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SENATE BILL 6077

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Nelson, Conway, Frockt, Rolfes, Regala, and Kline; by request of Department of Ecology

Read first time 01/11/12. Referred to Committee on Environment.

1 AN ACT Relating to generating additional revenue from the sale of  
2 solid fuel burning devices; amending RCW 70.94.483; and providing an  
3 effective date.

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

5 **Sec. 1.** RCW 70.94.483 and 2003 1st sp.s. c 25 s 932 are each  
6 amended to read as follows:

7 (1) The woodstove education and enforcement account is hereby  
8 created in the state treasury. Money placed in the account (~~shall~~)  
9 must include all money received under subsections (2) and (3) of this  
10 section and any other money appropriated by the legislature. Money in  
11 the account (~~shall~~) must be spent for the purposes of the woodstove  
12 education program established under RCW 70.94.480 and for enforcement  
13 of the woodstove program, and (~~shall be~~) is subject to legislative  
14 appropriation. (~~However, during the 2003-05 fiscal biennium, the  
15 legislature may transfer from the woodstove education and enforcement  
16 account to the air pollution control account such amounts as specified  
17 in the omnibus operating budget bill.))~~)

18 (2) The department of ecology, with the advice of the advisory

1 committee, shall set a flat fee of thirty dollars, on the retail sale,  
2 as defined in RCW 82.04.050, of each solid fuel burning device after  
3 January 1, 1992.

4 (3) An additional fee of fifteen dollars is assessed on the retail  
5 sale of each solid fuel burning device. Revenue from the additional  
6 fee is solely for use by the department to carry out its  
7 responsibilities under RCW 70.94.480.

8 (4) The ((fee shall be)) fees in subsections (2) and (3) of this  
9 section are imposed upon the consumer and ((shall not be)) are not  
10 subject to the retail sales tax provisions of chapter ((s)) 82.08 ((and  
11 82.12)) RCW. The fees may be adjusted annually ((above thirty  
12 dollars)) to account for inflation as determined by the state office of  
13 the economic and revenue forecast council. The fees ((shall)) must be  
14 collected by the department of revenue in conjunction with the retail  
15 sales tax under chapter 82.08 RCW. If the seller fails to collect the  
16 fees herein imposed or fails to remit the fees to the department of  
17 revenue in the manner prescribed in chapter 82.08 RCW, the seller  
18 ((shall be)) is personally liable to the state for the amount of the  
19 fees. The collection provisions of chapter 82.32 RCW ((shall)) apply.  
20 The department of revenue ((shall)) must deposit fees collected under  
21 this section in the woodstove education and enforcement account.

22 NEW SECTION. Sec. 2. This act takes effect July 1, 2012.

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