

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1859

Chapter 213, Laws of 2001

57th Legislature
2001 Regular Legislative Session

TAXATION--ELECTRIC GENERATING FACILITIES

EFFECTIVE DATE: 7/1/01

Passed by the House March 13, 2001
Yeas 93 Nays 0

FRANK CHOPP
**Speaker of the House of
Representatives**

CLYDE BALLARD
**Speaker of the House of
Representatives**

Passed by the Senate April 9, 2001
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved May 8, 2001

GARY F. LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1859** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

CYNTHIA ZEHNDER
Chief Clerk

FILED

May 8, 2001 - 11:00 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 1859

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Representatives Poulsen, Crouse, Morris, Casada, DeBolt, Esser, Simpson, B. Chandler, Linville, Delvin, Wood, Conway, Kenney, Santos, Romero, Kessler, Pflug, Rockefeller, Lovick, O'Brien, Darneille, Pearson, Ruderman, McIntire, Anderson, Keiser, Dunn, McDermott, Kagi, Schual-Berke, Campbell, Edmonds and Jackley

Read first time 02/07/2001. Referred to Committee on Technology, Telecommunications & Energy.

1 AN ACT Relating to exempting electric generating facilities using
2 wind, solar energy, landfill gas, or fuel cells from sales and use
3 taxes; amending RCW 82.08.02567 and 82.12.02567; providing an effective
4 date; providing expiration dates; and declaring an emergency.

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

6 **Sec. 1.** RCW 82.08.02567 and 1999 c 358 s 4 are each amended to
7 read as follows:

8 (1) The tax levied by RCW 82.08.020 shall not apply to sales of
9 machinery and equipment used directly in generating electricity using
10 fuel cells, wind, sun, or landfill gas as the principal source of
11 power, or to sales of or charges made for labor and services rendered
12 in respect to installing such machinery and equipment, but only if the
13 purchaser develops with such machinery, equipment, and labor a facility
14 capable of generating not less than two hundred (~~((kilowatts))~~) watts of
15 electricity and provides the seller with an exemption certificate in a
16 form and manner prescribed by the department (~~((by rule))~~). The seller
17 shall retain a copy of the certificate for the seller's files.

18 (2) For purposes of this section and RCW 82.12.02567:

1 (a) "Landfill gas" means biomass fuel of the type qualified for
2 federal tax credits under 26 U.S.C. Sec. 29 collected from a landfill.
3 "Landfill" means a landfill as defined under RCW 70.95.030;

4 (b) "Machinery and equipment" means industrial fixtures, devices,
5 and support facilities that are integral and necessary to the
6 generation of electricity using wind, sun, or landfill gas as the
7 principal source of power;

8 (c) "Machinery and equipment" does not include: (i) Hand-powered
9 tools; (ii) property with a useful life of less than one year; (iii)
10 repair parts required to restore machinery and equipment to normal
11 working order; (iv) replacement parts that do not increase
12 productivity, improve efficiency, or extend the useful life of
13 machinery and equipment; (v) buildings; or (vi) building fixtures that
14 are not integral and necessary to the generation of electricity that
15 are permanently affixed to and become a physical part of a building;

16 (d) Machinery and equipment is "used directly" in generating
17 electricity with fuel cells or by wind energy, solar energy, or
18 landfill gas power if it provides any part of the process that captures
19 the energy of the wind, sun, or landfill gas, converts that energy to
20 electricity, and stores, transforms, or transmits that electricity for
21 entry into or operation in parallel with electric transmission and
22 distribution systems;

23 (e) "Fuel cell" means an electrochemical reaction that generates
24 electricity by combining atoms of hydrogen and oxygen in the presence
25 of a catalyst.

26 (3) This section expires June 30, (~~2005~~) 2009.

27 **Sec. 2.** RCW 82.12.02567 and 1999 c 358 s 10 are each amended to
28 read as follows:

29 (1) The provisions of this chapter shall not apply with respect to
30 machinery and equipment used directly in generating not less than two
31 hundred (~~kilowatts~~) watts of electricity using wind, sun, or landfill
32 gas as the principal source of power.

33 (2) The definitions in RCW 82.08.02567 apply to this section.

34 (3) This section expires June 30, (~~2005~~) 2009.

35 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 2001.

Passed the House March 13, 2001.

Passed the Senate April 9, 2001.

Approved by the Governor May 8, 2001.

Filed in Office of Secretary of State May 8, 2001.