (4) The total additional benefit amount shall be:

12 (a) For an exhaustee, eight times the weekly benefit amount which  
13 was payable to the individual under this title for a week of total  
14 unemployment in the applicable benefit year; or

15 (b) For individuals not eligible for regular benefits under this  
16 title, eight times the weekly benefit amount established under  
17 subsection (5) of this section.

18 (5)(a) The weekly additional benefit amount shall be:

19 (i) For an exhaustee, the weekly benefit amount which was payable  
20 to the individual under this title for a week of total unemployment in  
21 the applicable benefit year; or

22 (ii) For an unemployed person not eligible for regular benefits  
23 under this title, the weekly amount the individual would be entitled to  
24 had all the individual's work and earnings, both covered and  
25 noncovered, been included as employment and wages under state law.  
26 "Wages" for these purposes means gross wages paid to a worker.

27 (b) Notwithstanding the provisions of (a) of this subsection:

28 (i) The minimum amount payable to any individual eligible under  
29 this section shall be one hundred six dollars per week, the minimum  
30 weekly benefit amount payable for the benefit year in effect on July 1,  
31 2001, as provided in RCW 50.20.120(2);

32 (ii) The maximum amount payable to any individual eligible under  
33 this section shall be four hundred ninety-six dollars per week, the  
34 maximum weekly benefit amount payable for the benefit year in effect on  
35 July 1, 2001, as provided in RCW 50.20.120(2); and

36 (iii) An individual who leaves the state of Washington shall not be  
37 eligible to receive additional benefits for more than two weeks  
38 following the week in which he or she left the state.

1 (6) An application for additional benefits shall be filed with the  
2 department within thirty days after the announcement of the emergency  
3 which resulted in the individual's unemployment. An application filed  
4 later than thirty days after the announcement date of the emergency  
5 shall be accepted if the individual had good cause for the late filing.  
6 In no event shall an application be accepted if it is filed after July  
7 6, 2002.

8 (7) Weekly claims for additional benefits shall be filed in the  
9 manner prescribed by the department. Additional benefits will be paid  
10 only for those weeks for which the individual would have been employed  
11 except for the fact that the emergency occurred, or for which the  
12 individual would have been eligible for regular benefits but, because  
13 of the emergency, had exhausted those benefits.

14 (8) Additional benefits paid under this section shall not be  
15 charged to the experience rating account of any contribution-paying  
16 employer.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 84.36 RCW  
18 to read as follows:

19 (1) All real property, including perennial vines and orchard trees,  
20 owned or leased by a farmer, as defined in RCW 82.04.213, and  
21 exclusively used for the growing of an agricultural product, as defined  
22 in RCW 82.04.213, excluding products of animal husbandry, which  
23 agricultural product was damaged in severe storms that occurred on June  
24 26 and 27, 2001, is exempt from all regular and excess property taxes,  
25 if the farmer meets the requirements set out in this section. The  
26 property must be located in a county designated as an agricultural  
27 disaster area as a result of the severe storms that occurred on June 26  
28 and 27, 2001, by the United States department of agriculture. This  
29 exemption applies to all regular and excess property taxes levied for  
30 collection in 2001, to the extent unpaid as of the effective date of  
31 this act, to all regular and excess property taxes levied for  
32 collection in 2002, and to all regular and excess property taxes levied  
33 for collection in 2003, that are due and payable on or before April 30,  
34 2003, and delinquent after that date. If the real property is leased  
35 and the lessee farmer is required under the lease agreement to pay  
36 property taxes, the benefit of this exemption shall inure to the  
37 lessee, to the extent the lessee is liable for property taxes.

1 (2) In order to be eligible for this property tax exemption, the  
2 farmer must first apply for and qualify for an emergency loan from the  
3 farm service agency of the United States department of agriculture.

4 (3) A claim for exemption under this section must be filed with the  
5 treasurer of the county in which the property is located on or before  
6 the dates provided in RCW 84.56.020 for payment of property taxes in  
7 order for the exemption to take effect for payment due on any payment  
8 date for which this exemption may apply. Only one claim needs to be  
9 filed and it must be filed solely on forms as prescribed or approved by  
10 the department of revenue. If at the time the claim is filed, a farmer  
11 has not yet received confirmation from the farm service agency that the  
12 farmer qualifies for an emergency loan, payment of any tax for which  
13 exemption is claimed under this section is deferred until such time as  
14 the confirmation is provided. Confirmation must be provided within one  
15 year from the effective date of this act. If confirmation is not  
16 subsequently provided to the treasurer, the farmer must pay all  
17 property taxes deferred with interest from the date the tax would have  
18 been due without the deferral, but no penalty may be assessed,  
19 notwithstanding the provisions of RCW 84.56.020. No claim may be filed  
20 more than thirty days after the expiration of the time allowed to apply  
21 for an emergency loan from the farm service agency.

22 (4) Any taxing district, other than the state, for which tax  
23 revenues are decreased as a result of the exemptions provided in this  
24 act, is entitled to an appropriation by the state for the difference  
25 between what the taxing district would have received from taxes in the  
26 absence of these exemptions and what it actually received from taxes as  
27 a result of the exemptions provided in this act.

28 **Sec. 4.** RCW 82.29A.130 and 1999 c 165 s 21 are each amended to  
29 read as follows:

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

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

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

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

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

15 (5) All leasehold interests in any property of any public entity  
16 used as a residence by an employee of that public entity who is  
17 required as a condition of employment to live in the publicly owned  
18 property.

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

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

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

37 (9) All leasehold interests which give use or possession of the  
38 leased property for a continuous period of less than thirty days:  
39 PROVIDED, That for purposes of this subsection, successive leases or

1 lease renewals giving substantially continuous use of possession of the  
2 same property to the same lessee shall be deemed a single leasehold  
3 interest: PROVIDED FURTHER, That no leasehold interest shall be deemed  
4 to give use or possession for a period of less than thirty days solely  
5 by virtue of the reservation by the public lessor of the right to use  
6 the property or to allow third parties to use the property on an  
7 occasional, 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 disabled persons of all ages in  
22 a camp facility and for public recreational purposes by a nonprofit  
23 organization, association, or corporation that would be exempt from  
24 property tax under RCW 84.36.030(1) if it owned the property. If the  
25 publicly owned property is used for any taxable purpose, the leasehold  
26 excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be  
27 imposed and shall be apportioned accordingly.

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

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

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

11 (16) All leasehold interests in public facilities districts, as  
12 provided in chapter 36.100 or 35.57 RCW.

13 (17) All leasehold interests of real property, including perennial  
14 vines and orchard trees, held by a farmer, as defined in RCW 82.04.213,  
15 and exclusively used for the growing of an agricultural product, as  
16 defined in RCW 82.04.213, excluding products of animal husbandry, which  
17 agricultural product was damaged in severe storms that occurred on June  
18 26 and 27, 2001, and for which the farmer would receive the property  
19 tax exemption provided in section 1 of this act if the real property  
20 were privately owned, are exempt from all leasehold excise taxes due  
21 from the effective date of this act until July 1, 2003. To receive the  
22 leasehold excise tax exemption, the property must be located in a  
23 county designated as an agricultural disaster area as a result of the  
24 severe storms that occurred on June 26 and 27, 2001, by the United  
25 States department of agriculture. Claims for this exemption will be  
26 administered in the manner described in section 1 of this act. A  
27 lessee farmer who qualifies for an emergency loan from the farm service  
28 agency of the United States department of agriculture shall notify the  
29 treasurer of the county in which the property is located. The county  
30 treasurer shall, in turn, notify the public lessor of all lessee  
31 farmers who qualify for leasehold excise tax exemption under this act.

32 NEW SECTION. Sec. 5. (1) The sum of one million five hundred  
33 thousand dollars is appropriated from the emergency reserve fund to the  
34 office of community development for fiscal year 2002 solely for the  
35 purposes of providing assistance to farm workers who have been  
36 displaced by the June 26 and 27, 2001, storm in thirteen counties  
37 designated by the governor and the secretary of the United States  
38 department of agriculture. The department of community, trade, and

1 economic development shall distribute the amount in this section to  
2 community agencies that assist displaced farm workers through the  
3 existing program structures in meeting basic needs including, but not  
4 limited to, emergency medical and dental services, food, mortgage and  
5 rental costs, emergency shelter costs, and emergency transportation  
6 costs.

7 (2) The sum of three million dollars, or as much thereof as may be  
8 necessary, is appropriated from the emergency reserve fund to the  
9 department of revenue for fiscal years 2002 and 2003 solely for the  
10 purposes of section 3(4) of this act.

11 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of the  
13 state government and its existing public institutions, and takes effect  
14 immediately.

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