

SB 5402 - S AMD 1135

By Senator Schoesler

ADOPTED 02/18/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** 2017 3rd sp.s. c 37 s 501 (uncodified) is amended to
4 read as follows:

5 (1) This section is the tax preference performance statement for
6 the tax preferences contained in sections 502 and 503, chapter 37,
7 Laws of 2017 3rd sp. sess. This performance statement is only
8 intended to be used for subsequent evaluation of the tax preferences.
9 It is not intended to create a private right of action by any party
10 or be used to determine eligibility for preferential tax treatment.

11 (2) The legislature categorizes these tax preferences as ones
12 intended to induce certain designated behavior by taxpayers, improve
13 industry competitiveness, and create or retain jobs, as indicated in
14 RCW 82.32.808(2) (a) through (c).

15 (3) It is the legislature's specific public policy objective to
16 maintain and expand business in the semiconductor cluster. It is the
17 legislature's intent to extend by ten years the preferential tax
18 rates for manufacturers and processors for hire of semiconductor
19 materials in order to maintain and grow jobs in the semiconductor
20 cluster.

21 (4) If a review finds that: (a) Since October 19, 2017, at least
22 one project in the semiconductor cluster has located in Clark county,
23 and that this project generates at least two thousand five hundred
24 high-wage jobs, all of which pay twenty dollars per hour or more and
25 at least eighty percent of which pay thirty-five dollars per hour or
26 more; and (b) the number of jobs in the semiconductor cluster in
27 Washington has increased since October 19, 2017, then the legislature
28 intends to extend the expiration date of the tax preference.

29 (5) In order to obtain the data necessary to perform the review
30 in subsection (4) of this section, the joint legislative audit and
31 review committee may refer to data from the department of revenue's

1 annual survey ((data)) for tax years ending before January 1, 2020,
2 and annual tax performance report for subsequent tax years.

3 **Sec. 2.** 2017 3rd sp.s. c 37 s 504 (uncodified) is amended to
4 read as follows:

5 (1) This section is the tax preference performance statement for
6 the tax preferences contained in sections 505 through 508, chapter
7 37, Laws of 2017 3rd sp. sess. This performance statement is only
8 intended to be used for subsequent evaluation of the tax preferences.
9 It is not intended to create a private right of action by any party
10 or be used to determine eligibility for preferential tax treatment.

11 (2) The legislature categorizes these tax preferences as ones
12 intended to induce certain designated behavior by taxpayers, improve
13 industry competitiveness, and create or retain jobs, as indicated in
14 RCW 82.32.808(2) (a) through (c).

15 (3) It is the legislature's specific public policy objective to
16 encourage significant construction projects; retain, expand, and
17 attract semiconductor business; and encourage and expand family-wage
18 jobs. It is the legislature's intent to extend by ten years the
19 ((preferential tax rates)) exemptions for sales and use of gases and
20 chemicals used in the production of semiconductor materials, in order
21 to encourage the growth and retention of the semiconductor business
22 in Washington, thereby strengthening Washington's competitiveness
23 with other states for manufacturing investment.

24 (4) If a review finds that the number of construction projects in
25 the industry has increased, and that ((+the+)) the number of people
26 employed by the solar silicon, silicon manufacturing, and
27 semiconductor fabrication industry in Washington is the same or more
28 than in 2015, and that at least sixty percent of employees earn sixty
29 thousand dollars a year, then the legislature intends to extend the
30 expiration date of the tax preferences.

31 (5) In order to obtain the data necessary to perform the review
32 in subsection (4) of this section, the joint legislative audit and
33 review committee may refer to data from the department of revenue's
34 annual survey ((data)) for tax years ending before January 1, 2020,
35 and annual tax performance report for subsequent tax years.

36 **Sec. 3.** RCW 19.02.085 and 2013 c 144 s 22 are each amended to
37 read as follows:

1 (1) To encourage timely renewal by applicants, a business license
2 delinquency fee is imposed on licensees who fail to renew by the
3 business license expiration date. The business license delinquency
4 fee must be the lesser of one hundred fifty dollars or fifty percent
5 of a base comprised of the licensee's renewal fee minus corporate
6 licensing taxes, corporation annual report fee, and any interest fees
7 or penalties charged for late taxes or corporate renewals. The
8 business license delinquency fee must be added to the renewal fee and
9 paid by the licensee before a business license is renewed. The
10 delinquency fee must be deposited in the business license account.

11 (2) The department must waive or cancel the business license
12 delinquency fee imposed in subsection (1) of this section only if the
13 department determines that the licensee failed to renew a license by
14 the business license expiration date due to an undisputable error or
15 failure by the department. For purposes of this subsection, an error
16 or failure is undisputable if the department is satisfied, beyond any
17 doubt, that the error or failure occurred.

18 **Sec. 4.** RCW 82.04.192 and 2017 c 323 s 514 are each amended to
19 read as follows:

20 (1) "Digital audio works" means works that result from the
21 fixation of a series of musical, spoken, or other sounds, including
22 ringtones.

23 (2) "Digital audiovisual works" means a series of related images
24 which, when shown in succession, impart an impression of motion,
25 together with accompanying sounds, if any.

26 (3)(a) "Digital automated service," except as provided in (b) of
27 this subsection (3), means any service transferred electronically
28 that uses one or more software applications.

29 (b) "Digital automated service" does not include:

30 (i) Any service that primarily involves the application of human
31 effort by the seller, and the human effort originated after the
32 customer requested the service;

33 (ii) The loaning or transferring of money or the purchase, sale,
34 or transfer of financial instruments. For purposes of this subsection
35 (3)(b)(ii), "financial instruments" include cash, accounts receivable
36 and payable, loans and notes receivable and payable, debt securities,
37 equity securities, as well as derivative contracts such as forward
38 contracts, swap contracts, and options;

39 (iii) Dispensing cash or other physical items from a machine;

- 1 (iv) Payment processing services;
- 2 (v) Parimutuel wagering and handicapping contests as authorized
3 by chapter 67.16 RCW;
- 4 (vi) Telecommunications services and ancillary services as those
5 terms are defined in RCW 82.04.065;
- 6 (vii) The internet and internet access as those terms are defined
7 in RCW 82.04.297;
- 8 (viii) The service described in RCW 82.04.050(6)(c);
- 9 (ix) Online educational programs provided by a:
- 10 (A) Public or private elementary or secondary school; or
- 11 (B) An institution of higher education as defined in sections
12 1001 or 1002 of the federal higher education act of 1965 (Title 20
13 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009. For
14 purposes of this subsection (3)(b)(ix)(B), an online educational
15 program must be encompassed within the institution's accreditation;
- 16 (x) Live presentations, such as lectures, seminars, workshops, or
17 courses, where participants are connected to other participants via
18 the internet or telecommunications equipment, which allows audience
19 members and the presenter or instructor to give, receive, and discuss
20 information with each other in real time;
- 21 (xi) Travel agent services, including online travel services, and
22 automated systems used by travel agents to book reservations;
- 23 (xii)(A) A service that allows the person receiving the service
24 to make online sales of products or services, digital or otherwise,
25 using either: (I) The service provider's web site; or (II) the
26 service recipient's web site, but only when the service provider's
27 technology is used in creating or hosting the service recipient's web
28 site or is used in processing orders from customers using the service
29 recipient's web site.
- 30 (B) The service described in this subsection (3)(b)(xii) does not
31 include the underlying sale of the products or services, digital or
32 otherwise, by the person receiving the service;
- 33 (xiii) Advertising services. For purposes of this subsection
34 (3)(b)(xiii), "advertising services" means all services directly
35 related to the creation, preparation, production, or the
36 dissemination of advertisements. Advertising services include layout,
37 art direction, graphic design, mechanical preparation, production
38 supervision, placement, and rendering advice to a client concerning
39 the best methods of advertising that client's products or services.
40 Advertising services also include online referrals, search engine

1 marketing and lead generation optimization, web campaign planning,
2 the acquisition of advertising space in the internet media, and the
3 monitoring and evaluation of web site traffic for purposes of
4 determining the effectiveness of an advertising campaign. Advertising
5 services do not include web hosting services and domain name
6 registration;

7 (xiv) The mere storage of digital products, digital codes,
8 computer software, or master copies of software. This exclusion from
9 the definition of digital automated services includes providing space
10 on a server for web hosting or the backing up of data or other
11 information;

12 (xv) Data processing services. For purposes of this subsection
13 (3)(b)(xv), "data processing service" means a primarily automated
14 service provided to a business or other organization where the
15 primary object of the service is the systematic performance of
16 operations by the service provider on data supplied in whole or in
17 part by the customer to extract the required information in an
18 appropriate form or to convert the data to usable information. Data
19 processing services include check processing, image processing, form
20 processing, survey processing, payroll processing, claim processing,
21 and similar activities. Data processing does not include the service
22 described in RCW 82.04.050(6)(c); and

23 (xvi) Digital goods.

24 (4) "Digital books" means works that are generally recognized in
25 the ordinary and usual sense as books.

26 (5) "Digital code" means a code that provides a purchaser with
27 the right to obtain one or more digital products, if all of the
28 digital products to be obtained through the use of the code have the
29 same sales and use tax treatment. "Digital code" does not include a
30 code that represents a stored monetary value that is deducted from a
31 total as it is used by the purchaser. "Digital code" also does not
32 include a code that represents a redeemable card, gift card, or gift
33 certificate that entitles the holder to select digital products of an
34 indicated cash value. A digital code may be obtained by any means,
35 including email or by tangible means regardless of its designation as
36 song code, video code, book code, or some other term.

37 (6)(a) "Digital goods," except as provided in (b) of this
38 subsection (6), means sounds, images, data, facts, or information, or
39 any combination thereof, transferred electronically, including, but
40 not limited to, specified digital products and other products

1 transferred electronically not included within the definition of
2 specified digital products.

3 (b) The term "digital goods" does not include:

4 (i) Telecommunications services and ancillary services as those
5 terms are defined in RCW 82.04.065;

6 (ii) Computer software as defined in RCW 82.04.215;

7 (iii) The internet and internet access as those terms are defined
8 in RCW 82.04.297;

9 (iv) (A) Except as provided in (b) (iv) (B) of this subsection (6),
10 the representation of a personal or professional service in
11 electronic form, such as an electronic copy of an engineering report
12 prepared by an engineer, where the service primarily involves the
13 application of human effort by the service provider, and the human
14 effort originated after the customer requested the service.

15 (B) The exclusion in (b) (iv) (A) of this subsection (6) does not
16 apply to photographers in respect to amounts received for the taking
17 of photographs that are transferred electronically to the customer,
18 but only if the customer is an end user, as defined in RCW
19 82.04.190(11), of the photographs. Such amounts are considered to be
20 for the sale of digital goods; and

21 (v) Services and activities excluded from the definition of
22 digital automated services in subsection (3) (b) (i) through (xv) of
23 this section and not otherwise described in (b) (i) through (iv) of
24 this subsection (6).

25 (7) "Digital products" means digital goods and digital automated
26 services.

27 (8) "Electronically transferred" or "transferred electronically"
28 means obtained by the purchaser by means other than tangible storage
29 media. It is not necessary that a copy of the product be physically
30 transferred to the purchaser. So long as the purchaser may access the
31 product, it will be considered to have been electronically
32 transferred to the purchaser.

33 (9) "Specified digital products" means electronically transferred
34 digital audiovisual works, digital audio works, and digital books.

35 (10) "Subscription radio services" means the sale of audio
36 programming by a radio broadcaster as defined in RCW (~~82.08.02081~~)
37 82.08.0208, except as otherwise provided in this subsection.
38 "Subscription radio services" does not include audio programming that
39 is sold on a pay-per-program basis or that allows the buyer to access

1 a library of programs at any time for a specific charge for that
2 service.

3 (11) "Subscription television services" means the sale of video
4 programming by a television broadcaster as defined in RCW
5 (~~82.08.02081~~) 82.08.0208, except as otherwise provided in this
6 subsection. "Subscription television services" does not include video
7 programming that is sold on a pay-per-program basis or that allows
8 the buyer to access a library of programs at any time for a specific
9 charge for that service, but only if the seller is not subject to a
10 franchise fee in this state under the authority of Title 47 U.S.C.
11 Sec. 542(a) on the gross revenue derived from the sale.

12 **Sec. 5.** RCW 82.04.4266 and 2015 3rd sp.s. c 6 s 202 are each
13 amended to read as follows:

14 (1) This chapter does not apply to the value of products or the
15 gross proceeds of sales derived from:

16 (a) Manufacturing fruits or vegetables by canning, preserving,
17 freezing, processing, or dehydrating fresh fruits or vegetables; or

18 (b) Selling at wholesale fruits or vegetables manufactured by the
19 seller by canning, preserving, freezing, processing, or dehydrating
20 fresh fruits or vegetables and sold to purchasers who transport in
21 the ordinary course of business the goods out of this state. A person
22 taking an exemption under this subsection (1)(b) must keep and
23 preserve records for the period required by RCW 82.32.070
24 establishing that the goods were transported by the purchaser in the
25 ordinary course of business out of this state.

26 (2) For purposes of this section, "fruits" and "vegetables" do
27 not include marijuana, useable marijuana, or marijuana-infused
28 products.

29 (3) A person claiming the exemption provided in this section must
30 file a complete annual (~~survey~~) tax performance report with the
31 department under RCW (~~82.32.585~~) 82.32.534.

32 (4) This section expires July 1, 2025.

33 **Sec. 6.** RCW 82.04.4268 and 2015 3rd sp.s. c 6 s 203 are each
34 amended to read as follows:

35 (1) In computing tax there may be deducted from the measure of
36 tax, the value of products or the gross proceeds of sales derived
37 from:

38 (a) Manufacturing dairy products; or

1 (b) Selling dairy products manufactured by the seller to
2 purchasers who either transport in the ordinary course of business
3 the goods out of this state or purchasers who use such dairy products
4 as an ingredient or component in the manufacturing of a dairy
5 product. A person taking an exemption under this subsection (1)(b)
6 must keep and preserve records for the period required by RCW
7 82.32.070 establishing that the goods were transported by the
8 purchaser in the ordinary course of business out of this state or
9 sold to a manufacturer for use as an ingredient or component in the
10 manufacturing of a dairy product.

11 (2) "Dairy products" has the same meaning as provided in RCW
12 82.04.260.

13 (3) A person claiming the exemption provided in this section must
14 file a complete annual ((survey)) tax performance report with the
15 department under RCW ((82.32.585)) 82.32.534.

16 (4) This section expires July 1, 2025.

17 **Sec. 7.** RCW 82.04.4269 and 2015 3rd sp.s. c 6 s 204 are each
18 amended to read as follows:

19 (1) This chapter does not apply to the value of products or the
20 gross proceeds of sales derived from:

21 (a) Manufacturing seafood products that remain in a raw, raw
22 frozen, or raw salted state at the completion of the manufacturing by
23 that person; or

24 (b) Selling manufactured seafood products that remain in a raw,
25 raw frozen, or raw salted state to purchasers who transport in the
26 ordinary course of business the goods out of this state. A person
27 taking an exemption under this subsection (1)(b) must keep and
28 preserve records for the period required by RCW 82.32.070
29 establishing that the goods were transported by the purchaser in the
30 ordinary course of business out of this state.

31 (2) A person claiming the exemption provided in this section must
32 file a complete annual ((survey)) tax performance report with the
33 department under RCW ((82.32.585)) 82.32.534.

34 (3) This section expires July 1, 2025.

35 **Sec. 8.** RCW 82.04.4327 and 1985 c 471 s 6 are each amended to
36 read as follows:

1 In computing tax (~~(there may be deducted)~~) under this chapter, an
2 artistic or cultural organization may deduct from the measure of tax
3 (~~(those)~~);

4 (1) All amounts received by the artistic or cultural
5 (~~(organizations which represent income derived from business~~
6 ~~activities conducted by the organization)~~) organization; and

7 (2) The value of articles manufactured by the artistic or
8 cultural organization solely for use by the organization in
9 displaying art objects or presenting artistic or cultural
10 exhibitions, performances, or programs for attendance or viewing by
11 the general public.

12 **Sec. 9.** RCW 82.04.4328 and 1985 c 471 s 7 are each amended to
13 read as follows:

14 (1) For the purposes of RCW (~~(82.04.4322, 82.04.4324,~~
15 ~~82.04.4326,)~~) 82.04.4327, 82.08.031, and 82.12.031, the term
16 "artistic or cultural organization" means an organization (~~(which)~~)
17 that is organized and operated exclusively for the purpose of
18 providing artistic or cultural exhibitions, presentations, or
19 performances or cultural or art education programs, as defined in
20 subsection (2) of this section, for viewing or attendance by the
21 general public. The organization must be a not-for-profit corporation
22 under chapter 24.03 RCW and managed by a governing board of not less
23 than eight individuals none of whom is a paid employee of the
24 organization or by a corporation sole under chapter 24.12 RCW. In
25 addition, to qualify for deduction or exemption from taxation under
26 RCW (~~(82.04.4322, 82.04.4324, 82.04.4326,)~~) 82.04.4327, 82.08.031,
27 and 82.12.031, the corporation (~~(shall)~~) must satisfy the following
28 conditions:

29 (a) No part of its income may be paid directly or indirectly to
30 its members, stockholders, officers, directors, or trustees except in
31 the form of services rendered by the corporation in accordance with
32 its purposes and bylaws;

33 (b) Salary or compensation paid to its officers and executives
34 must be only for actual services rendered, and at levels comparable
35 to the salary or compensation of like positions within the state;

36 (c) Assets of the corporation must be irrevocably dedicated to
37 the activities for which the exemption is granted and, on the
38 liquidation, dissolution, or abandonment by the corporation, may not
39 inure directly or indirectly to the benefit of any member or

1 individual except a nonprofit organization, association, or
2 corporation which also would be entitled to the exemption;

3 (d) The corporation must be duly licensed or certified when
4 licensing or certification is required by law or regulation;

5 (e) The amounts received that qualify for exemption must be used
6 for the activities for which the exemption is granted;

7 (f) Services must be available regardless of race, color,
8 national origin, or ancestry; and

9 (g) The director of revenue (~~shall~~) must have access to its
10 books in order to determine whether the corporation is exempt from
11 taxes.

12 (2) The term "artistic or cultural exhibitions, presentations, or
13 performances or cultural or art education programs" includes and is
14 limited to:

15 (a) An exhibition or presentation of works of art or objects of
16 cultural or historical significance, such as those commonly displayed
17 in art or history museums;

18 (b) A musical or dramatic performance or series of performances;
19 or

20 (c) An educational seminar or program, or series of such
21 programs, offered by the organization to the general public on an
22 artistic, cultural, or historical subject.

23 **Sec. 10.** RCW 82.08.0201 and 1992 c 194 s 10 are each amended to
24 read as follows:

25 Before January 1, 1994, and January 1st of each odd-numbered year
26 thereafter:

27 The department of licensing, with the assistance of the
28 department of revenue, (~~shall~~) must provide the office of financial
29 management and the fiscal committees of the legislature with an
30 updated estimate of the amount of revenue attributable to the taxes
31 imposed in RCW 82.08.020(2) (~~(, and the amount of revenue not~~
32 ~~collected as a result of RCW 82.44.023)~~).

33 **Sec. 11.** RCW 82.08.0208 and 2009 c 535 s 501 are each amended to
34 read as follows:

35 (1) The tax imposed by RCW 82.08.020 does not apply to the sale
36 of a digital code for one or more digital products if the sale of the
37 digital products to which the digital code relates is exempt from the
38 tax levied by RCW 82.08.020.

1 (2) (a) The tax imposed by RCW 82.08.020 does not apply to a
2 business or other organization for the purpose of making the digital
3 good or digital automated service, including a digital good or
4 digital automated service acquired through the use of a digital code,
5 or service defined as a retail sale in RCW 82.04.050(6)(c), available
6 free of charge for the use or enjoyment of the general public. The
7 exemption provided in this subsection (2) does not apply unless the
8 purchaser has the legal right to broadcast, rebroadcast, transmit,
9 retransmit, license, relicense, distribute, redistribute, or exhibit
10 the product, in whole or in part, to the general public.

11 (b) For purposes of this subsection (2), "general public" means
12 all persons and not limited or restricted to a particular class of
13 persons, except that the general public includes:

14 (i) A class of persons that is defined as all persons residing or
15 owning property within the boundaries of a state, political
16 subdivision of a state, or a municipal corporation; and

17 (ii) With respect to libraries, authorized library patrons.

18 (3) (a) The tax imposed by RCW 82.08.020 does not apply to the
19 sale to a business of digital goods, and services rendered in respect
20 to digital goods, if the digital goods and services rendered in
21 respect to digital goods are purchased solely for business purposes.
22 The exemption provided by this subsection (3) also applies to the
23 sale to a business of a digital code if all of the digital goods to
24 be obtained through the use of the code will be used solely for
25 business purposes.

26 (b) For purposes of this subsection (3), the following
27 definitions apply:

28 (i) "Business purposes" means any purpose relevant to the
29 business needs of the taxpayer claiming an exemption under this
30 subsection (3). Business purposes do not include any personal,
31 family, or household purpose. The term also does not include any
32 activity conducted by a government entity as that term is defined in
33 RCW 7.25.005; and

34 (ii) "Services rendered in respect to digital goods" means those
35 services defined as a retail sale in RCW 82.04.050(2)(g).

36 (4) (a) The tax imposed by RCW 82.08.020 does not apply to the
37 sale of digital goods, digital codes, digital automated services,
38 prewritten computer software, or services defined as a retail sale in
39 RCW 82.04.050(6)(c) to a buyer that provides the seller with an
40 exemption certificate claiming multiple points of use. An exemption

1 certificate claiming multiple points of use must be in a form and
2 contain such information as required by the department.

3 (b) A buyer is entitled to use an exemption certificate claiming
4 multiple points of use only if the buyer is a business or other
5 organization and the digital goods or digital automated services
6 purchased, or the digital goods or digital automated services to be
7 obtained by the digital code purchased, or the prewritten computer
8 software or services defined as a retail sale in RCW 82.04.050(6)(c)
9 purchased will be concurrently available for use within and outside
10 this state. A buyer is not entitled to use an exemption certificate
11 claiming multiple points of use for digital goods, digital codes,
12 digital automated services, prewritten computer software, or services
13 defined as a retail sale in RCW 82.04.050(6)(c) purchased for
14 personal use.

15 (c) A buyer claiming an exemption under this subsection (4) must
16 report and pay the tax imposed in RCW 82.12.020 and any local use
17 taxes imposed under the authority of chapter 82.14 RCW and RCW
18 81.104.170 directly to the department in accordance with RCW
19 82.12.0208 and 82.14.457.

20 (d) For purposes of this subsection (4), "concurrently available
21 for use within and outside this state" means that employees or other
22 agents of the buyer may use the digital goods, digital automated
23 services, prewritten computer software, or services defined as a
24 retail sale in RCW 82.04.050(6)(c) simultaneously from one or more
25 locations within this state and one or more locations outside this
26 state. A digital code is concurrently available for use within and
27 outside this state if employees or other agents of the buyer may use
28 the digital goods or digital automated services to be obtained by the
29 code simultaneously at one or more locations within this state and
30 one or more locations outside this state.

31 (5)(a) Except as provided in (b) of this subsection (5), the tax
32 imposed by RCW 82.08.020 does not apply to sales of audio or video
33 programming by a radio or television broadcaster.

34 (b)(i) Except as provided in (b)(ii) of this subsection (5), the
35 exemption provided in this subsection (5) does not apply in respect
36 to programming that is sold on a pay-per-program basis or that allows
37 the buyer to access a library of programs at any time for a specific
38 charge for that service.

39 (ii) The exemption provided in this subsection (5) applies to the
40 sale of programming described in (b)(i) of this subsection (5) if the

1 seller is subject to a franchise fee in this state under the
2 authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived
3 from the sale.

4 (c) For purposes of this subsection (5), "radio or television
5 broadcaster" includes satellite radio providers, satellite television
6 providers, cable television providers, and providers of subscription
7 internet television.

8 (6) Sellers making tax-exempt sales under subsection (2) or (3)
9 of this section must obtain an exemption certificate from the buyer
10 in a form and manner prescribed by the department. The seller must
11 retain a copy of the exemption certificate for the seller's files. In
12 lieu of an exemption certificate, a seller may capture the relevant
13 data elements as allowed under the streamlined sales and use tax
14 agreement.

15 **Sec. 12.** RCW 82.08.025651 and 2011 c 23 s 4 are each amended to
16 read as follows:

17 (1) (a) The tax levied by RCW 82.08.020 does not apply to sales to
18 a public research institution of machinery and equipment used
19 primarily in a research and development operation, or to sales of or
20 charges made for labor and services rendered in respect to
21 installing, repairing, cleaning, altering, or improving the machinery
22 and equipment.

23 (b) Sellers making tax-exempt sales under this section must
24 obtain from the purchaser an exemption certificate in a form and
25 manner prescribed by the department. The seller must retain a copy of
26 the certificate for the seller's files.

27 (2) A public research institution claiming the exemption provided
28 in this section must file a complete annual ~~((survey))~~ tax
29 performance report with the department under RCW ~~((82.32.585))~~
30 82.32.534.

31 (3) For purposes of this section, the following definitions
32 apply:

33 (a) "Machinery and equipment" means those fixtures, pieces of
34 equipment, digital goods, and support facilities that are an integral
35 and necessary part of a research and development operation, and
36 tangible personal property that becomes an ingredient or component of
37 such fixtures, equipment, and support facilities, including repair
38 parts and replacement parts. "Machinery and equipment" may include,
39 but is not limited to: Computers; software; data processing

1 equipment; laboratory equipment, instrumentation, and other devices
2 used in a process of experimentation to develop a new or improved
3 pilot model, plant process, product, formula, or invention; vats,
4 tanks, and fermenters; operating structures; and all equipment used
5 to control, monitor, or operate the machinery and equipment.

6 (b) "Machinery and equipment" does not include:

7 (i) Hand-powered tools;

8 (ii) Property with a useful life of less than one year;

9 (iii) Buildings; and

10 (iv) Those building fixtures that are not an integral and
11 necessary part of a research and development operation and that are
12 permanently affixed to and become a physical part of a building, such
13 as utility systems for heating, ventilation, air conditioning,
14 communications, plumbing, or electrical.

15 (c) "Primarily" means greater than fifty percent as measured by
16 time. If machinery and equipment is used simultaneously in a research
17 and development operation and also for other purposes, the use for
18 other purposes must be disregarded during the period of simultaneous
19 use for purposes of determining whether the machinery and equipment
20 is used primarily in a research and development operation.

21 (d) "Public research institution" means any college or university
22 included within the definitions of state universities, regional
23 universities, or state college in RCW 28B.10.016.

24 (e) "Research and development operation" means engaging in
25 research and development as defined in RCW 82.63.010.

26 **Sec. 13.** RCW 82.08.02807 and 2014 c 97 s 306 are each amended to
27 read as follows:

28 (1) The tax levied by RCW 82.08.020 (~~shall~~) does not apply to
29 the sales of medical supplies, chemicals, or materials to an organ
30 procurement organization exempt under RCW 82.04.326. This exemption
31 does not apply to the sale of construction materials, office
32 equipment, building equipment, administrative supplies, or vehicles.

33 (2) The definitions in this subsection apply throughout this
34 section unless the context clearly requires otherwise.

35 (a) "Chemical" means any catalyst, solvent, water, acid, oil, or
36 other additive that physically or chemically interacts with blood,
37 bone, or tissue.

38 (b) "Materials" means any item of tangible personal property
39 including, but not limited to, bags, packs, collecting sets,

1 filtering materials, testing reagents, antisera, and refrigerants,
2 used or consumed in performing research on, procuring, testing,
3 processing, storing, packaging, distributing, or using blood, bone,
4 or tissue.

5 (c) "Medical supplies" means any item of tangible personal
6 property, including any repair and replacement parts for such
7 tangible personal property, used by an organ procurement organization
8 exempt under RCW 82.04.326 for the purpose of performing research on,
9 procuring, testing, processing, storing, packaging, distributing, or
10 using blood, bone, or tissue. The term includes tangible personal
11 property used to:

12 (i) Provide preparatory treatment of blood, bone, or tissue;

13 (ii) Control, guide, measure, tune, verify, align, regulate,
14 test, or physically support blood, bone, or tissue; or

15 (iii) Protect the health and safety of employees or others
16 present during research on, procuring, testing, processing, storing,
17 packaging, distributing, or using blood, bone, or tissue.

18 **Sec. 14.** RCW 82.08.155 and 2012 c 39 s 1 are each amended to
19 read as follows:

20 (1)(a) If the department determines that a taxpayer is more than
21 thirty days delinquent in reporting or remitting spirits taxes on a
22 tax return or assessed by the department, including any applicable
23 penalties and interest on such taxes, the department may request that
24 the liquor (~~(control)~~) and cannabis board suspend the taxpayer's
25 spirits license or licenses and refuse to renew any existing spirits
26 license held by the taxpayer or issue any new spirits license to the
27 taxpayer. The department must provide written notice to the affected
28 taxpayer of the department's request to the liquor (~~(control)~~) and
29 cannabis board.

30 (b) Before the department may make a request to the liquor
31 (~~(control)~~) and cannabis board as authorized in (a) of this
32 subsection (1), the department must have provided the taxpayer with
33 at least seven calendar days prior written notice. This notice must
34 inform the taxpayer that the department intends to request that the
35 liquor (~~(control)~~) and cannabis board suspend the taxpayer's spirits
36 license or licenses and refuse to renew any existing license of the
37 taxpayer or issue any new spirits license to the taxpayer unless,
38 within seven calendar days of the date of the notice, the taxpayer
39 submits any unfiled tax returns for reporting spirits taxes and

1 remits full payment of its outstanding spirits tax liability to the
2 department or negotiates payment arrangements for the unpaid spirits
3 taxes. The notice required by this subsection (1)(b) must include
4 information listing any unfiled tax returns; the amount of unpaid
5 spirits taxes, including any applicable penalties and interest; who
6 to contact to inquire about payment arrangements; and that the
7 taxpayer may seek administrative review by the department of the
8 notice, and the deadline for seeking such review. Nothing in this
9 subsection (1)(b) requires the department to enter into any payment
10 arrangement proposed by a taxpayer if the department determines that
11 the taxpayer's proposal is not satisfactory.

12 (c) The department may not make a request to the liquor
13 (~~control~~) and cannabis board under (a) of this subsection (~~((1)(a)~~
14 ~~of this section))~~ relating to any spirits taxes that are the subject
15 of pending administrative review by the department.

16 (2) A taxpayer's right to administrative review of the notice
17 required in subsection (1)(b) of this section:

18 (a) May be conducted under any rule adopted pursuant to RCW
19 82.01.060(4) or as a brief adjudicative proceeding under RCW
20 34.05.485 through 34.05.494; and

21 (b) Does not include the right to challenge the amount of any
22 spirits taxes assessed by the department if the taxpayer previously
23 sought or could have sought administrative review of the assessment
24 as provided in RCW 82.32.160.

25 (3) The notices required by this section may be provided
26 electronically in accordance with RCW 82.32.135.

27 (4) For purposes of this section:

28 (a) "Spirits license" has the same meaning as in RCW
29 66.24.010(3)(c); and

30 (b) "Spirits taxes" means the taxes imposed in RCW 82.08.150.

31 **Sec. 15.** RCW 82.08.195 and 2010 c 111 s 601 are each amended to
32 read as follows:

33 (1) Except as provided in subsection (6) of this section, a
34 bundled transaction is subject to the tax imposed by RCW 82.08.020 if
35 the retail sale of any of its component products would be subject to
36 the tax imposed by RCW 82.08.020.

37 (2) The transactions described in RCW 82.08.190(4) (a) and (b)
38 are subject to the tax imposed by RCW 82.08.020 if the service that
39 is the true object of the transaction is subject to the tax imposed

1 by RCW 82.08.020. If the service that is the true object of the
2 transaction is not subject to the tax imposed by RCW 82.08.020, the
3 transaction is not subject to the tax imposed by RCW 82.08.020.

4 (3) The transaction described in RCW 82.08.190(4)(c) is not
5 subject to the tax imposed by RCW 82.08.020.

6 (4) The transaction described in RCW 82.08.190(4)(d) is not
7 subject to the tax imposed by RCW 82.08.020.

8 (5) In the case of a bundled transaction that includes any of the
9 following: Telecommunications service, ancillary service, internet
10 access, or audio or video programming service:

11 (a) If the price is attributable to products that are taxable and
12 products that are not taxable, the portion of the price attributable
13 to the nontaxable products are subject to the tax imposed by RCW
14 82.08.020 unless the seller can identify by reasonable and verifiable
15 standards the portion from its books and records that are kept in the
16 regular course of business for other purposes including, but not
17 limited to, nontax purposes;

18 (b) If the price is attributable to products that are subject to
19 tax at different tax rates, the total price is attributable to the
20 products subject to the tax at the highest tax rate unless the seller
21 can identify by reasonable and verifiable standards the portion of
22 the price attributable to the products subject to the tax imposed by
23 RCW 82.08.020 at the lower rate from its books and records that are
24 kept in the regular course of business for other purposes including,
25 but not limited to, nontax purposes.

26 (6) The tax imposed by RCW 82.08.020 does not apply in respect to
27 a bundled transaction consisting entirely of the sale of services or
28 of services and prepared food, if the sale is to a resident, sixty-
29 two years of age or older, of a qualified low-income senior housing
30 facility by the lessor or operator of the facility. A single bundled
31 transaction involving both spouses of a marital community or both
32 domestic partners of a domestic partnership meets the age requirement
33 in this subsection if at least one of the spouses or domestic
34 partners is at least sixty-two years of age. For purposes of this
35 subsection, "qualified low-income senior housing facility" has the
36 same meaning as in RCW 82.08.0293.

37 (7) In the case of the sale of a code that provides a purchaser
38 with the right to obtain more than one digital product or one or more
39 digital products and other products or services, and all of the
40 products and services, digital or otherwise, to be obtained through

1 the use of the code do not have the same sales and use tax treatment,
2 for purposes of the tax imposed by RCW 82.08.020:

3 (a) The transaction is deemed to be the sale of the products and
4 services to be obtained through the use of the code; and

5 (b) (i) The tax imposed by RCW 82.08.020 applies to the entire
6 selling price of the code, except as provided in (b) (ii) of this
7 subsection (7).

8 (ii) If the seller can identify by reasonable and verifiable
9 standards the portion of the selling price attributable to the
10 products and services that are not subject to the tax imposed by RCW
11 82.08.020 from its books and records that are kept in the regular
12 course of business for other purposes including, but not limited to,
13 nontax purposes, the tax imposed by RCW 82.08.020 does not apply to
14 that portion of the selling price of the code attributable to the
15 products and services that are not subject to the tax imposed by RCW
16 82.08.020 nor to that portion of the selling price of the code
17 attributable to any digital goods, the sale of which is exempt under
18 RCW (~~(82.08.02087)~~) 82.08.0208(3).

19 **Sec. 16.** RCW 82.08.806 and 2011 c 174 s 204 are each amended to
20 read as follows:

21 (1) The tax levied by RCW 82.08.020 does not apply to sales, to a
22 printer or publisher, of computer equipment, including repair parts
23 and replacement parts for such equipment, when the computer equipment
24 is used primarily in the printing or publishing of any printed
25 material, or to sales of or charges made for labor and services
26 rendered in respect to installing, repairing, cleaning, altering, or
27 improving the computer equipment. This exemption applies only to
28 computer equipment not otherwise exempt under RCW 82.08.02565.

29 (2) A person taking the exemption under this section must keep
30 records necessary for the department to verify eligibility under this
31 section. This exemption is available only when the purchaser provides
32 the seller with an exemption certificate in a form and manner
33 prescribed by the department. The seller must retain a copy of the
34 certificate for the seller's files.

35 (3) The definitions in this subsection (3) apply throughout this
36 section, unless the context clearly requires otherwise.

37 (a) "Computer" has the same meaning as in RCW 82.04.215.

38 (b) "Computer equipment" means a computer and the associated
39 physical components that constitute a computer system, including

1 monitors, keyboards, printers, modems, scanners, pointing devices,
2 and other computer peripheral equipment, cables, servers, and
3 routers. "Computer equipment" also includes digital cameras and
4 computer software.

5 (c) "Computer software" has the same meaning as in RCW 82.04.215.

6 (d) "Primarily" means greater than fifty percent as measured by
7 time.

8 (e) "Printer or publisher" means a person, as defined in RCW
9 82.04.030, who is subject to tax under RCW 82.04.260(~~((+13))~~) (14) or
10 82.04.280(1)(a).

11 (4) "Computer equipment" does not include computer equipment that
12 is used primarily for administrative purposes including but not
13 limited to payroll processing, accounting, customer service,
14 telemarketing, and collection. If computer equipment is used
15 simultaneously for administrative and nonadministrative purposes, the
16 administrative use must be disregarded during the period of
17 simultaneous use for purposes of determining whether the computer
18 equipment is used primarily for administrative purposes.

19 **Sec. 17.** RCW 82.08.956 and 2013 2nd sp.s. c 13 s 1002 are each
20 amended to read as follows:

21 (1) The tax levied by RCW 82.08.020 does not apply to sales of
22 hog fuel used to produce electricity, steam, heat, or biofuel. This
23 exemption is available only if the buyer provides the seller with an
24 exemption certificate in a form and manner prescribed by the
25 department. The seller must retain a copy of the certificate for the
26 seller's files.

27 (2) For the purposes of this section (~~((the following definitions
28 apply))~~):

29 (a) "Biofuel" includes, but is not limited to, biodiesel,
30 ethanol, and ethanol blend fuels and renewable liquid natural gas or
31 liquid compressed natural gas made from biogas;

32 (b) "Biogas" includes waste gases derived from landfills and
33 wastewater treatment plants and dairy and farm wastes; and

34 (c) "Hog fuel" means wood waste and other wood residuals
35 including forest derived biomass. "Hog fuel" does not include
36 firewood or wood pellets(~~(; and~~

37 ~~(b) "Biofuel" has the same meaning as provided in RCW
38 43.325.010).~~

1 (3) If a taxpayer who claimed an exemption under this section
2 closes a facility in Washington for which employment positions were
3 reported under RCW 82.32.605, resulting in a loss of jobs located
4 within the state, the department must declare the amount of the tax
5 exemption claimed under this section for the previous two calendar
6 years to be immediately due.

7 (4) This section expires June 30, 2024.

8 **Sec. 18.** RCW 82.08.9651 and 2017 3rd sp.s. c 37 s 506 are each
9 amended to read as follows:

10 (1) The tax levied by RCW 82.08.020 does not apply to sales of
11 gases and chemicals used by a manufacturer or processor for hire in
12 the production of semiconductor materials. This exemption is limited
13 to gases and chemicals used in the production process to grow the
14 product, deposit or grow permanent or sacrificial layers on the
15 product, to etch or remove material from the product, to anneal the
16 product, to immerse the product, to clean the product, and other such
17 uses whereby the gases and chemicals come into direct contact with
18 the product during the production process, or uses of gases and
19 chemicals to clean the chambers and other like equipment in which
20 such processing takes place. For the purposes of this section,
21 "semiconductor materials" has the meaning provided in RCW 82.04.2404
22 and 82.04.294(3).

23 (2) A person claiming the exemption under this section must file
24 a complete annual tax performance report with the department under
25 RCW 82.32.534.

26 (3) No application is necessary for the tax exemption. The person
27 is subject to all of the requirements of chapter 82.32 RCW.

28 (4) Any person who has claimed the (~~preferential tax rate~~)
29 exemption under this section must reimburse the department for fifty
30 percent of the amount of the tax preference under this section, if:

31 (a) The number of persons employed by the person claiming the tax
32 preference is less than ninety percent of the person's three-year
33 employment average for the three years immediately preceding the year
34 in which the (~~preferential tax rate~~) exemption is claimed; or

35 (b) The person is subject to a review under section 501(4)(a),
36 chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet
37 performance criteria in section 501(4)(a), chapter 37, Laws of 2017
38 3rd sp. sess.

39 (5) This section expires December 1, 2028.

1 **Sec. 19.** RCW 82.12.0208 and 2009 c 535 s 601 are each amended to
2 read as follows:

3 (1) The provisions of this chapter do not apply in respect to the
4 use of a digital code for one or more digital products, if the use of
5 the digital products to which the digital code relates is exempt from
6 the tax levied by RCW 82.12.020.

7 (2) The provisions of this chapter do not apply to the use by a
8 business or other organization of digital goods, digital codes,
9 digital automated services, or services defined as a retail sale in
10 RCW 82.04.050(6)(c) for the purpose of making the digital good or
11 digital automated service, including a digital good or digital
12 automated service acquired through the use of a digital code, or
13 service defined as a retail sale in RCW 82.04.050(6)(c) available
14 free of charge for the use or enjoyment of the general public. For
15 purposes of this subsection (2), "general public" has the same
16 meaning as in RCW 82.08.0208. The exemption provided in this
17 subsection (2) does not apply unless the user has the legal right to
18 broadcast, rebroadcast, transmit, retransmit, license, relicense,
19 distribute, redistribute, or exhibit the product, in whole or in
20 part, to the general public.

21 (3) The provisions of this chapter do not apply to the use by
22 students of digital goods furnished by a public or private elementary
23 or secondary school, or an institution of higher education as defined
24 in section 1001 or 1002 of the federal higher education act of 1965
25 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009.

26 (4)(a) The provisions of this chapter do not apply in respect to
27 the use of digital goods that are:

28 (i) Of a noncommercial nature, such as personal email
29 communications;

30 (ii) Created solely for an internal audience; or

31 (iii) Created solely for the business needs of the person who
32 created the digital good, including business email communications,
33 but not including the type of digital good that is offered for sale.

34 (b) This subsection (4) does not apply to the use of any digital
35 goods purchased by the user, the user's donor, or anybody on the
36 user's behalf.

37 (5) The provisions of this chapter do not apply in respect to the
38 use of digital products or digital codes obtained by the end user
39 free of charge.

1 (6) The provisions of this chapter do not apply to the use by a
2 business of digital goods, and services rendered in respect to
3 digital goods, where the digital goods and services rendered in
4 respect to digital goods are used solely for business purposes. The
5 exemption provided by this subsection (6) also applies to the use by
6 a business of a digital code if all of the digital goods to be
7 obtained through the use of the code will be used solely for business
8 purposes. For purposes of this subsection (6), the definitions in RCW
9 82.08.0208 apply.

10 (7)(a) A business or other organization subject to the tax
11 imposed in RCW 82.12.020 on the use of digital goods, digital codes,
12 digital automated services, prewritten computer software, or services
13 defined as a retail sale in RCW 82.04.050(6)(c) that are concurrently
14 available for use within and outside this state is entitled to
15 apportion the amount of tax due this state based on users in this
16 state compared to users everywhere. The department may authorize or
17 require an alternative method of apportionment supported by the
18 taxpayer's records that fairly reflects the proportion of in-state to
19 out-of-state use by the taxpayer of the digital goods, digital
20 automated services, prewritten computer software, or services defined
21 as a retail sale in RCW 82.04.050(6)(c).

22 (b) No apportionment under this subsection (7) is allowed unless
23 the apportionment method is supported by the taxpayer's records kept
24 in the ordinary course of business.

25 (c) For purposes of this subsection (7), the following
26 definitions apply:

27 (i) "Concurrently available for use within and outside this
28 state" means that employees or other agents of the taxpayer may use
29 the digital goods, digital automated services, prewritten computer
30 software, or services defined as a retail sale in RCW 82.04.050(6)(c)
31 simultaneously at one or more locations within this state and one or
32 more locations outside this state. A digital code is concurrently
33 available for use within and outside this state if employees or other
34 agents of the taxpayer may use the digital goods or digital automated
35 services to be obtained by the code simultaneously at one or more
36 locations within this state and one or more locations outside this
37 state; and

38 (ii) "User" means an employee or agent of the taxpayer who is
39 authorized by the taxpayer to use the digital goods, digital
40 automated services, prewritten computer software, or services defined

1 as a retail sale in RCW 82.04.050(6)(c) in the performance of his or
2 her duties as an employee or other agent of the taxpayer.

3 (8)(a) Except as provided in (b) of this subsection (8), the
4 provisions of this chapter do not apply to the use of audio or video
5 programming provided by a radio or television broadcaster.

6 (b)(i) Except as provided in (b)(ii) of this subsection (8), the
7 exemption provided in this subsection (8) does not apply in respect
8 to programming that is sold on a pay-per-program basis or that allows
9 the buyer to access a library of programs at any time for a specific
10 charge for that service.

11 (ii) The exemption provided in this subsection (8) applies to the
12 sale of programming described in (b)(i) of this subsection (8) if the
13 seller is subject to a franchise fee in this state under the
14 authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived
15 from the sale.

16 (c) For purposes of this subsection (8), "radio or television
17 broadcaster" includes satellite radio providers, satellite television
18 providers, cable television providers, providers of subscription
19 internet television, and persons who provide radio or television
20 broadcasting to listeners or viewers for no charge.

21 **Sec. 20.** RCW 82.12.02749 and 2002 c 113 s 3 are each amended to
22 read as follows:

23 The tax levied by RCW 82.08.020 (~~shall~~) does not apply to the
24 use of medical supplies, chemicals, or materials by an organ
25 procurement organization exempt under RCW 82.04.326. The definitions
26 of medical supplies, chemicals, and materials in RCW (~~82.04.324~~)
27 82.08.02807 apply to this section. This exemption does not apply to
28 the use of construction materials, office equipment, building
29 equipment, administrative supplies, or vehicles.

30 **Sec. 21.** RCW 82.12.930 and 2003 c 5 s 17 are each amended to
31 read as follows:

32 The provisions of this chapter do not apply with respect to the
33 use by municipal corporations, the state, and all political
34 subdivisions thereof of tangible personal property consumed and/or of
35 labor and services as defined in RCW 82.04.050(2)(a) rendered in
36 respect to contracts for watershed protection and/or flood
37 prevention. This exemption is limited to that portion of the selling
38 price that is reimbursed by the United States government according to

1 the provisions of the watershed protection and flood prevention act
2 (68 Stat. 666; 16 U.S.C. Sec. (~~101~~) 1001 et seq.).

3 **Sec. 22.** RCW 82.12.956 and 2013 2nd sp.s. c 13 s 1003 are each
4 amended to read as follows:

5 (1) The provisions of this chapter do not apply with respect to
6 the use of hog fuel for production of electricity, steam, heat, or
7 biofuel.

8 (2) For the purposes of this section:

9 (a) "Biofuel" has the same meaning as provided in RCW 82.08.956;
10 and

11 (b) "Hog fuel" has the same meaning as provided in RCW
12 82.08.956 (~~;~~ and

13 ~~(b) "Biofuel" has the same meaning as provided in RCW~~
14 ~~43.325.010)).~~

15 (3) This section expires June 30, 2024.

16 **Sec. 23.** RCW 82.12.9651 and 2017 3rd sp.s. c 37 s 508 are each
17 amended to read as follows:

18 (1) The provisions of this chapter do not apply with respect to
19 the use of gases and chemicals used by a manufacturer or processor
20 for hire in the production of semiconductor materials. This exemption
21 is limited to gases and chemicals used in the production process to
22 grow the product, deposit or grow permanent or sacrificial layers on
23 the product, to etch or remove material from the product, to anneal
24 the product, to immerse the product, to clean the product, and other
25 such uses whereby the gases and chemicals come into direct contact
26 with the product during the production process, or uses of gases and
27 chemicals to clean the chambers and other like equipment in which
28 such processing takes place. For purposes of this section,
29 "semiconductor materials" has the meaning provided in RCW 82.04.2404
30 and 82.04.294(3).

31 (2) A person claiming the exemption under this section must file
32 a complete annual tax performance report with the department under
33 RCW 82.32.534.

34 (3) No application is necessary for the tax exemption. The person
35 is subject to all of the requirements of chapter 82.32 RCW.

36 (4) Any person who has claimed the (~~preferential tax rate~~)
37 exemption under this section must reimburse the department for fifty
38 percent of the amount of the tax preference under this section, if:

1 (a) The number of persons employed by the person claiming the tax
2 preference is less than ninety percent of the person's three-year
3 employment average for the three years immediately preceding the year
4 in which the ((preferential tax rate)) exemption is claimed; or

5 (b) The person is subject to a review under section 501(4)(a),
6 chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet
7 performance criteria in section 501(4)(a), chapter 37, Laws of 2017
8 3rd sp. sess.

9 (5) This section expires December 1, 2028.

10 **Sec. 24.** RCW 82.14.049 and 2011 c 174 s 107 are each amended to
11 read as follows:

12 (1) The legislative authority of any county may impose a sales
13 and use tax, in addition to the tax authorized by RCW 82.14.030, upon
14 retail car rentals within the county that are taxable by the state
15 under chapters 82.08 and 82.12 RCW. The rate of tax is one percent of
16 the selling price in the case of a sales tax or rental value of the
17 vehicle in the case of a use tax. Proceeds of the tax may not be used
18 to subsidize any professional sports team and must be used solely for
19 the following purposes:

20 (a) Acquiring, constructing, maintaining, or operating public
21 sports stadium facilities;

22 (b) Engineering, planning, financial, legal, or professional
23 services incidental to public sports stadium facilities;

24 (c) Youth or amateur sport activities or facilities; or

25 (d) Debt or refinancing debt issued for the purposes of
26 subsection (1) of this section.

27 (2) In a county of one million or more, at least seventy-five
28 percent of the tax imposed under this section must be used to retire
29 the debt on the stadium under RCW 67.28.180(2)(b) ~~((+ii))~~ (i)(B),
30 until that debt is fully retired.

31 **Sec. 25.** RCW 82.14.400 and 2000 c 240 s 1 are each amended to
32 read as follows:

33 (1) Upon the joint request of a metropolitan park district, a
34 city with a population of more than one hundred fifty thousand, and a
35 county legislative authority in a county with a national park and a
36 population of more than five hundred thousand and less than one
37 million five hundred thousand, the county ~~((shall))~~ must submit an
38 authorizing proposition to the county voters, fixing and imposing a

1 sales and use tax in accordance with this chapter for the purposes
2 designated in subsection (4) of this section and identified in the
3 joint request. Such proposition must be placed on a ballot for a
4 special or general election to be held no later than one year after
5 the date of the joint request.

6 (2) The proposition is approved if it receives the votes of a
7 majority of those voting on the proposition.

8 (3) The tax authorized in this section is in addition to any
9 other taxes authorized by law and (~~shall~~) must be collected from
10 those persons who are taxable by the state under chapters 82.08 and
11 82.12 RCW upon the occurrence of any taxable event within the county.
12 The rate of tax (~~shall~~) must equal no more than one-tenth of one
13 percent of the selling price in the case of a sales tax, or value of
14 the article used, in the case of a use tax.

15 (4) Moneys received from any tax imposed under this section
16 (~~shall~~) must be used solely for the purpose of providing funds for:

17 (a) Costs associated with financing, design, acquisition,
18 construction, equipping, operating, maintaining, remodeling,
19 repairing, reequipping, or improvement of zoo, aquarium, and wildlife
20 preservation and display facilities that are currently accredited by
21 the American zoo and aquarium association; or

22 (b) Those costs associated with (a) of this subsection and costs
23 related to parks located within a county described in subsection (1)
24 of this section.

25 (5) The department (~~of revenue shall~~) must perform the
26 collection of such taxes on behalf of the county at no cost to the
27 county. In lieu of the charge for the administration and collection
28 of local sales and use taxes under RCW 82.14.050 from which the
29 county is exempt under this subsection (5), a percentage of the tax
30 revenues authorized by this section equal to one-half of the maximum
31 percentage provided in RCW 82.14.050 (~~shall~~) must be transferred
32 annually to the department of (~~community, trade, and economic
33 development~~) commerce, or its successor agency, from the funds
34 allocated under subsection (6)(b) of this section for a period of
35 twelve years from the first date of distribution of funds under
36 subsection (6)(b) of this section. The department of (~~community,
37 trade, and economic development~~) commerce, or its successor agency,
38 (~~shall~~) must use funds transferred to it pursuant to this
39 subsection (5) to provide, operate, and maintain community-based

1 housing under chapter 43.185 RCW for (~~persons who are mentally ill~~)
2 individuals with mental illness.

3 (6) If the joint request and the authorizing proposition include
4 provisions for funding those costs included within subsection (4)(b)
5 of this section, the tax revenues authorized by this section
6 (~~shall~~) must be allocated annually as follows:

7 (a) Fifty percent to the zoo and aquarium advisory authority; and

8 (b) Fifty percent to be distributed on a per capita basis as set
9 out in the most recent population figures for unincorporated and
10 incorporated areas only within that county, as determined by the
11 office of financial management, solely for parks, as follows: To any
12 metropolitan park district, to cities and towns not contained within
13 a metropolitan park district, and the remainder to the county. Moneys
14 received under this subsection (6)(b) by a county may not be used to
15 replace or supplant existing per capita funding.

16 (7) Funds (~~shall~~) must be distributed annually by the county
17 treasurer to the county, and cities and towns located within the
18 county, in the manner set out in subsection (6)(b) of this section.

19 (8) Prior to expenditure of any funds received by the county
20 under subsection (6)(b) of this section, the county (~~shall~~) must
21 establish a process which considers needs throughout the
22 unincorporated areas of the county in consultation with community
23 advisory councils established by ordinance.

24 (9) By December 31, 2005, and thereafter, the county or any city
25 with a population greater than eighty thousand must provide at least
26 one dollar match for every two dollars received under this section.

27 (10) Properties subject to a memorandum of agreement between the
28 federal bureau of land management, the advisory council on historic
29 preservation, and the Washington state historic preservation officer
30 have priority for funding from money received under subsection (6)(b)
31 of this section for implementation of the stipulations in the
32 memorandum of agreement.

33 (a) At least one hundred thousand dollars of the first four years
34 of allocations under subsection (6)(b) of this section, to be matched
35 by the county or city with one dollar for every two dollars received,
36 (~~shall~~) must be used to implement the stipulations of the
37 memorandum of agreement and for other historical, archaeological,
38 architectural, and cultural preservation and improvements related to
39 the properties.

1 (b) The amount in (a) of this subsection (~~shall~~) must come
2 equally from the allocations to the county and to the city in which
3 the properties are located, unless otherwise agreed to by the county
4 and the city.

5 (c) The amount in (a) of this subsection (~~shall~~) may not be
6 construed to displace or be offered in lieu of any lease payment from
7 a county or city to the state for the properties in question.

8 **Sec. 26.** RCW 82.14.457 and 2017 c 323 s 527 are each amended to
9 read as follows:

10 (1) A business or other organization that is entitled under RCW
11 (~~82.12.02088~~) 82.12.0208(7) to apportion the amount of state use
12 tax on the use of digital goods, digital codes, digital automated
13 services, prewritten computer software, or services defined as a
14 retail sale in RCW 82.04.050(6)(c) is also entitled to apportion the
15 amount of local use taxes imposed under the authority of this chapter
16 and RCW 81.104.170 on the use of such products or services.

17 (2) To ensure that the tax base for state and local use taxes is
18 identical, the measure of local use taxes apportioned under this
19 section must be the same as the measure of state use tax apportioned
20 under RCW (~~82.12.02088~~) 82.12.0208(7).

21 (3) This section does not affect the sourcing of local use taxes.

22 **Sec. 27.** RCW 82.16.0497 and 2006 c 213 s 1 are each amended to
23 read as follows:

24 (1) (~~Unless the context clearly requires otherwise,~~) The
25 definitions in this subsection apply throughout this section unless
26 the context clearly requires otherwise.

27 (a) "Base credit" means the maximum amount of credit against the
28 tax imposed by this chapter that each light and power business or gas
29 distribution business may take each fiscal year as calculated by the
30 department. The base credit is equal to the proportionate share that
31 the total grants received by each light and power business or gas
32 distribution business in the prior fiscal year bears to the total
33 grants received by all light and power businesses and gas
34 distribution businesses in the prior fiscal year multiplied by five
35 million five hundred thousand dollars for fiscal year 2007, and two
36 million five hundred thousand dollars for all other fiscal years
37 before and after fiscal year 2007.

1 (b) "Billing discount" means a reduction in the amount charged
2 for providing service to qualifying persons in Washington made by a
3 light and power business or a gas distribution business. Billing
4 discount does not include grants received by the light and power
5 business or a gas distribution business.

6 (c) "Grant" means funds provided to a light and power business or
7 gas distribution business by the department of (~~community, trade,~~
8 ~~and economic development~~) commerce or by a qualifying organization.

9 (d) "Low-income home energy assistance program" means energy
10 assistance programs for low-income households as defined on December
11 31, 2000, in the low-income home energy assistance act of 1981 as
12 amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

13 (e) "Qualifying person" means a Washington resident who applies
14 for assistance and qualifies for a grant regardless of whether that
15 person receives a grant.

16 (f) "Qualifying contribution" means money given by a light and
17 power business or a gas distribution business to a qualifying
18 organization, exclusive of money received in the prior fiscal year
19 from its customers for the purpose of assisting other customers.

20 (g) "Qualifying organization" means an entity that has a
21 contractual agreement with the department of (~~community, trade, and~~
22 ~~economic development~~) commerce to administer in a specified service
23 area low-income home energy assistance funds received from the
24 federal government and such other funds that may be received by the
25 entity.

26 (2) Subject to the limitations in this section, a light and power
27 business or a gas distribution business may take a credit each fiscal
28 year against the tax imposed under this chapter.

29 (a)(i) A credit may be taken for qualifying contributions if the
30 dollar amount of qualifying contributions for the fiscal year in
31 which the tax credit is taken is greater than one hundred twenty-five
32 percent of the dollar amount of qualifying contributions given in
33 fiscal year 2000.

34 (ii) If no qualifying contributions were given in fiscal year
35 2000, a credit (~~shall be~~) is allowed for the first fiscal year that
36 qualifying contributions are given. Thereafter, credit (~~shall be~~)
37 is allowed if the qualifying contributions given exceed one hundred
38 twenty-five percent of qualifying contributions given in the first
39 fiscal year.

1 (iii) The amount of credit (~~shall be~~) is fifty percent of the
2 dollar amount of qualifying contributions given in the fiscal year in
3 which the tax credit is taken.

4 (b)(i) A credit may be taken for billing discounts if the dollar
5 amount of billing discounts for the fiscal year in which the tax
6 credit is taken is greater than one hundred twenty-five percent of
7 the dollar amount of billing discounts given in fiscal year 2000.

8 (ii) If no billing discounts were given in fiscal year 2000, a
9 credit (~~shall be~~) is allowed in the first fiscal year that billing
10 discounts are given. Thereafter, credit (~~shall be~~) is allowed if
11 the dollar amount of billing discounts given exceeds one hundred
12 twenty-five percent of billing discounts given in the first fiscal
13 year.

14 (iii) The amount of credit (~~shall be~~) is fifty percent of the
15 dollar amount of the billing discounts given in the fiscal year in
16 which the tax credit is taken.

17 (c) The total amount of credit that may be taken for qualifying
18 contributions and billing discounts in a fiscal year is limited to
19 the base credit for the same fiscal year.

20 (3)(a)(i) Except as provided in (a)(ii) of this subsection, the
21 total amount of credit, statewide, that may be taken in any fiscal
22 year (~~shall~~) may not exceed two million five hundred thousand
23 dollars.

24 (ii) The total amount of credit, statewide, that may be taken in
25 fiscal year 2007 (~~shall~~) may not exceed five million five hundred
26 thousand dollars.

27 (b) By May 1st of each year starting in 2002, the department of
28 (~~community, trade, and economic development shall~~) commerce must
29 notify the department of revenue in writing of the grants received in
30 the current fiscal year by each light and power business and gas
31 distribution business.

32 (4)(a) Not later than June 1st of each year beginning in 2002,
33 the department (~~shall~~) must publish the base credit for each light
34 and power business and gas distribution business for the next fiscal
35 year.

36 (b) Not later than July 1st of each year beginning in 2002,
37 application for credit must (~~by~~) be made to the department
38 including but not limited to the following information: Billing
39 discounts given by the applicant in fiscal year 2000; qualifying
40 contributions given by the applicant in the prior fiscal year; the

1 amount of money received in the prior fiscal year from customers for
2 the purpose of assisting other customers; the base credit for the
3 next fiscal year for the applicant; the qualifying contributions
4 anticipated to be given in the next fiscal year; and billing
5 discounts anticipated to be given in the next fiscal year. No credit
6 under this section will be allowed to a light and power business or
7 gas distribution business that does not file the application by July
8 1st.

9 (c) Not later than August 1st of each year beginning in 2002, the
10 department (~~shall~~) must notify each applicant of the amount of
11 credit that may be taken in that fiscal year.

12 (d) The balance of base credits not used by other light and power
13 businesses and gas distribution businesses (~~shall~~) must be ratably
14 distributed to applicants under the formula in subsection (1)(a) of
15 this section. The total amount of credit that may be taken by an
16 applicant is the base credit plus any ratable portion of unused base
17 credit.

18 (5) The credit taken under this section is limited to the amount
19 of tax imposed under this chapter for the fiscal year. The credit
20 must be claimed in the fiscal year in which the billing reduction is
21 made. Any unused credit expires. Refunds (~~shall~~) may not be given
22 in place of credits.

23 (6) No credit may be taken for billing discounts made before July
24 1, 2001. Within two weeks of May 8, 2001, the department of
25 (~~community, trade, and economic development shall~~) commerce must
26 notify the department of revenue in writing of the grants received in
27 fiscal year 2001 by each light and power business and gas
28 distribution business. Within four weeks of May 8, 2001, the
29 department of revenue (~~shall~~) must publish the base credit for each
30 light and power business and gas distribution business for fiscal
31 year 2002. Within eight weeks of May 8, 2001, application to the
32 department must be made showing the information required in
33 subsection (4)(b) of this section. Within twelve weeks of May 8,
34 2001, the department (~~shall~~) must notify each applicant of the
35 amount of credit that may be taken in fiscal year 2002.

36 **Sec. 28.** RCW 82.16.055 and 1980 c 149 s 3 are each amended to
37 read as follows:

38 (1) In computing tax under this chapter there (~~shall~~) must be
39 deducted from the gross income:

1 (a) An amount equal to the cost of production at the plant for
2 consumption within the state of Washington of:

3 (i) Electrical energy produced or generated from cogeneration as
4 defined in RCW 82.35.020, as existing on June 30, 2006; and

5 (ii) Electrical energy or gas produced or generated from
6 renewable energy resources such as solar energy, wind energy,
7 hydroelectric energy, geothermal energy, wood, wood wastes, municipal
8 wastes, agricultural products and wastes, and end-use waste heat; and

9 (b) Those amounts expended to improve consumers' efficiency of
10 energy end use or to otherwise reduce the use of electrical energy or
11 gas by the consumer.

12 (2) This section applies only to new facilities for the
13 production or generation of energy from cogeneration or renewable
14 energy resources or measures to improve the efficiency of energy end
15 use on which construction or installation is begun after June 12,
16 1980, and before January 1, 1990.

17 (3) Deductions under subsection (1)(a) of this section (~~shall~~)
18 must be allowed for a period not to exceed thirty years after the
19 project is placed in operation.

20 (4) Measures or projects encouraged under this section (~~shall~~)
21 must at the time they are placed in service be reasonably expected to
22 save, produce, or generate energy at a total incremental system cost
23 per unit of energy delivered to end use which is less than or equal
24 to the incremental system cost per unit of energy delivered to end
25 use from similarly available conventional energy resources which
26 utilize nuclear energy or fossil fuels and which the gas or electric
27 utility could acquire to meet energy demand in the same time period.

28 (5) The department of revenue, after consultation with the
29 utilities and transportation commission in the case of investor-owned
30 utilities and the governing bodies of locally regulated utilities,
31 (~~shall~~) must determine the eligibility of individual projects and
32 measures for deductions under this section.

33 **Sec. 29.** RCW 82.23A.010 and 2012 1st sp.s. c 3 s 4 are each
34 amended to read as follows:

35 (~~Unless the context clearly requires otherwise,~~) The
36 definitions in this section apply throughout this chapter unless the
37 context clearly requires otherwise.

38 (1) "Petroleum product" means plant condensate, lubricating oil,
39 gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel

1 oil, residual oil, and every other product derived from the refining
2 of crude oil, but the term does not include crude oil or liquefiable
3 gases.

4 (2) "Possession" means the control of a petroleum product located
5 within this state and includes both actual and constructive
6 possession. "Actual possession" occurs when the person with control
7 has physical possession. "Constructive possession" occurs when the
8 person with control does not have physical possession. "Control"
9 means the power to sell or use a petroleum product or to authorize
10 the sale or use by another.

11 (3) "Previously taxed petroleum product" means a petroleum
12 product in respect to which a tax has been paid under this chapter
13 and that has not been remanufactured or reprocessed in any manner
14 (other than mere repackaging or recycling for beneficial reuse) since
15 the tax was paid.

16 (4) "Rack" means a mechanism for delivering petroleum products
17 from a refinery or terminal into a truck, trailer, railcar, or other
18 means of nonbulk transfer. For the purposes of this definition:

19 (a) "Terminal" has the same ~~((definition as in RCW 82.36.010~~
20 ~~and)) meaning as provided in RCW 82.38.020; and~~

21 (b) "Nonbulk transfer" means a transfer that does not meet the
22 definition of "bulk transfer" as defined in RCW ~~((82.36.010 and))~~
23 82.38.020.

24 (5) "Wholesale value" means fair market wholesale value,
25 determined as nearly as possible according to the wholesale selling
26 price at the place of use of similar products of like quality and
27 character, in accordance with rules of the department.

28 (6) Except for terms defined in this section, the definitions in
29 chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

30 **Sec. 30.** RCW 82.24.010 and 2012 2nd sp.s. c 4 s 1 are each
31 amended to read as follows:

32 ~~((Unless the context clearly requires otherwise,))~~ The
33 definitions in this section apply throughout this chapter~~((+))~~ unless
34 the context clearly requires otherwise.

35 (1) "Board" means the liquor ~~((control))~~ and cannabis board.

36 (2) "Cigarette" means any roll for smoking made wholly or in part
37 of tobacco, irrespective of size or shape and irrespective of the
38 tobacco being flavored, adulterated, or mixed with any other
39 ingredient, where such roll has a wrapper or cover made of paper or

1 any material, except where such wrapper is wholly or in the greater
2 part made of natural leaf tobacco in its natural state. "Cigarette"
3 includes a roll-your-own cigarette.

4 (3) "Cigarette paper" means any paper or any other material
5 except tobacco, prepared for use as a cigarette wrapper.

6 (4) "Cigarette tube" means cigarette paper made into a hollow
7 cylinder for use in making cigarettes.

8 (5) "Commercial cigarette-making machine" means a machine that is
9 operated in a retail establishment and that is capable of being
10 loaded with loose tobacco, cigarette paper or tubes, and any other
11 components related to the production of roll-your-own cigarettes,
12 including filters.

13 (6) "Indian tribal organization" means a federally recognized
14 Indian tribe, or tribal entity, and includes an Indian wholesaler or
15 retailer that is owned by an Indian who is an enrolled tribal member
16 conducting business under tribal license or similar tribal approval
17 within Indian country. For purposes of this chapter "Indian country"
18 is defined in the manner set forth in 18 U.S.C. Sec. 1151.

19 (7) "Precollection obligation" means the obligation of a seller
20 otherwise exempt from the tax imposed by this chapter to collect the
21 tax from that seller's buyer.

22 (8) "Retailer" means every person, other than a wholesaler, who
23 purchases, sells, offers for sale or distributes any one or more of
24 the articles taxed herein, irrespective of quantity or amount, or the
25 number of sales, and all persons operating under a retailer's
26 registration certificate.

27 (9) "Retail selling price" means the ordinary, customary or usual
28 price paid by the consumer for each package of cigarettes, less the
29 tax levied by this chapter and less any similar tax levied by this
30 state.

31 (10) "Roll-your-own cigarettes" means cigarettes produced by a
32 commercial cigarette-making machine.

33 (11) "Stamp" means the stamp or stamps by use of which the tax
34 levy under this chapter is paid or identification is made of those
35 cigarettes with respect to which no tax is imposed.

36 (12) "Wholesaler" means every person who purchases, sells, or
37 distributes any one or more of the articles taxed herein to retailers
38 for the purpose of resale only.

1 (13) The meaning attributed, in chapter 82.04 RCW, to the words
2 "person," "sale," "business" and "successor" applies equally in this
3 chapter.

4 **Sec. 31.** RCW 82.24.551 and 1997 c 420 s 10 are each amended to
5 read as follows:

6 The department (~~shall~~) must appoint, as duly authorized agents,
7 enforcement officers of the liquor (~~control~~) and cannabis board to
8 enforce provisions of this chapter. These officers (~~shall~~) are not
9 (~~be~~) considered employees of the department.

10 **Sec. 32.** RCW 82.26.010 and 2010 1st sp.s. c 22 s 4 are each
11 reenacted and amended to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Actual price" means the total amount of consideration for
15 which tobacco products are sold, valued in money, whether received in
16 money or otherwise, including any charges by the seller necessary to
17 complete the sale such as charges for delivery, freight,
18 transportation, or handling.

19 (2) "Affiliated" means related in any way by virtue of any form
20 or amount of common ownership, control, operation, or management.

21 (3) "Board" means the liquor (~~control~~) and cannabis board.

22 (4) "Business" means any trade, occupation, activity, or
23 enterprise engaged in for the purpose of selling or distributing
24 tobacco products in this state.

25 (5) "Cigar" means a roll for smoking that is of any size or shape
26 and that is made wholly or in part of tobacco, irrespective of
27 whether the tobacco is pure or flavored, adulterated or mixed with
28 any other ingredient, if the roll has a wrapper made wholly or in
29 greater part of tobacco. "Cigar" does not include a cigarette.

30 (6) "Cigarette" has the same meaning as in RCW 82.24.010.

31 (7) "Department" means the department of revenue.

32 (8) "Distributor" means (a) any person engaged in the business of
33 selling tobacco products in this state who brings, or causes to be
34 brought, into this state from without the state any tobacco products
35 for sale, (b) any person who makes, manufactures, fabricates, or
36 stores tobacco products in this state for sale in this state, (c) any
37 person engaged in the business of selling tobacco products without
38 this state who ships or transports tobacco products to retailers in

1 this state, to be sold by those retailers, (d) any person engaged in
2 the business of selling tobacco products in this state who handles
3 for sale any tobacco products that are within this state but upon
4 which tax has not been imposed.

5 (9) "Indian country" means the same as defined in chapter 82.24
6 RCW.

7 (10) "Little cigar" means a cigar that has a cellulose acetate
8 integrated filter.

9 (11) "Manufacturer" means a person who manufactures and sells
10 tobacco products.

11 (12) "Manufacturer's representative" means a person hired by a
12 manufacturer to sell or distribute the manufacturer's tobacco
13 products, and includes employees and independent contractors.

14 (13) "Moist snuff" means tobacco that is finely cut, ground, or
15 powdered; is not for smoking; and is intended to be placed in the
16 oral, but not the nasal, cavity.

17 (14) "Person" means any individual, receiver, administrator,
18 executor, assignee, trustee in bankruptcy, trust, estate, firm,
19 copartnership, joint venture, club, company, joint stock company,
20 business trust, municipal corporation, the state and its departments
21 and institutions, political subdivision of the state of Washington,
22 corporation, limited liability company, association, society, any
23 group of individuals acting as a unit, whether mutual, cooperative,
24 fraternal, nonprofit, or otherwise. The term excludes any person
25 immune from state taxation, including the United States or its
26 instrumentalities, and federally recognized Indian tribes and
27 enrolled tribal members, conducting business within Indian country.

28 (15) "Place of business" means any place where tobacco products
29 are sold or where tobacco products are manufactured, stored, or kept
30 for the purpose of sale, including any vessel, vehicle, airplane,
31 train, or vending machine.

32 (16) "Retail outlet" means each place of business from which
33 tobacco products are sold to consumers.

34 (17) "Retailer" means any person engaged in the business of
35 selling tobacco products to ultimate consumers.

36 (18)(a) "Sale" means any transfer, exchange, or barter, in any
37 manner or by any means whatsoever, for a consideration, and includes
38 and means all sales made by any person.

1 (b) The term "sale" includes a gift by a person engaged in the
2 business of selling tobacco products, for advertising, promoting, or
3 as a means of evading the provisions of this chapter.

4 (19)(a) "Taxable sales price" means:

5 (i) In the case of a taxpayer that is not affiliated with the
6 manufacturer, distributor, or other person from whom the taxpayer
7 purchased tobacco products, the actual price for which the taxpayer
8 purchased the tobacco products;

9 (ii) In the case of a taxpayer that purchases tobacco products
10 from an affiliated manufacturer, affiliated distributor, or other
11 affiliated person, and that sells those tobacco products to
12 unaffiliated distributors, unaffiliated retailers, or ultimate
13 consumers, the actual price for which that taxpayer sells those
14 tobacco products to unaffiliated distributors, unaffiliated
15 retailers, or ultimate consumers;

16 (iii) In the case of a taxpayer that sells tobacco products only
17 to affiliated distributors or affiliated retailers, the price,
18 determined as nearly as possible according to the actual price, that
19 other distributors sell similar tobacco products of like quality and
20 character to unaffiliated distributors, unaffiliated retailers, or
21 ultimate consumers;

22 (iv) In the case of a taxpayer that is a manufacturer selling
23 tobacco products directly to ultimate consumers, the actual price for
24 which the taxpayer sells those tobacco products to ultimate
25 consumers;

26 (v) In the case of a taxpayer that has acquired tobacco products
27 under a sale as defined in subsection (18)(b) of this section, the
28 price, determined as nearly as possible according to the actual
29 price, that the taxpayer or other distributors sell the same tobacco
30 products or similar tobacco products of like quality and character to
31 unaffiliated distributors, unaffiliated retailers, or ultimate
32 consumers; or

33 (vi) In any case where (a)(i) through (v) of this subsection do
34 not apply, the price, determined as nearly as possible according to
35 the actual price, that the taxpayer or other distributors sell the
36 same tobacco products or similar tobacco products of like quality and
37 character to unaffiliated distributors, unaffiliated retailers, or
38 ultimate consumers.

39 (b) For purposes of (a)(i) and (ii) of this subsection only,
40 "person" includes both persons as defined in subsection (14) of this

1 section and any person immune from state taxation, including the
2 United States or its instrumentalities, and federally recognized
3 Indian tribes and enrolled tribal members, conducting business within
4 Indian country.

5 (c) The department may adopt rules regarding the determination of
6 taxable sales price under this subsection.

7 (20) "Taxpayer" means a person liable for the tax imposed by this
8 chapter.

9 (21) "Tobacco products" means cigars, cheroots, stogies,
10 periques, granulated, plug cut, crimp cut, ready rubbed, and other
11 smoking tobacco, snuff, snuff flour, cavendish, plug and twist
12 tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps,
13 clippings, cuttings and sweepings of tobacco, and other kinds and
14 forms of tobacco, prepared in such manner as to be suitable for
15 chewing or smoking in a pipe or otherwise, or both for chewing and
16 smoking, and any other product, regardless of form, that contains
17 tobacco and is intended for human consumption or placement in the
18 oral or nasal cavity or absorption into the human body by any other
19 means, but does not include cigarettes as defined in RCW 82.24.010.

20 (22) "Unaffiliated distributor" means a distributor that is not
21 affiliated with the manufacturer, distributor, or other person from
22 whom the distributor has purchased tobacco products.

23 (23) "Unaffiliated retailer" means a retailer that is not
24 affiliated with the manufacturer, distributor, or other person from
25 whom the retailer has purchased tobacco products.

26 **Sec. 33.** RCW 82.26.121 and 1997 c 420 s 11 are each amended to
27 read as follows:

28 The department (~~shall~~) must appoint, as duly authorized agents,
29 enforcement officers of the liquor (~~control~~) and cannabis board to
30 enforce provisions of this chapter. These officers (~~shall~~) are not
31 (~~be~~) considered employees of the department.

32 **Sec. 34.** RCW 82.26.130 and 2002 c 325 s 5 are each amended to
33 read as follows:

34 (1) The department (~~shall~~) must by rule establish the invoice
35 detail required under RCW 82.26.060 for a distributor under RCW
36 82.26.010(~~(+3)~~) (8)(d) and for those invoices required to be
37 provided to retailers under RCW 82.26.070.

1 (2) If a retailer fails to keep invoices as required under
2 chapter 82.32 RCW, the retailer is liable for the tax owed on any
3 uninvoiced tobacco products but not penalties and interest, except as
4 provided in subsection (3) of this section.

5 (3) If the department finds that the nonpayment of tax by the
6 retailer was willful or if in the case of a second or plural
7 nonpayment of tax by the retailer, penalties and interest (~~shall~~)
8 must be assessed in accordance with chapter 82.32 RCW.

9 **Sec. 35.** RCW 82.26.190 and 2009 c 154 s 6 are each amended to
10 read as follows:

11 (1)(a) No person may engage in or conduct business as a
12 distributor or retailer in this state after September 30, 2005,
13 without a valid license issued under this chapter. Any person who
14 sells tobacco products to persons other than ultimate consumers or
15 who meets the definition of distributor under RCW 82.26.010(~~(+3)~~)
16 (8)(d) must obtain a distributor's license under this chapter. Any
17 person who sells tobacco products to ultimate consumers must obtain a
18 retailer's license under this chapter.

19 (b) A violation of this subsection (1) is punishable as a class C
20 felony according to chapter 9A.20 RCW.

21 (2)(a) No person engaged in or conducting business as a
22 distributor or retailer in this state may:

23 (i) Refuse to allow the department or the board, on demand, to
24 make a full inspection of any place of business where any of the
25 tobacco products taxed under this chapter are sold, stored, or
26 handled, or otherwise hinder or prevent such inspection;

27 (ii) Make, use, or present or exhibit to the department or the
28 board any invoice for any of the tobacco products taxed under this
29 chapter that bears an untrue date or falsely states the nature or
30 quantity of the goods invoiced; or

31 (iii) Fail to produce on demand of the department or the board
32 all invoices of all the tobacco products taxed under this chapter
33 within five years prior to such demand unless the person can show by
34 satisfactory proof that the nonproduction of the invoices was due to
35 causes beyond the person's control.

36 (b) No person, other than a licensed distributor or retailer, may
37 transport tobacco products for sale in this state for which the taxes
38 imposed under this chapter have not been paid unless:

1 (i) Notice of the transportation has been given as required under
2 RCW 82.26.140;

3 (ii) The person transporting the tobacco products actually
4 possesses invoices or delivery tickets showing the true name and
5 address of the consignor or seller, the true name and address of the
6 consignee or purchaser, and the quantity and brands of tobacco
7 products being transported; and

8 (iii) The tobacco products are consigned to or purchased by a
9 person in this state who is licensed under this chapter.

10 (c) A violation of this subsection (2) is a gross misdemeanor.

11 (3) Any person licensed under this chapter as a distributor, and
12 any person licensed under this chapter as a retailer, (~~shall~~) may
13 not operate in any other capacity unless the additional appropriate
14 license is first secured. A violation of this subsection (3) is a
15 misdemeanor.

16 (4) The penalties provided in this section are in addition to any
17 other penalties provided by law for violating the provisions of this
18 chapter or the rules adopted under this chapter.

19 **Sec. 36.** RCW 82.26.200 and 2005 c 180 s 17 are each amended to
20 read as follows:

21 (1) A retailer that obtains tobacco products from an unlicensed
22 distributor or any other person that is not licensed under this
23 chapter must be licensed both as a retailer and a distributor under
24 this chapter and is liable for the tax imposed under RCW 82.26.020
25 with respect to the tobacco products acquired from the unlicensed
26 person that are held for sale, handling, or distribution in this
27 state. For the purposes of this subsection, "person" includes both
28 persons defined in RCW 82.26.010(~~(+10)~~) (14) and any person immune
29 from state taxation, such as the United States or its
30 instrumentalities, and federally recognized Indian tribes and
31 enrolled tribal members, conducting business within Indian country.

32 (2) Every distributor licensed under this chapter (~~shall~~) must
33 sell tobacco products to retailers located in Washington only if the
34 retailer has a current retailer's license under this chapter.

35 **Sec. 37.** RCW 82.29A.060 and 1994 c 95 s 1 are each amended to
36 read as follows:

1 (1) All administrative provisions in chapters 82.02 and 82.32 RCW
2 (~~shall be~~) are applicable to taxes imposed pursuant to this
3 chapter.

4 (2) (a) A lessee, or a sublessee in the case where the sublessee
5 is responsible for paying the tax imposed under this chapter, of
6 property used for residential purposes may petition the county board
7 of equalization for a change in appraised value when the department
8 of revenue establishes taxable rent under RCW 82.29A.020(2) (~~(b)~~)
9 (g) based on an appraisal done by the county assessor at the request
10 of the department. The petition must be on forms prescribed or
11 approved by the department of revenue and any petition not conforming
12 to those requirements or not properly completed (~~shall~~) may not be
13 considered by the board. The petition must be filed with the board
14 within the time period set forth in RCW 84.40.038. A decision of the
15 board of equalization may be appealed by the taxpayer to the board of
16 tax appeals as provided in RCW 84.08.130.

17 (b) A sublessee, in the case where the sublessee is responsible
18 for paying the tax imposed under this chapter, of property used for
19 residential purposes may petition the department for a change in
20 taxable rent when the department of revenue establishes taxable rent
21 under RCW 82.29A.020(2) (~~(b)~~) (g).

22 (c) Any change in tax resulting from an appeal under this
23 subsection (~~shall~~) must be allocated to the lessee or sublessee
24 responsible for paying the tax.

25 (3) This section (~~shall~~) does not authorize the issuance of any
26 levy upon any property owned by the public lessor.

27 (4) In selecting leasehold excise tax returns for audit the
28 department of revenue (~~shall~~) must give priority to any return an
29 audit of which is specifically requested in writing by the county
30 assessor or treasurer or other chief financial officer of any city or
31 county affected by such return. Notwithstanding the provisions of RCW
32 82.32.330, findings of fact and determinations of the amount of
33 taxable rent made pursuant to the provisions of this chapter
34 (~~shall~~) must be open to public inspection at all reasonable times.

35 **Sec. 38.** RCW 82.29A.120 and 2017 3rd sp.s. c 37 s 1302 are each
36 amended to read as follows:

37 (1) (a) After computation of the taxes imposed pursuant to RCW
38 82.29A.030 and 82.29A.040, the following credits are allowed in
39 determining the tax payable:

1 (i) For lessees and sublessees who would qualify for a property
2 tax exemption under RCW 84.36.381 if the property were privately
3 owned, the tax otherwise due after this credit must be reduced by a
4 percentage equal to the percentage reduction in property tax that
5 would result from the property tax exemption under RCW 84.36.381; and

6 (ii) A credit of thirty-three percent of the tax otherwise due is
7 allowed with respect to a product lease.

8 (b)(i) For a leasehold interest in real property owned by a state
9 university, a credit is allowed equal to the amount that the tax
10 under this chapter exceeds the property tax that would apply if the
11 real property were privately owned by the taxpayer.

12 (ii) The credit under this subsection (1)(b) is available only if
13 the tax parcel that is subject to the leasehold interest has a market
14 value in excess of ten million dollars. If the leasehold interest
15 attaches to two or more parcels, the credit is available if at least
16 one of the tax parcels has a market value in excess of ten million
17 dollars. In either case, the market value must be determined as of
18 January 1st of the year prior to the year for which the credit is
19 claimed.

20 (iii) For purposes of calculating the credit under this
21 subsection (1)(b):

22 (A) If a tax parcel does not have current assessed value in
23 accordance with RCW 84.40.020, a market value appraisal performed by
24 a Washington state-certified general real estate appraiser, as
25 defined in RCW 18.140.010, is sufficient to establish the market
26 value. If the underlying real property that is the subject of the
27 leasehold interest consists of a part of one or more tax parcels,
28 this appraisal must include the market value of the part of the
29 parcel or parcels to which the leasehold interest applies; and

30 (B) The property tax that would otherwise apply to the real
31 property that is the subject of the leasehold interest is calculated
32 using the existing consolidated levy rate for the property's tax code
33 area.

34 (iv) The definitions in this subsection apply throughout this
35 subsection (1)(b) unless the context clearly requires otherwise.

36 (A) "Market value" means the true and fair value of the property
37 as that term is used in RCW 84.40.030, based on the property's
38 highest and best use and determined by any reasonable means approved
39 by the department.

1 (B) "Real property" has the same meaning as in RCW 84.04.090 and
2 also includes all improvements upon the land the fee of which is
3 still vested in the public owner.

4 (C) "State university" has the same meaning as "state
5 universities" as provided in RCW 28B.10.016.

6 (v) The credit provided under this subsection (1)(b) may not be
7 claimed for tax reporting periods beginning on or after January 1,
8 2032.

9 (2) ~~((This section expires))~~ No credit under subsection (1)(b) of
10 this section may be claimed or approved on or after January 1, 2032.

11 **Sec. 39.** RCW 82.32.062 and 2002 c 57 s 1 are each amended to
12 read as follows:

13 (1) In addition to the procedure set forth in RCW 82.32.060 and
14 as an exception to the four-year period explicitly set forth in RCW
15 82.32.060, an offset for a tax that has been paid in excess of that
16 properly due may be taken under the following conditions:

17 ~~((1))~~ (a) The tax paid in excess of that properly due was sales
18 ~~((tax paid on the purchase of property acquired for leasing; (2))~~ or
19 use tax paid on property purchased for the purpose of leasing;

20 (b) The taxpayer was at the time of purchase entitled to purchase
21 the property at wholesale under RCW 82.04.060; and

22 ~~((3))~~ (c) The taxpayer substantiates that ~~((sales tax was paid~~
23 ~~at the time of purchase))~~ the taxpayer paid sales or use tax on the
24 purchase of the property and that there was no intervening use of the
25 ~~((equipment))~~ property by the taxpayer.

26 (2) The offset under this section is applied to and reduced by
27 the amount of retail sales tax otherwise due from the beginning of
28 lease of the property until the offset is extinguished.

29 **Sec. 40.** RCW 82.32.300 and 2019 c 445 s 209 are each amended to
30 read as follows:

31 (1) The ~~((administration of this and chapters 82.04 through 82.27~~
32 ~~RCW of this title is vested in the department, which must))~~
33 department must administer this chapter and such other provisions of
34 the Revised Code of Washington as specifically provided by law. To
35 that end, the department may prescribe forms and rules of procedure
36 for the determination of the taxable status of any person, for the
37 making of returns and for the ascertainment, assessment, and
38 collection of taxes and penalties imposed thereunder.

1 (2) (a) The department (~~(must)~~) may make and publish rules (~~(and~~
2 ~~regulations)~~), not inconsistent therewith, necessary to enforce
3 provisions of this chapter (~~(and chapters 82.02 through 82.23B and~~
4 ~~82.27 RCW, and the liquor and cannabis board must)~~) and such other
5 provisions of the Revised Code of Washington that the department is
6 empowered by law to enforce. The liquor and cannabis board may make
7 and publish rules necessary to enforce chapters 82.24, 82.26, and
8 82.25 RCW (~~(, which has)~~).

9 (b) Rules adopted by the department or liquor and cannabis board
10 under the authority of this subsection have the same force and effect
11 as if specifically included (~~(therein)~~) in law, unless declared
12 invalid by the judgment of a court of record not appealed from.

13 (3) The department may employ such clerks, specialists, and other
14 assistants as are necessary. Salaries and compensation of such
15 employees must be fixed by the department and charged to the proper
16 appropriation for the department.

17 (4) The department must exercise general supervision of the
18 collection of taxes and, in the discharge of such duty, may institute
19 and prosecute such suits or proceedings in the courts as may be
20 necessary and proper.

21 **Sec. 41.** RCW 82.32.780 and 2010 c 112 s 2 are each amended to
22 read as follows:

23 (1) (a) Taxpayers seeking to obtain a new reseller permit or to
24 renew or reinstate a reseller permit, other than taxpayers subject to
25 the provisions of RCW 82.32.783, must apply to the department in a
26 form and manner prescribed by the department. The department must use
27 its best efforts to rule on applications within sixty days of
28 receiving a complete application. If the department fails to rule on
29 an application within sixty days of receiving a complete application,
30 the taxpayer may either request a review as provided in subsection
31 (6) of this section or resubmit the application. Nothing in this
32 subsection may be construed as preventing the department from ruling
33 on an application more than sixty days after the department received
34 the application.

35 (b) An application must be denied if:

36 (i) The department determines that, based on the nature of the
37 applicant's business, the applicant is not entitled to make purchases
38 at wholesale or is otherwise prohibited from using a reseller permit;

39 (ii) The application contains any material misstatement; or

1 (iii) The application is incomplete.

2 (c) The department may also deny an application if it determines
3 that denial would be in the best interest of collecting taxes due
4 under this title.

5 (d) The department's decision to approve or deny an application
6 may be based on tax returns previously filed with the department by
7 the applicant, a current or previous examination of the applicant's
8 books and records by the department, information provided by the
9 applicant in the master application and the reseller permit
10 application, and other information available to the department.

11 (e) The department must refuse to accept an application to renew
12 a reseller permit that is received more than ninety days before the
13 expiration of the reseller permit.

14 (2) Notwithstanding subsection (1) of this section, the
15 department may issue or renew a reseller permit for a taxpayer that
16 has not applied for the permit or renewal of the permit if it appears
17 to the department's satisfaction, based on the nature of the
18 taxpayer's business activities and any other information available to
19 the department, that the taxpayer is entitled to make purchases at
20 wholesale.

21 (3)(a) Except as otherwise provided in this section, reseller
22 permits issued, renewed, or reinstated under this section will be
23 valid for a period of forty-eight months from the date of issuance,
24 renewal, or reinstatement.

25 (b)(i) A reseller permit is valid for a period of twenty-four
26 months and may be renewed for the period prescribed in (a) of this
27 subsection (3) if the permit is issued to a taxpayer who:

28 (A) Is not registered with the department under RCW 82.32.030;

29 (B) Has been registered with the department under RCW 82.32.030
30 for a continuous period of less than one year as of the date that the
31 department received the taxpayer's application for a reseller permit;

32 (C) Was on nonreporting status as authorized under RCW
33 82.32.045(~~((4))~~) (5) at the time that the department received the
34 taxpayer's application for a reseller permit or to renew or reinstate
35 a reseller permit;

36 (D) Has filed tax returns reporting no business activity for
37 purposes of sales and business and occupation taxes for the twelve-
38 month period immediately preceding the date that the department
39 received the taxpayer's application for a reseller permit or to renew
40 or reinstate a reseller permit; or

1 (E) Has failed to file tax returns covering any part of the
2 twelve-month period immediately preceding the department's receipt of
3 the taxpayer's application for a reseller permit or to renew or
4 reinstate a reseller permit.

5 (ii) The provisions of this subsection (3)(b) do not apply to
6 reseller permits issued to any business owned by a federally
7 recognized Indian tribe or by an enrolled member of a federally
8 recognized Indian tribe, if the business does not engage in any
9 business activity that subjects the business to any tax imposed by
10 the state under chapter 82.04 RCW. Permits issued to such businesses
11 are valid for the period provided in (a) of this subsection (3).

12 (iii) Nothing in this subsection (3)(b) may be construed as
13 affecting the department's right to deny a taxpayer's application for
14 a reseller permit or to renew or reinstate a reseller permit as
15 provided in subsection (1)(b) and (c) of this section.

16 (c) A reseller permit is no longer valid if the permit holder's
17 certificate of registration is revoked, the permit holder's tax
18 reporting account is closed by the department, or the permit holder
19 otherwise ceases to engage in business.

20 (d) The department may provide by rule for a uniform expiration
21 date for reseller permits issued, renewed, or reinstated under this
22 section, if the department determines that a uniform expiration date
23 for reseller permits will improve administrative efficiency for the
24 department. If the department adopts a uniform expiration date by
25 rule, the department may extend or shorten the twenty-four or forty-
26 eight month period provided in (a) and (b) of this subsection for a
27 period not to exceed six months as necessary to conform the reseller
28 permit to the uniform expiration date.

29 (4)(a) The department may revoke a taxpayer's reseller permit for
30 any of the following reasons:

31 (i) The taxpayer used or allowed or caused its reseller permit to
32 be used to purchase any item or service without payment of sales tax,
33 but the taxpayer or other purchaser was not entitled to use the
34 reseller permit for the purchase;

35 (ii) The department issued the reseller permit to the taxpayer in
36 error;

37 (iii) The department determines that the taxpayer is no longer
38 entitled to make purchases at wholesale; or

1 (iv) The department determines that revocation of the reseller
2 permit would be in the best interest of collecting taxes due under
3 this title.

4 (b) The notice of revocation must be in writing and is effective
5 on the date specified in the revocation notice. The notice must also
6 advise the taxpayer of its right to a review by the department.

7 (c) The department may refuse to reinstate a reseller permit
8 revoked under (a)(i) of this subsection until all taxes, penalties,
9 and interest due on any improperly purchased item or service have
10 been paid in full. In the event a taxpayer whose reseller permit has
11 been revoked under this subsection reorganizes, the new business
12 resulting from the reorganization is not entitled to a reseller
13 permit until all taxes, penalties, and interest due on any improperly
14 purchased item or service have been paid in full.

15 (d) For purposes of this subsection, "reorganize" or
16 "reorganization" means: (i) The transfer, however effected, of a
17 majority of the assets of one business to another business where any
18 of the persons having an interest in the ownership or management in
19 the former business maintain an ownership or management interest in
20 the new business, either directly or indirectly; (ii) a mere change
21 in identity or form of ownership, however effected; or (iii) the new
22 business is a mere continuation of the former business based on
23 significant shared features such as owners, personnel, assets, or
24 general business activity.

25 (5) The department may provide the public with access to reseller
26 permit numbers on its web site, including the name of the permit
27 holder, the status of the reseller permit, the expiration date of the
28 permit, and any other information that is disclosable under RCW
29 82.32.330(3) ~~((+1))~~ (k).

30 (6) The department must provide by rule for the review of the
31 department's decision to deny, revoke, or refuse to reinstate a
32 reseller permit or the department's failure to rule on an application
33 within the time prescribed in subsection (1)(a) of this section. Such
34 review must be consistent with the requirements of chapter 34.05 RCW.

35 (7) As part of its continuing efforts to educate taxpayers on
36 their sales and use tax responsibilities, the department will educate
37 taxpayers on the appropriate use of a reseller permit or other
38 documentation authorized under RCW 82.04.470 and the consequences of
39 misusing such permits or other documentation.

1 **Sec. 42.** RCW 82.60.025 and 2010 1st sp.s. c 16 s 4 are each
2 amended to read as follows:

3 The lessor or owner of a qualified building is not eligible for a
4 deferral unless:

5 (1) The underlying ownership of the buildings, machinery, and
6 equipment vests exclusively in the same person; or

7 (2) (a) The lessor by written contract agrees to pass the economic
8 benefit of the deferral to the lessee;

9 (b) The lessee that receives the economic benefit of the deferral
10 agrees in writing with the department to complete the annual
11 (~~survey~~) tax performance report required under RCW 82.60.070; and

12 (c) The economic benefit of the deferral passed to the lessee is
13 no less than the amount of tax deferred by the lessor and is
14 evidenced by written documentation of any type of payment, credit, or
15 other financial arrangement between the lessor or owner of the
16 qualified building and the lessee.

17 **Sec. 43.** RCW 82.60.063 and 2010 1st sp.s. c 16 s 10 are each
18 amended to read as follows:

19 (1) Subject to the conditions in this section, a person is not
20 liable for the amount of deferred taxes outstanding for an investment
21 project when the person temporarily ceases to use its qualified
22 buildings and qualified machinery and equipment for manufacturing or
23 research and development activities in a county with a population of
24 less than twenty thousand persons for a period not to exceed twenty-
25 four months from the date that the department sent its assessment for
26 the amount of outstanding deferred taxes to the taxpayer.

27 (2) The relief from repayment of deferred taxes under this
28 section does not apply unless the number of qualified employment
29 positions maintained at the investment project after manufacturing or
30 research and development activities are temporarily ceased is at
31 least ten percent of the number of qualified employment positions
32 employed at the investment project at the time the deferral was
33 approved by the department. If a person has been approved for more
34 than one deferral under this chapter, relief from repayment of
35 deferred taxes under this section does not apply unless the number of
36 qualified employment positions maintained at the investment project
37 after manufacturing or research and development activities are
38 temporarily ceased is at least ten percent of the highest number of
39 qualified employment positions at the investment project at the time

1 any of the deferrals were approved by the department. If, at any time
2 during the twenty-four month period after the department has sent the
3 taxpayer an assessment for outstanding deferred taxes resulting from
4 the person temporarily ceasing to use its qualified buildings and
5 qualified machinery and equipment for manufacturing or research and
6 development activities, the number of qualified employment positions
7 falls below the ten percent threshold in this subsection, the amount
8 of deferred taxes outstanding for the project is immediately due.

9 (3) The lessor of an investment project for which a deferral has
10 been granted under this chapter who has passed the economic benefits
11 of the deferral to the lessee is not eligible for relief from the
12 payment of deferred taxes under this section.

13 (4) A person seeking relief from the payment of deferred taxes
14 under this section must apply to the department in a form and manner
15 prescribed by the department. The application required under this
16 subsection must be received by the department within thirty days of
17 the date that the department sent its assessment for outstanding
18 deferred taxes resulting from the person temporarily ceasing to use
19 its qualified buildings and qualified machinery and equipment for
20 manufacturing or research and development activities. The department
21 must approve applications that meet the requirements in this section
22 for relief from the payment of deferred taxes.

23 (5) A person is entitled to relief under this section only once.

24 (6) A person whose application for relief from the payment of
25 deferred taxes has been approved under this section must continue to
26 file an annual (~~survey~~) tax performance report as required under
27 RCW 82.60.070(1) or any successor statute. In addition, the person
28 must file, in a form and manner prescribed by the department, a
29 report on the status of the business and the outlook for commencing
30 manufacturing or research and development activities.

31 **Sec. 44.** RCW 82.63.010 and 2015 3rd sp.s. c 5 s 303 are each
32 amended to read as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

35 (1) "Advanced computing" means technologies used in the designing
36 and developing of computing hardware and software, including
37 innovations in designing the full spectrum of hardware from handheld
38 calculators to super computers, and peripheral equipment.

1 (2) "Advanced materials" means materials with engineered
2 properties created through the development of specialized processing
3 and synthesis technology, including ceramics, high value-added
4 metals, electronic materials, composites, polymers, and biomaterials.

5 (3) "Applicant" means a person applying for a tax deferral under
6 this chapter.

7 (4) "Biotechnology" means the application of technologies, such
8 as recombinant DNA techniques, biochemistry, molecular and cellular
9 biology, genetics and genetic engineering, cell fusion techniques,
10 and new bioprocesses, using living organisms, or parts of organisms,
11 to produce or modify products, to improve plants or animals, to
12 develop microorganisms for specific uses, to identify targets for
13 small molecule pharmaceutical development, or to transform biological
14 systems into useful processes and products or to develop
15 microorganisms for specific uses.

16 (5) "Department" means the department of revenue.

17 (6) "Electronic device technology" means technologies involving
18 microelectronics; semiconductors; electronic equipment and
19 instrumentation; radio frequency, microwave, and millimeter
20 electronics; optical and optic-electrical devices; and data and
21 digital communications and imaging devices.

22 (7) "Eligible investment project" means an investment project
23 which either initiates a new operation, or expands or diversifies a
24 current operation by expanding, renovating, or equipping an existing
25 facility. The lessor or owner of the qualified building is not
26 eligible for a deferral unless:

27 (a) The underlying ownership of the buildings, machinery, and
28 equipment vests exclusively in the same person; or

29 (b) (i) The lessor by written contract agrees to pass the economic
30 benefit of the deferral to the lessee;

31 (ii) The lessee that receives the economic benefit of the
32 deferral agrees in writing with the department to complete the annual
33 (~~survey~~) tax performance report required under RCW 82.63.020(2);
34 and

35 (iii) The economic benefit of the deferral passed to the lessee
36 is no less than the amount of tax deferred by the lessor and is
37 evidenced by written documentation of any type of payment, credit, or
38 other financial arrangement between the lessor or owner of the
39 qualified building and the lessee.

1 (8) "Environmental technology" means assessment and prevention of
2 threats or damage to human health or the environment, environmental
3 cleanup, and the development of alternative energy sources.

4 (9) (a) "Initiation of construction" means the date that a
5 building permit is issued under the building code adopted under RCW
6 19.27.031 for:

7 (i) Construction of the qualified building, if the underlying
8 ownership of the building vests exclusively with the person receiving
9 the economic benefit of the deferral;

10 (ii) Construction of the qualified building, if the economic
11 benefits of the deferral are passed to a lessee as provided in
12 subsection (7) of this section; or

13 (iii) Tenant improvements for a qualified building, if the
14 economic benefits of the deferral are passed to a lessee as provided
15 in subsection (7) of this section.

16 (b) "Initiation of construction" does not include soil testing,
17 site clearing and grading, site preparation, or any other related
18 activities that are initiated before the issuance of a building
19 permit for the construction of the foundation of the building.

20 (c) If the investment project is a phased project, "initiation of
21 construction" (~~shall apply~~) applies separately to each phase.

22 (10) "Investment project" means an investment in qualified
23 buildings or qualified machinery and equipment, including labor and
24 services rendered in the planning, installation, and construction or
25 improvement of the project.

26 (11) "Multiple qualified buildings" means qualified buildings
27 leased to the same person when such structures: (a) Are located
28 within a five-mile radius; and (b) the initiation of construction of
29 each building begins within a sixty-month period.

30 (12) "Person" has the meaning given in RCW 82.04.030 and includes
31 state universities as defined in RCW 28B.10.016.

32 (13) "Pilot scale manufacturing" means design, construction, and
33 testing of preproduction prototypes and models in the fields of
34 biotechnology, advanced computing, electronic device technology,
35 advanced materials, and environmental technology other than for
36 commercial sale. As used in this subsection, "commercial sale"
37 excludes sales of prototypes or sales for market testing if the total
38 gross receipts from such sales of the product, service, or process do
39 not exceed one million dollars.

1 (14) "Qualified buildings" means construction of new structures,
2 and expansion or renovation of existing structures for the purpose of
3 increasing floor space or production capacity used for pilot scale
4 manufacturing or qualified research and development, including plant
5 offices and other facilities that are an essential or an integral
6 part of a structure used for pilot scale manufacturing or qualified
7 research and development. If a building or buildings are used partly
8 for pilot scale manufacturing or qualified research and development,
9 and partly for other purposes, the applicable tax deferral (~~shall~~
10 ~~be~~) is determined by apportionment of the costs of construction
11 under rules adopted by the department. Such rules may include
12 provisions for determining the amount of the deferral based on
13 apportionment of costs of construction of an investment project
14 consisting of a building or multiple buildings, where qualified
15 research and development or pilot scale manufacturing activities are
16 shifted within a building or from one building to another building.

17 (15) (a) "Qualified machinery and equipment" means fixtures,
18 equipment, and support facilities that are an integral and necessary
19 part of a pilot scale manufacturing or qualified research and
20 development operation. "Qualified machinery and equipment" includes:
21 Computers; software; data processing equipment; laboratory equipment,
22 instrumentation, and other devices used in a process of
23 experimentation to develop a new or improved pilot model, plant
24 process, product, formula, invention, or similar property;
25 manufacturing components such as belts, pulleys, shafts, and moving
26 parts; molds, tools, and dies; vats, tanks, and fermenters; operating
27 structures; and all other equipment used to control, monitor, or
28 operate the machinery. For purposes of this chapter, qualified
29 machinery and equipment must be either new to the taxing jurisdiction
30 of the state or new to the certificate holder, except that used
31 machinery and equipment may be treated as qualified machinery and
32 equipment if the certificate holder either brings the machinery and
33 equipment into Washington or makes a retail purchase of the machinery
34 and equipment in Washington or elsewhere.

35 (b) "Qualified machinery and equipment" does not include any
36 fixtures, equipment, or support facilities, if the sale to or use by
37 the recipient is not eligible for an exemption under RCW 82.08.02565
38 or 82.12.02565 solely because the recipient is an ineligible person
39 as defined in RCW 82.08.02565.

1 (16) "Qualified research and development" means research and
2 development performed within this state in the fields of advanced
3 computing, advanced materials, biotechnology, electronic device
4 technology, and environmental technology.

5 (17) "Recipient" means a person receiving a tax deferral under
6 this chapter.

7 (18) "Research and development" means activities performed to
8 discover technological information, and technical and nonroutine
9 activities concerned with translating technological information into
10 new or improved products, processes, techniques, formulas,
11 inventions, or software. The term includes exploration of a new use
12 for an existing drug, device, or biological product if the new use
13 requires separate licensing by the federal food and drug
14 administration under chapter 21, C.F.R., as amended. The term does
15 not include adaptation or duplication of existing products where the
16 products are not substantially improved by application of the
17 technology, nor does the term include surveys and studies, social
18 science and humanities research, market research or testing, quality
19 control, sale promotion and service, computer software developed for
20 internal use, and research in areas such as improved style, taste,
21 and seasonal design.

22 **Sec. 45.** RCW 82.74.010 and 2006 c 354 s 6 are each amended to
23 read as follows:

24 (~~Unless the context clearly requires otherwise,~~) The
25 definitions in this section apply throughout this chapter unless the
26 context clearly requires otherwise.

27 (1) "Applicant" means a person applying for a tax deferral under
28 this chapter.

29 (2) "Cold storage warehouse" means a storage warehouse owned or
30 operated by a wholesaler or third-party warehouser as those terms are
31 defined in RCW 82.08.820 to store fresh and/or frozen perishable
32 fruits or vegetables, dairy products, seafood products, or any
33 combination thereof, at a desired temperature to maintain the quality
34 of the product for orderly marketing.

35 (3) "Dairy product" means dairy products that as of September 20,
36 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and
37 135, including by-products from the manufacturing of the dairy
38 products such as whey and casein.

1 (4) "Dairy product manufacturing" means manufacturing, as defined
2 in RCW 82.04.120, of dairy products.

3 (5) "Department" means the department of revenue.

4 (6) "Eligible investment project" means an investment in
5 qualified buildings or qualified machinery and equipment, including
6 labor and services rendered in the planning, installation, and
7 construction of the project. The lessor or owner of a qualified
8 building is not eligible for a deferral unless (a) the underlying
9 ownership of the buildings, machinery, and equipment vests
10 exclusively in the same person; or (b)(i) the lessor by written
11 contract agrees to pass the economic benefit of the deferral to the
12 lessee in the form of reduced rent payments, and (ii) the lessee that
13 receives the economic benefit of the deferral agrees in writing with
14 the department to complete the annual ((survey)) tax performance
15 report under RCW 82.74.040. The economic benefit of the deferral to
16 the lessee may be evidenced by any type of payment, credit, or any
17 other financial arrangement between the lessor or owner of the
18 qualified building and the lessee.

19 (7) "Fresh fruit and vegetable processing" means manufacturing as
20 defined in RCW 82.04.120 which consists of the canning, preserving,
21 freezing, processing, or dehydrating fresh fruits and/or vegetables.

22 (8)(a) "Initiation of construction" means the date that a
23 building permit is issued under the building code adopted under RCW
24 19.27.031 for:

25 (i) Construction of the qualified building, if the underlying
26 ownership of the building vests exclusively with the person receiving
27 the economic benefit of the deferral;

28 (ii) Construction of the qualified building, if the economic
29 benefits of the deferral are passed to a lessee as provided in
30 subsection (6) of this section; or

31 (iii) Tenant improvements for a qualified building, if the
32 economic benefits of the deferral are passed to a lessee as provided
33 in subsection (6) of this section.

34 (b) "Initiation of construction" does not include soil testing,
35 site clearing and grading, site preparation, or any other related
36 activities that are initiated before the issuance of a building
37 permit for the construction of the foundation of the building.

38 (c) If the investment project is a phased project, "initiation of
39 construction" applies separately to each phase.

40 (9) "Person" has the meaning given in RCW 82.04.030.

1 (10) "Qualified buildings" means construction of new structures,
2 and expansion or renovation of existing structures for the purpose of
3 increasing floor space or production capacity used for fresh fruit
4 and vegetable processing, dairy product manufacturing, seafood
5 product manufacturing, cold storage warehousing, and research and
6 development activities, including plant offices and warehouses or
7 other facilities for the storage of raw material or finished goods if
8 such facilities are an essential or an integral part of a factory,
9 plant, or laboratory used for fresh fruit and vegetable processing,
10 dairy product manufacturing, seafood product manufacturing, cold
11 storage warehousing, or research and development. If a building is
12 used partly for fresh fruit and vegetable processing, dairy product
13 manufacturing, seafood product manufacturing, cold storage
14 warehousing, or research and development and partly for other
15 purposes, the applicable tax deferral (~~(shall be)~~) is determined by
16 apportionment of the costs of construction under rules adopted by the
17 department.

18 (11) "Qualified machinery and equipment" means all industrial and
19 research fixtures, equipment, and support facilities that are an
20 integral and necessary part of a fresh fruit and vegetable
21 processing, dairy product manufacturing, seafood product
22 manufacturing, cold storage (~~(warehouse)~~) warehousing, or research
23 and development operation. "Qualified machinery and equipment"
24 includes: Computers; software; data processing equipment; laboratory
25 equipment; manufacturing components such as belts, pulleys, shafts,
26 and moving parts; molds, tools, and dies; operating structures; and
27 all equipment used to control or operate the machinery.

28 (12) "Recipient" means a person receiving a tax deferral under
29 this chapter.

30 (13) "Research and development" means the development,
31 refinement, testing, marketing, and commercialization of a product,
32 service, or process related to fresh fruit and vegetable processing,
33 dairy product manufacturing, seafood product manufacturing, or cold
34 storage warehousing before commercial sales have begun. As used in
35 this subsection, "commercial sales" excludes sales of prototypes or
36 sales for market testing if the total gross receipts from such sales
37 of the product, service, or process do not exceed one million
38 dollars.

39 (14) "Seafood product" means any edible marine fish and shellfish
40 that remains in a raw, raw frozen, or raw salted state.

1 (15) "Seafood product manufacturing" means the manufacturing, as
2 defined in RCW 82.04.120, of seafood products.

3 **Sec. 46.** RCW 82.75.010 and 2010 c 114 s 145 are each amended to
4 read as follows:

5 (~~Unless the context clearly requires otherwise,~~) The
6 definitions in this section apply throughout this chapter unless the
7 context clearly requires otherwise.

8 (1) "Applicant" means a person applying for a tax deferral under
9 this chapter.

10 (2) "Biotechnology" means a technology based on the science of
11 biology, microbiology, molecular biology, cellular biology,
12 biochemistry, or biophysics, or any combination of these, and
13 includes, but is not limited to, recombinant DNA techniques, genetics
14 and genetic engineering, cell fusion techniques, and new
15 bioprocesses, using living organisms, or parts of organisms.

16 (3) "Biotechnology product" means any virus, therapeutic serum,
17 antibody, protein, toxin, antitoxin, vaccine, blood, blood component
18 or derivative, allergenic product, or analogous product produced
19 through the application of biotechnology that is used in the
20 prevention, treatment, or cure of diseases or injuries to humans.

21 (4) "Department" means the department of revenue.

22 (5)(a) "Eligible investment project" means an investment in
23 qualified buildings or qualified machinery and equipment, including
24 labor and services rendered in the planning, installation, and
25 construction of the project.

26 (b) The lessor or owner of a qualified building is not eligible
27 for a deferral unless:

28 (i) The underlying ownership of the buildings, machinery, and
29 equipment vests exclusively in the same person; or

30 (ii)(A) The lessor by written contract agrees to pass the
31 economic benefit of the deferral to the lessee;

32 (B) The lessee that receives the economic benefit of the deferral
33 agrees in writing with the department to complete the annual
34 (~~survey~~) tax performance report required under RCW 82.75.070; and

35 (C) The economic benefit of the deferral passed to the lessee is
36 no less than the amount of tax deferred by the lessor and is
37 evidenced by written documentation of any type of payment, credit, or
38 other financial arrangement between the lessor or owner of the
39 qualified building and the lessee.

1 (6) (a) "Initiation of construction" means the date that a
2 building permit is issued under the building code adopted under RCW
3 19.27.031 for:

4 (i) Construction of the qualified building, if the underlying
5 ownership of the building vests exclusively with the person receiving
6 the economic benefit of the deferral;

7 (ii) Construction of the qualified building, if the economic
8 benefits of the deferral are passed to a lessee as provided in
9 subsection (5) (b) (ii) (A) of this section; or

10 (iii) Tenant improvements for a qualified building, if the
11 economic benefits of the deferral are passed to a lessee as provided
12 in subsection (5) (b) (ii) (A) of this section.

13 (b) "Initiation of construction" does not include soil testing,
14 site clearing and grading, site preparation, or any other related
15 activities that are initiated before the issuance of a building
16 permit for the construction of the foundation of the building.

17 (c) If the investment project is a phased project, "initiation of
18 construction" applies separately to each phase.

19 (7) "Manufacturing" has the meaning provided in RCW 82.04.120.

20 (8) "Medical device" means an instrument, apparatus, implement,
21 machine, contrivance, implant, in vitro reagent, or other similar or
22 related article, including any component, part, or accessory, that is
23 designed or developed and:

24 (a) Recognized in the national formulary, or the United States
25 pharmacopeia, or any supplement to them;

26 (b) Intended for use in the diagnosis of disease, or in the cure,
27 mitigation, treatment, or prevention of disease or other conditions
28 in human beings or other animals; or

29 (c) Intended to affect the structure or any function of the body
30 of human beings or other animals, and which does not achieve any of
31 its primary intended purposes through chemical action within or on
32 the body of human beings or other animals and which is not dependent
33 upon being metabolized for the achievement of any of its principal
34 intended purposes.

35 (9) "Person" has the meaning provided in RCW 82.04.030.

36 (10) "Qualified buildings" means construction of new structures,
37 and expansion or renovation of existing structures for the purpose of
38 increasing floor space or production capacity used for biotechnology
39 product manufacturing or medical device manufacturing activities,
40 including plant offices, commercial laboratories for process

1 development, quality assurance and quality control, and warehouses or
2 other facilities for the storage of raw material or finished goods if
3 the facilities are an essential or an integral part of a factory,
4 plant, or laboratory used for biotechnology product manufacturing or
5 medical device manufacturing. If a building is used partly for
6 biotechnology product manufacturing or medical device manufacturing
7 and partly for other purposes, the applicable tax deferral must be
8 determined by apportionment of the costs of construction under rules
9 adopted by the department.

10 (11) "Qualified machinery and equipment" means all new industrial
11 and research fixtures, equipment, and support facilities that are an
12 integral and necessary part of a biotechnology product manufacturing
13 or medical device manufacturing operation. "Qualified machinery and
14 equipment" includes: Computers; software; data processing equipment;
15 laboratory equipment; manufacturing components such as belts,
16 pulleys, shafts, and moving parts; molds, tools, and dies; operating
17 structures; and all equipment used to control or operate the
18 machinery.

19 (12) "Recipient" means a person receiving a tax deferral under
20 this chapter.

21 **Sec. 47.** RCW 82.82.010 and 2008 c 15 s 1 are each amended to
22 read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Applicant" means a person applying for a tax deferral under
26 this chapter.

27 (2) "Corporate headquarters" means a facility or facilities where
28 corporate staff employees are physically employed, and where the
29 majority of the company's management services are handled either on a
30 regional or a national basis. Company management services may
31 include: Accounts receivable and payable, accounting, data
32 processing, distribution management, employee benefit plan, financial
33 and securities accounting, information technology, insurance, legal,
34 merchandising, payroll, personnel, purchasing procurement, planning,
35 reporting and compliance, research and development, tax, treasury, or
36 other headquarters-related services. "Corporate headquarters" does
37 not include a facility or facilities used for manufacturing,
38 wholesaling, or warehousing.

39 (3) "Department" means the department of revenue.

1 (4) "Eligible area" means a designated community empowerment zone
2 approved under RCW 43.31C.020.

3 (5) (a) "Eligible investment project" means an investment project
4 in a qualified building or buildings in an eligible area, as defined
5 in subsection (4) of this section, which will have employment at the
6 qualified building or buildings of at least three hundred employees
7 in qualified employment positions, each of whom must earn for the
8 year reported at least the average annual wage for the state for that
9 year as determined by the employment security department.

10 (b) The lessor or owner of a qualified building or buildings is
11 not eligible for a deferral unless:

12 (i) The underlying ownership of the building or buildings vests
13 exclusively in the same person; or

14 (ii) (A) The lessor by written contract agrees to pass the
15 economic benefit of the deferral to the lessee;

16 (B) The lessee that receives the economic benefit of the deferral
17 agrees in writing with the department to complete the annual
18 (~~survey~~) tax performance report required under RCW 82.82.020; and

19 (C) The economic benefit of the deferral passed to the lessee is
20 no less than the amount of tax deferred by the lessor and is
21 evidenced by written documentation of any type of payment, credit, or
22 other financial arrangement between the lessor or owner of the
23 qualified building and the lessee.

24 (6) "Investment project" means a capital investment of at least
25 thirty million dollars in a qualified building or buildings including
26 tangible personal property and fixtures that will be incorporated as
27 an ingredient or component of such buildings during the course of
28 their construction, and including labor and services rendered in the
29 planning, installation, and construction of the project.

30 (7) "Manufacture" has the same meaning as provided in RCW
31 82.04.120.

32 (8) "Operationally complete" means a date no later than one year
33 from the date the project is issued an occupancy permit by the local
34 permit issuing authority.

35 (9) "Person" has the same meaning as provided in RCW 82.04.030.

36 (10) "Qualified building or buildings" means construction of a
37 new structure or structures or expansion of an existing structure or
38 structures to be used for corporate headquarters. If a building is
39 used partly for corporate headquarters and partly for other purposes,

1 the applicable tax deferral is determined by apportionment of the
2 costs of construction under rules adopted by the department.

3 (11) "Qualified employment position" means a permanent full-time
4 employee employed in the eligible investment project during the
5 entire tax year. The term "entire tax year" means a full-time
6 position that is filled for a period of twelve consecutive months.
7 The term "full-time" means at least thirty-five hours a week, four
8 hundred fifty-five hours a quarter, or one thousand eight hundred
9 twenty hours a year.

10 (12) "Recipient" means a person receiving a tax deferral under
11 this chapter.

12 (13) "Warehouse" means a building or structure, or any part
13 thereof, in which goods, wares, or merchandise are received for
14 storage for compensation.

15 (14) "Wholesale sale" has the same meaning as provided in RCW
16 82.04.060.

17 **Sec. 48.** RCW 82.85.030 and 2015 3rd sp.s. c 6 s 403 are each
18 amended to read as follows:

19 The lessor or owner of a qualified building is not eligible for a
20 deferral unless:

21 (1) The underlying ownership of the building, machinery, and
22 equipment vests exclusively in the same person; or

23 (2) (a) The lessor by written contract agrees to pass the economic
24 benefit of the deferral to the lessee;

25 (b) The lessee that receives the economic benefit of the deferral
26 agrees in writing with the department to complete the annual
27 ((survey)) tax performance report required under RCW ((82.32.585))
28 82.32.534; and

29 (c) The economic benefit of the deferral passed to the lessee is
30 no less than the amount of tax deferred by the lessor and is
31 evidenced by written documentation of any type of payment, credit, or
32 other financial arrangement between the lessor or owner of the
33 qualified building and the lessee.

34 **Sec. 49.** RCW 82.85.080 and 2015 3rd sp.s. c 6 s 408 are each
35 amended to read as follows:

36 (1) Each recipient of a deferral of taxes granted under this
37 chapter must file a complete annual ((survey)) tax performance report
38 with the department under RCW ((82.32.585)) 82.32.534. If the

1 economic benefits of the deferral are passed to a lessee as provided
2 in RCW 82.85.030, the lessee must file a complete annual ~~((survey))~~
3 tax performance report, and the applicant is not required to file a
4 complete annual ~~((survey))~~ tax performance report.

5 (2) If, on the basis of a ~~((survey))~~ tax performance report under
6 RCW ~~((82.32.585))~~ 82.32.534 or other information, the department
7 finds that an investment project is not eligible for tax deferral
8 under this chapter due to the fact the investment project is no
9 longer used for qualified activities, the amount of deferred taxes
10 outstanding for the investment project is immediately due and
11 payable.

12 (3) If the economic benefits of a tax deferral under this chapter
13 are passed to a lessee as provided in RCW 82.85.030, the lessee is
14 responsible for payment to the extent the lessee has received the
15 economic benefit.

16 **Sec. 50.** RCW 84.36.840 and 2016 c 217 s 6 are each amended to
17 read as follows:

18 (1) In order to determine whether organizations, associations,
19 corporations, or institutions, except those exempted under RCW
20 84.36.020, 84.36.049, and 84.36.030, are exempt from property taxes,
21 and before the exemption is allowed for any year, the superintendent
22 or manager or other proper officer of the organization, association,
23 corporation, or institution claiming exemption from taxation must
24 file with the department of revenue a statement certifying that the
25 income and the receipts thereof, including donations to it, have been
26 applied to the actual expenses of operating and maintaining it, or
27 for its capital expenditures, and to no other purpose. This report
28 must also include a statement of the receipts and disbursements of
29 the exempt organization, association, corporation, or institution.

30 ~~((Educational institutions claiming exemption under RCW
31 84.36.050 must also file a list of all property claimed to be exempt,
32 the purpose for which it is used, the revenue derived from it for the
33 preceding year, the use to which the revenue was applied, the number
34 of students who attended the school or college, the total revenues of
35 the institution with the source from which they were derived, and the
36 purposes to which the revenues were applied, listing the items of
37 such revenues and expenditures in detail.~~

38 ~~(3))~~ The reports required under ~~((subsections (1) and (2) of))~~
39 this section may be submitted electronically, in a format provided or

1 approved by the department, or mailed to the department. The reports
2 must be submitted on or before March 31st of each year. The
3 department must remove the tax exemption from the property of any
4 organization, association, corporation, or institution that does not
5 file the required report with the department on or before the due
6 date. However, the department must allow a reasonable extension of
7 time for filing upon receipt of a written request on or before the
8 required filing date and for good cause shown therein.

9 **Sec. 51.** RCW 84.37.040 and 2007 sp.s. c 2 s 4 are each amended
10 to read as follows:

11 (1) Each claimant electing to defer payment of special
12 assessments or real property tax obligations, or both, under this
13 chapter (~~shall~~) must file with the county assessor, on forms
14 prescribed by the department and supplied by the assessor, a written
15 declaration thereof. The declaration to defer special assessments
16 and/or real property taxes for any year (~~shall~~) must be filed no
17 later than the first day of September of the year for which the
18 deferral is sought (~~PROVIDED, That~~); however, for good cause
19 shown, the department may waive this requirement.

20 (2) The declaration (~~shall~~) must designate the property to
21 which the deferral applies, and (~~shall~~) must include a statement
22 setting forth (a) a list of all members of the claimant's household,
23 (b) the claimant's equity value in his or her residence, (c) facts
24 establishing the eligibility for the deferral under the provisions of
25 this chapter, and (d) any other relevant information required by the
26 rules of the department. (~~Each copy shall~~) The declaration must be
27 signed by the claimant subject to the penalties as provided in
28 chapter 9A.72 RCW for false swearing.

29 (3) The county assessor (~~shall~~) must determine if each claimant
30 (~~shall be~~) is granted a deferral for each year but the claimant
31 (~~shall have~~) has the right to appeal this determination to the
32 county board of equalization, in accordance with the provisions of
33 RCW 84.40.038, whose decision (~~shall be~~) is final as to the
34 deferral of that year.

35 **Sec. 52.** RCW 84.38.040 and 2013 c 23 s 353 are each amended to
36 read as follows:

37 (1) Each claimant electing to defer payment of special
38 assessments and/or real property tax obligations under this chapter

1 ((shall)) must file with the county assessor, on forms prescribed by
2 the department and supplied by the assessor, a written declaration
3 thereof. The declaration to defer special assessments and/or real
4 property taxes for any year ((shall)) must be filed no later than
5 thirty days before the tax or assessment is due or thirty days after
6 receiving notice under RCW 84.64.050, whichever is later(~~(: PROVIDED,~~
7 ~~That)~~); however, for good cause shown, the department may waive this
8 requirement.

9 (2) The declaration ((shall)) must designate the property to
10 which the deferral applies, and ((shall)) must include a statement
11 setting forth (a) a list of all members of the claimant's household,
12 (b) the claimant's equity value in his or her residence, (c) facts
13 establishing the eligibility for the deferral under the provisions of
14 this chapter, and (d) any other relevant information required by the
15 rules of the department. (~~Each copy shall~~) The declaration must be
16 signed by the claimant subject to the penalties as provided in
17 chapter 9A.72 RCW for false swearing. The first declaration to defer
18 filed in a county ((shall)) must include proof of the claimant's age
19 acceptable to the assessor.

20 (3) The county assessor ((shall)) must determine if each claimant
21 ((shall-be)) is granted a deferral for each year but the claimant
22 ((shall-have)) has the right to appeal this determination to the
23 county board of equalization, in accordance with the provisions of
24 RCW 84.40.038, whose decision ((shall-be)) is final as to the
25 deferral of that year.

26 **Sec. 53.** RCW 84.38.050 and 1979 ex.s. c 214 s 8 are each amended
27 to read as follows:

28 (1)(a) Declarations to defer property taxes for all years
29 following the first year may be made by filing with the county
30 assessor no later than thirty days before the tax is due a renewal
31 form (~~in duplicate~~), prescribed by the department of revenue and
32 supplied by the county assessor, which affirms the continued
33 eligibility of the claimant.

34 (b) In January of each year, the county assessor ((shall)) must
35 send to each claimant who has been granted deferral of ad valorem
36 taxes for the previous year renewal forms and notice to renew.

37 (2) Declarations to defer special assessments ((shall)) must be
38 made by filing with the assessor no later than thirty days before the
39 special assessment is due on a form to be prescribed by the

1 department of revenue and supplied by the county assessor. Upon
2 approval, the full amount of special assessments upon such claimant's
3 residence (~~shall~~) must be deferred but not to exceed an amount
4 equal to eighty percent of the claimant's equity value in said
5 property.

6 **Sec. 54.** RCW 84.38.110 and 1984 c 220 s 24 are each amended to
7 read as follows:

8 The county assessor (~~shall~~) must:

9 (1) Immediately transmit (~~one~~) a copy of each declaration to
10 defer to the department of revenue. The department may audit any
11 declaration and (~~shall~~) must notify the assessor as soon as
12 possible of any claim where any factor appears to disqualify the
13 claimant for the deferral sought.

14 (2) Transmit (~~one~~) a copy of each declaration to defer a
15 special assessment to the local improvement district which imposed
16 such assessment.

17 (3) Compute the dollar tax rate for the county as if any
18 deferrals provided by this chapter did not exist.

19 (4) As soon as possible notify the department of revenue and the
20 county treasurer of the amount of real property taxes deferred for
21 that year and notify the department of revenue and the respective
22 treasurers of municipal corporations of the amount of special
23 assessments deferred for each local improvement district within such
24 unit.

25 **Sec. 55.** RCW 84.39.020 and 2005 c 253 s 2 are each amended to
26 read as follows:

27 (1) Each claimant applying for assistance under RCW 84.39.010
28 (~~shall~~) must file a claim with the department, on forms prescribed
29 by the department, no later than thirty days before the tax is due.
30 The department may waive this requirement for good cause shown. The
31 department (~~shall~~) must supply forms to the county assessor to
32 allow persons to apply for the program at the county assessor's
33 office.

34 (2) The claim (~~shall~~) must designate the property to which the
35 assistance applies and (~~shall~~) must include a statement setting
36 forth (a) a list of all members of the claimant's household, (b)
37 facts establishing the eligibility under this section, and (c) any
38 other relevant information required by the rules of the department.

1 (~~Each copy shall~~) The claim must be signed by the claimant subject
2 to the penalties as provided in chapter 9A.72 RCW for false swearing.
3 The first claim (~~shall~~) must include proof of the claimant's age
4 acceptable to the department.

5 (3) The following documentation (~~shall~~) must be filed with a
6 claim along with any other documentation required by the department:

7 (a) The deceased veteran's DD 214 report of separation, or its
8 equivalent, that must be under honorable conditions;

9 (b) A copy of the applicant's certificate of marriage to the
10 deceased;

11 (c) A copy of the deceased veteran's death certificate; and

12 (d) A letter from the United States veterans' administration
13 certifying that the death of the veteran meets the requirements of
14 RCW 84.39.010(2).

15 (4) The department of veterans affairs (~~shall~~) must assist an
16 eligible widow or widower in the preparation and submission of an
17 application and the procurement of necessary substantiating
18 documentation.

19 (~~(4)~~) (5) The department (~~shall~~) must determine if each
20 claimant is eligible each year. Any applicant aggrieved by the
21 department's denial of assistance may petition the state board of tax
22 appeals to review the denial and the board (~~shall~~) must consider
23 any appeals to determine (a) if the claimant is entitled to
24 assistance and (b) the amount or portion thereof.

25 **Sec. 56.** RCW 84.39.030 and 2005 c 253 s 3 are each amended to
26 read as follows:

27 (1) Claims for assistance for all years following the first year
28 may be made by filing with the department no later than thirty days
29 before the tax is due a renewal form (~~in duplicate~~), prescribed by
30 the department, that affirms the continued eligibility of the
31 claimant.

32 (2) In January of each year, the department (~~shall~~) must send
33 to each claimant who has been granted assistance for the previous
34 year a renewal form(~~s~~) and notice to renew.

35 **Sec. 57.** RCW 84.56.150 and 1961 c 15 s 84.56.150 are each
36 amended to read as follows:

37 If any person, firm, or corporation (~~shall remove~~) removes from
38 one county to another in this state personal property (~~which~~) that

1 has been assessed in the former county for a tax (~~(which)~~) that is
2 unpaid at the time of such removal, the treasurer of the county from
3 which the property is removed (~~(shall)~~) must certify to the treasurer
4 of the county to which the property has been (~~(removed)~~) moved a
5 statement of the tax together with all delinquencies and penalties.

6 **Sec. 58.** RCW 82.32.805 and 2013 2nd sp.s. c 13 s 1701 are each
7 amended to read as follows:

8 (1) (a) Except as otherwise provided in this section, every new
9 tax preference expires on the first day of the calendar year that is
10 subsequent to the calendar year that is ten years from the effective
11 date of the tax preference. With respect to any new property tax
12 exemption, the exemption does not apply to taxes levied for
13 collection beginning in the calendar year that is subsequent to the
14 calendar year that is ten years from the effective date of the tax
15 preference.

16 (b) A future amendment that expands a tax preference does not
17 extend the tax preference beyond the period provided in this
18 subsection unless an extension is expressly and unambiguously stated
19 in the amendment.

20 (2) Subsection (1) of this section does not apply if legislation
21 creating a new tax preference includes an expiration date for the new
22 tax preference or an exemption from this section in its entirety or
23 from the provisions of subsection (1) of this section, whether or not
24 such exemption is codified.

25 (3) Subsection (1) of this section does not apply to any existing
26 tax preference that is amended to clarify an ambiguity or correct a
27 technical inconsistency. Future enacted legislation intended to make
28 such clarifications or corrections must explicitly indicate this
29 intent.

30 (4) For the purposes of this section, the following definitions
31 apply:

32 (a) "New tax preference" means a tax preference that initially
33 takes effect after August 1, 2013, or a tax preference in effect as
34 of August 1, 2013, that is expanded or extended after August 1, 2013,
35 even if the expanding or extending amendment includes any other
36 change to the tax preference.

37 (b) "Tax preference" has the same meaning as in RCW 43.136.021
38 with respect to any state tax administered by the department, except

1 does not include the Washington estate and transfer tax in chapter
2 83.100 RCW.

3 (5) The department must provide written notice to the office of
4 the code reviser of a ten-year expiration date required under this
5 section for a new tax preference.

6 **Sec. 59.** RCW 82.32.808 and 2017 c 135 s 8 are each amended to
7 read as follows:

8 (1) As provided in this section, every bill enacting a new tax
9 preference must include a tax preference performance statement,
10 unless the legislation enacting the new tax preference contains an
11 explicit exemption from the requirements of this section.

12 (2) A tax preference performance statement must state the
13 legislative purpose for the new tax preference. The tax preference
14 performance statement must indicate one or more of the following
15 general categories, by reference to the applicable category specified
16 in this subsection, as the legislative purpose of the new tax
17 preference:

18 (a) Tax preferences intended to induce certain designated
19 behavior by taxpayers;

20 (b) Tax preferences intended to improve industry competitiveness;

21 (c) Tax preferences intended to create or retain jobs;

22 (d) Tax preferences intended to reduce structural inefficiencies
23 in the tax structure;

24 (e) Tax preferences intended to provide tax relief for certain
25 businesses or individuals; or

26 (f) A general purpose not identified in (a) through (e) of this
27 subsection.

28 (3) In addition to identifying the general legislative purpose of
29 the tax preference under subsection (2) of this section, the tax
30 preference performance statement must provide additional detailed
31 information regarding the legislative purpose of the new tax
32 preference.

33 (4) A new tax preference performance statement must specify
34 clear, relevant, and ascertainable metrics and data requirements that
35 allow the joint legislative audit and review committee and the
36 legislature to measure the effectiveness of the new tax preference in
37 achieving the purpose designated under subsection (2) of this
38 section.

1 (5) If the tax preference performance statement for a new tax
2 preference indicates a legislative purpose described in subsection
3 (2)(b) or (c) of this section, any taxpayer claiming the new tax
4 preference must file an annual tax performance report in accordance
5 with RCW 82.32.534.

6 (6)(a) Taxpayers claiming a new tax preference must report the
7 amount of the tax preference claimed by the taxpayer to the
8 department as otherwise required by statute or determined by the
9 department as part of the taxpayer's regular tax reporting
10 responsibilities. For new tax preferences allowing certain types of
11 gross income of the business to be excluded from business and
12 occupation or public utility taxation, the tax return must explicitly
13 report the amount of the exclusion, regardless of whether it is
14 structured as an exemption or deduction, if the taxpayer is otherwise
15 required to report taxes to the department on a monthly or quarterly
16 basis. For a new sales and use tax exemption, the total purchase
17 price or value of the exempt product or service subject to the
18 exemption claimed by the buyer must be reported on an addendum to the
19 buyer's tax return if the buyer is otherwise required to report taxes
20 to the department on a monthly or quarterly basis and the buyer is
21 required to submit an exemption certificate, or similar document, to
22 the seller.

23 (b) This subsection does not apply to:

24 (i) Property tax exemptions;

25 (ii) Tax preferences required by constitutional law;

26 (iii) Tax preferences for which the tax benefit to the taxpayer
27 is less than one thousand dollars per calendar year; or

28 (iv) Taxpayers who are annual filers.

29 (c) The department may waive the filing requirements of this
30 subsection for taxpayers who are not required to file electronically
31 any return or report under this chapter.

32 (7)(a) Except as otherwise provided in this subsection, the
33 amount claimed by a taxpayer for any new tax preference is subject to
34 public disclosure and is not considered confidential tax information
35 under RCW 82.32.330, if the reporting periods subject to disclosure
36 ended at least twenty-four months prior to the date of disclosure and
37 the taxpayer is required to report the amount of the tax preference
38 claimed by the taxpayer to the department under subsection (6) of
39 this section.

1 (b) (i) The department may waive the public disclosure requirement
2 under (a) of this subsection (7) for good cause. Good cause may be
3 demonstrated by a reasonable showing of economic harm to a taxpayer
4 if the information specified under this subsection is disclosed. The
5 waiver under this subsection (7) (b) (i) only applies to the new tax
6 preferences provided in chapter 13, Laws of 2013 2nd sp. sess.

7 (ii) The amount of the tax preference claimed by a taxpayer
8 during a calendar year is confidential under RCW 82.32.330 and may
9 not be disclosed under this subsection if the amount for the calendar
10 year is less than ten thousand dollars.

11 (c) In lieu of the disclosure and waiver requirements under this
12 subsection, the requirements under RCW 82.32.534 apply to any tax
13 preference that requires a tax performance report.

14 (8) If a new tax preference does not include the information
15 required under subsections (2) through (4) of this section, the joint
16 legislative audit and review committee is not required to perform a
17 tax preference review under chapter 43.136 RCW, and it is
18 legislatively presumed that it is the intent of the legislature to
19 allow the new tax preference to expire upon its scheduled expiration
20 date.

21 (9) For the purposes of this section, "tax preference" and "new
22 tax preference" have the same meaning as provided in RCW 82.32.805.

23 (10) The provisions of this section do not apply to the extent
24 that legislation creating a new tax preference provides an exemption,
25 in whole or in part, from this section, whether or not such exemption
26 is codified.

27 NEW SECTION. **Sec. 60.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 82.04.4322 (Deductions—Artistic or cultural organization
30 —Compensation from United States, state, etc., for artistic or
31 cultural exhibitions, performances, or programs) and 1981 c 140 s 1;

32 (2) RCW 82.04.4324 (Deductions—Artistic or cultural organization
33 —Deduction for tax under RCW 82.04.240—Value of articles for use in
34 displaying art objects or presenting artistic or cultural
35 exhibitions, performances, or programs) and 1981 c 140 s 2;

36 (3) RCW 82.04.4326 (Deductions—Artistic or cultural organizations
37 —Tuition charges for attending artistic or cultural education
38 programs) and 1981 c 140 s 3;

- 1 (4) RCW 82.08.02081 (Exemptions—Audio or video programming) and
2 2009 c 535 s 502;
- 3 (5) RCW 82.08.02082 (Exemptions—Digital products or services—
4 Ingredient or component—Made available for free) and 2017 c 323 s
5 517, 2010 c 111 s 401, & 2009 c 535 s 503;
- 6 (6) RCW 82.08.02087 (Exemptions—Digital goods and services—
7 Purchased for business purposes) and 2010 c 111 s 402 & 2009 c 535 s
8 504;
- 9 (7) RCW 82.08.02088 (Exemptions—Digital products—Business buyers
10 —Concurrently available for use within and outside state) and 2017 c
11 323 s 518 & 2009 c 535 s 701;
- 12 (8) RCW 82.12.02081 (Exemptions—Audio or video programming) and
13 2009 c 535 s 602;
- 14 (9) RCW 82.12.02082 (Exemptions—Digital products or services—
15 Made available for free to general public) and 2017 c 323 s 521, 2010
16 c 111 s 501, & 2009 c 535 s 603;
- 17 (10) RCW 82.12.02084 (Exemptions—Digital goods—Use by students)
18 and 2009 c 535 s 604;
- 19 (11) RCW 82.12.02085 (Exemptions—Digital goods—Noncommercial—
20 Internal audience—Not for sale) and 2009 c 535 s 605;
- 21 (12) RCW 82.12.02086 (Exemptions—Digital products or codes—Free
22 of charge) and 2009 c 535 s 606;
- 23 (13) RCW 82.12.02087 (Exemptions—Digital goods, codes, and
24 services—Used for business purposes) and 2010 c 111 s 502 & 2009 c
25 535 s 607;
- 26 (14) RCW 82.32.755 (Sourcing compliance—Taxpayer relief—Interest
27 and penalties—Streamlined sales and use tax agreement) and 2007 c 6 s
28 1601;
- 29 (15) RCW 82.32.760 (Sourcing compliance—Taxpayer relief—Credits
30 —Streamlined sales and use tax agreement) and 2007 c 6 s 1602;
- 31 (16) RCW 82.66.010 (Definitions) and 1995 c 352 s 1;
- 32 (17) RCW 82.66.020 (Application for deferral—Contents—Ruling)
33 and 1995 c 352 s 2;
- 34 (18) RCW 82.66.040 (Repayment schedule—Interest, penalties) and
35 1998 c 339 s 1 & 1995 c 352 s 4;
- 36 (19) RCW 82.66.050 (Applications not confidential) and 1995 c 352
37 s 6;
- 38 (20) RCW 82.66.060 (Administration) and 1995 c 352 s 5; and

1 (21) RCW 82.66.901 (Effective date—1995 c 352) and 1995 c 352 s
2 9.

3 NEW SECTION. **Sec. 61.** The following sections are decodified:

- 4 (1) RCW 82.58.005 (Findings);
5 (2) RCW 82.58.901 (Effective date—2002 c 267 §§ 1-9); and
6 (3) RCW 82.58.902 (Contingent effective date—2002 c 267 §§ 10 and
7 11).

8 NEW SECTION. **Sec. 62.** Section 38 of this act takes effect
9 January 1, 2022."

10 On page 1, line 5 of the title, after "43.88A RCW;" strike the
11 ~~number of the title~~ and insert "amending RCW 19.02.085, 82.04.192,
12 ~~82.04.4266,~~ ^{By Senator Schoesler} 82.04.4268, 82.04.4269, 82.04.4327, 82.04.4328,
13 82.08.0201, 82.08.0208, 82.08.025651, 82.08.025651, ~~ADOPTED 02/18/2020~~
14 82.08.195, 82.08.806, 82.08.956, 82.08.9651, 82.12.0208, 82.12.02749,
15 82.12.930, 82.12.956, 82.12.9651, 82.14.049, 82.14.400, 82.14.457,
16 82.16.0497, 82.16.055, 82.23A.010, 82.24.010, 82.24.551, 82.26.121,
17 82.26.130, 82.26.190, 82.26.200, 82.29A.060, 82.29A.120, 82.32.062,
18 82.32.300, 82.32.780, 82.60.025, 82.60.063, 82.63.010, 82.74.010,
19 82.75.010, 82.82.010, 82.85.030, 82.85.080, 84.36.840, 84.37.040,
20 84.38.040, 84.38.050, 84.38.110, 84.39.020, 84.39.030, 84.56.150,
21 82.32.805, and 82.32.808; amending 2017 3rd sp.s. c 37 ss 501 and 504
22 (uncodified); reenacting and amending RCW 82.26.010; decodifying RCW
23 82.58.005, 82.58.901, and 82.58.902; repealing RCW 82.04.4322,
24 82.04.4324, 82.04.4326, 82.08.02081, 82.08.02082, 82.08.02087,
25 82.08.02088, 82.12.02081, 82.12.02082, 82.12.02084, 82.12.02085,
26 82.12.02086, 82.12.02087, 82.32.755, 82.32.760, 82.66.010, 82.66.020,
27 82.66.040, 82.66.050, 82.66.060, and 82.66.901; and providing an
28 effective date."

EFFECT: Moves up dates by one year and updates language to reflect the most current version of a statute amended last year.

--- **END** ---