2089-S AMH HALE MORI 060

**SHB 2089** - H AMD TO H AMD (H-2862.2/14) **589**

By Representative Haler

**NOT CONSIDERED**

 On page 5, line 8 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 5, line 17 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 5, line 27 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 6, line 17 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 6, at the beginning of line 29 of the striking amendment, strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 6, line 33 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 6, line 38 of the striking amendment, after "of" strike "0.484" and insert "((~~0.484~~)) 0.2904"

 On page 7, line 5 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 7, line 9 of the striking amendment, after "of" strike "0.275" and insert "((~~0.275~~)) 0.2904"

 On page 7, line 17 of the striking amendment, after "of" strike "0.275" and insert "((~~0.275~~)) 0.2904"

 On page 7, line 23 of the striking amendment, after "of" strike "0.275" and insert "((~~0.275~~)) 0.2904"

 On page 8, line 13 of the striking amendment, after "of" strike "3.3" and insert "((~~3.3~~)) 0.2904"

 On page 8, at the beginning of line 23 of the striking amendment, strike "0.484" and insert "((~~0.484~~)) 0.2904"

 On page 8, line 29 of the striking amendment, after "and" strike "1.5" and insert "((~~1.5~~)) 0.2904"

 On page 12, line 7 of the striking amendment, after "of" strike "0.484" and insert "((~~0.484~~)) 0.2904"

 On page 12, line 12 of the striking amendment, after "of" strike "0.35" and insert "((~~0.35~~)) 0.2904"

 On page 12, line 25 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 12, line 34 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 13, line 7 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 13, line 34 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 14, at the beginning of line 9 of the striking amendment, strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 14, line 13 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 14, line 18 of the striking amendment, after "of" strike "0.484" and insert "((~~0.484~~)) 0.2904"

 On page 14, line 23 of the striking amendment, after "of" strike "0.138" and insert "((~~0.138~~)) 0.2904"

 On page 14, line 27 of the striking amendment, after "of" strike "0.275" and insert "((~~0.275~~)) 0.2904"

 On page 14, line 35 of the striking amendment, after "of" strike "0.275" and insert "((~~0.275~~)) 0.2904"

 On page 15, line 3 of the striking amendment, after "of" strike "0.275" and insert "((~~0.275~~)) 0.2904"

 On page 15, line 31 of the striking amendment, after "of" strike "3.3" and insert "((~~3.3~~)) 0.2904"

 On page 16, at the beginning of line 3 of the striking amendment, strike "0.484" and insert "((~~0.484~~)) 0.2904"

 On page 16, line 9 of the striking amendment, after "and" strike "1.5" and insert "((~~1.5~~)) 0.2904"

 On page 19, line 23 of the striking amendment, after "of" strike "0.484" and insert "((~~0.484~~)) 0.2904"

 On page 19, line 37 of the striking amendment, after "of" strike "0.471" and insert "((~~0.471~~)) 0.2904"

 On page 20, line 7 of the striking amendment, after "of" strike "0.484" and insert "((~~0.484~~)) 0.2904"

 On page 20, line 22 of the striking amendment, after "of" strike "0.275" and insert "((~~0.275~~)) 0.2904"

 On page 20, line 28 of the striking amendment, after "of" strike "1.5" and insert "((~~1.5~~)) 0.2904"

 On page 21, line 8 of the striking amendment, after "of" strike "0.9" and insert "((~~0.9~~)) 0.2904"

 On page 27, after line 33 of the striking amendment, insert the following:

"**Sec. 15.** RCW 82.04.230 and 2006 c 300 s 5 are each amended to read as follows:

 Upon every person engaging within this state in business as an extractor, except persons taxable as an extractor under any other provision in this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including by-products, extracted for sale or for commercial or industrial use, multiplied by the rate of ((~~0.484~~)) 0.2904 percent.

 The measure of the tax is the value of the products, including by-products, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

**Sec. 16.** RCW 82.04.240 and 2004 c 24 s 4 are each amended to read as follows:

 Upon every person engaging within this state in business as a manufacturer, except persons taxable as manufacturers under other provisions of this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of ((~~0.484~~)) 0.2904 percent.

 The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

**Sec. 17.** RCW 82.04.240 and 2010 c 114 s 104 are each amended to read as follows:

 (1) Upon every person engaging within this state in business as a manufacturer, except persons taxable as manufacturers under other provisions of this chapter; as to such persons the amount of the tax with respect to such business is equal to the value of the products, including byproducts, manufactured, multiplied by the rate of ((~~0.484~~)) 0.2904 percent.

 (2)(a) Upon every person engaging within this state in the business of manufacturing semiconductor materials, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or, in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of ((~~0.275~~)) 0.2904 percent. For the purposes of this subsection "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, compound semiconductors, integrated circuits, and microchips.

 (b) A person reporting under the tax rate provided in this subsection (2) must file a complete annual report with the department under RCW 82.32.534.

 (c) This subsection (2) expires twelve years after \*the effective date of this act.

 (3) The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

**Sec. 18.** RCW 82.04.2404 and 2010 c 114 s 105 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of manufacturing or processing for hire semiconductor materials, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or, in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of ((~~0.275~~)) 0.2904 percent.

 (2) For the purposes of this section "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, and compound semiconductor wafers.

 (3) A person reporting under the tax rate provided in this section must file a complete annual report with the department under RCW 82.32.534.

 (4) This section expires December 1, 2018.

**Sec. 19.** RCW 82.04.255 and 2011 c 322 s 2 are each amended to read as follows:

 (1) Upon every person engaging within the state in the business of providing real estate brokerage services; as to such persons, the amount of the tax with respect to such business is equal to the gross income of the business, multiplied by the rate of ((~~1.5~~)) 0.2904 percent.

 (2) The measure of the tax on real estate commissions earned by the real estate firm is the gross commission earned by the particular real estate firm including that portion of the commission paid to brokers, including designated and managing brokers, in the same firm on a particular transaction. However, when a real estate commission on a particular transaction is divided among real estate firms at the closing of the transaction, including a firm located out of state, each firm must pay the tax only upon its respective shares of said commission. Moreover, when the real estate firm has paid the tax as provided herein, brokers, including designated and managing brokers, within the same real estate firm may not be required to pay a similar tax upon the same transaction. If any firm located out of state receives a share of commission on a particular transaction, that company or broker must pay the tax based on the requirements of this section and RCW 82.04.067.

 (3) For the purposes of this section, "broker," "designated broker," "managing broker," and "real estate firm" have the same meaning as provided in RCW 18.85.011.

**Sec. 20.** RCW 82.04.257 and 2010 c 111 s 301 are each amended to read as follows:

 (1) Except as provided in subsection (2) of this section, upon every person engaging within this state in the business of making sales at retail or wholesale of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)(b), as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of ((~~0.471~~)) 0.2904 percent ((~~in the case of~~)) for both retail sales and ((~~by the rate of 0.484 percent in the case of~~)) wholesale sales.

 (2) Persons providing subscription television services or subscription radio services are subject to tax under RCW 82.04.290(2) on the gross income of the business received from providing such services.

 (3) For purposes of this section, a person is considered to be engaging within this state in the business of making sales of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)(b), if the person makes sales of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)(b) and the sales are sourced to this state under RCW 82.32.730 for sales tax purposes or would have been sourced to this state under RCW 82.32.730 if the sale had been taxable under chapter 82.08 RCW.

 (4) A person subject to tax under this section is subject to the mandatory electronic filing and payment requirements in RCW 82.32.080.

**Sec. 21.** RCW 82.04.263 and 2009 c 469 s 202 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business multiplied by the rate of ((~~0.471~~)) 0.2904 percent.

 (2) For the purposes of this chapter, "cleaning up radioactive waste and other by-products of weapons production and nuclear research and development" means:

 (a) The activities of handling, storing, treating, immobilizing, stabilizing, or disposing of radioactive waste, radioactive tank waste and capsules, nonradioactive hazardous solid and liquid wastes, or spent nuclear fuel;

 (b) Spent nuclear fuel conditioning;

 (c) Removal of contamination in soils and groundwater;

 (d) Decontamination and decommissioning of facilities; and (e) Services supporting the performance of cleanup. For the purposes of this subsection (2)(e), a service supports the performance of cleanup if it:

 (i) Is within the scope of work under a clean-up contract with the United States department of energy; or

 (ii) Assists in the accomplishment of a requirement of a clean-up project undertaken by the United States department of energy under a subcontract entered into with the prime contractor or another subcontractor in furtherance of a clean-up contract between the United States department of energy and a prime contractor.

 (3) A service does not assist in the accomplishment of a requirement of a clean-up project undertaken by the United States department of energy if the same services are routinely provided to businesses not engaged in clean-up activities, except that the following services are always deemed to contribute to the accomplishment of a requirement of a clean-up project undertaken by the United States department of energy:

 (a) Information technology and computer support services;

 (b) Services rendered in respect to infrastructure; and

 (c) Security, safety, and health services.

 (4) The legislature intends that the examples provided in this subsection be used as a guideline when determining whether a service is "routinely provided to businesses not engaged in clean-up activities" as that phrase is used in subsection (3) of this section.

 (a) The radioactive waste clean-up classification does not apply to general accounting services but does apply to performance audits performed for persons cleaning up radioactive waste.

 (b) The radioactive waste clean-up classification does not apply to general legal services but does apply to those legal services that assist in the accomplishment of a requirement of a clean-up project undertaken by the United States department of energy. Thus, legal services provided to contest any local, state, or federal tax liability or to defend a company against a workers' compensation claim arising from a worksite injury do not qualify for the radioactive waste clean-up classification. But, legal services related to the resolution of a contractual dispute between the parties to a clean-up contract between the United States department of energy and a prime contractor do qualify.

 (c) General office janitorial services do not qualify for the radioactive waste clean-up classification, but the specialized cleaning of equipment exposed to radioactive waste does qualify.

**Sec. 22.** RCW 82.04.270 and 2004 c 24 s 5 are each amended to read as follows:

 Upon every person engaging within this state in the business of making sales at wholesale, except persons taxable as wholesalers under other provisions of this chapter; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of ((~~0.484~~)) 0.2904 percent.

**Sec. 23.** RCW 82.04.272 and 2013 c 19 s 127 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of warehousing and reselling drugs for human use pursuant to a prescription; as to such persons, the amount of the tax shall be equal to the gross income of the business multiplied by the rate of ((~~0.138~~)) 0.2904 percent.

 (2) For the purposes of this section:

 (a) "Prescription" and "drug" have the same meaning as in RCW 82.08.0281; and

 (b) "Warehousing and reselling drugs for human use pursuant to a prescription" means the buying of drugs for human use pursuant to a prescription from a manufacturer or another wholesaler, and reselling of the drugs to persons selling at retail or to hospitals, clinics, health care providers, or other providers of health care services, by a wholesaler or retailer who is registered with the federal drug enforcement administration and licensed by the pharmacy quality assurance commission.

**Sec. 24.** RCW 82.04.280 and 2010 c 106 s 205 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of: (a) Printing materials other than newspapers, and of publishing periodicals or magazines; (b) building, repairing or improving any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (c) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (d) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (e) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of chapter 48.17 RCW; (f) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the federal communications commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (g) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of ((~~0.484~~)) 0.2904 percent.

 (2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise.

 (a) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

 (b) "Storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

 (c) "Periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

**Sec. 25.** RCW 82.04.280 and 2010 c 106 s 206 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of: (a) Printing materials other than newspapers, and of publishing periodicals or magazines; (b) building, repairing or improving any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (c) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (d) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (e) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of chapter 48.17 RCW; (f) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the federal communications commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (g) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of ((~~0.484~~)) 0.2904 percent.

 (2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise.

 (a) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

 (b) "Storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

 (c) "Periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

**Sec. 26.** RCW 82.04.285 and 2005 c 369 s 5 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of operating contests of chance; as to such persons, the amount of tax with respect to the business of operating contests of chance is equal to the gross income of the business derived from contests of chance multiplied by the rate of ((~~1.5~~)) 0.2904 percent.

 (2) An additional tax is imposed on those persons subject to tax in subsection (1) of this section. The amount of the additional tax with respect to the business of operating contests of chance is equal to the gross income of the business derived from contests of chance multiplied by the rate of 0.1 percent through June 30, 2006, and 0.13 percent thereafter. The money collected under this subsection (2) shall be deposited in the problem gambling account created in RCW 43.20A.892. This subsection does not apply to businesses operating contests of chance when the gross income from the operation of contests of chance is less than fifty thousand dollars per year.

 (3) For the purpose of this section, "contests of chance" means any contests, games, gaming schemes, or gaming devices, other than the state lottery as defined in RCW 67.70.010, in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor in the outcome. The term includes social card games, bingo, raffle, and punchboard games, and pull-tabs as defined in chapter 9.46 RCW. The term does not include race meets for the conduct of which a license must be secured from the Washington horse racing commission, or "amusement game" as defined in RCW 9.46.0201.

 (4) "Gross income of the business" does not include the monetary value or actual cost of any prizes that are awarded, amounts paid to players for winning wagers, accrual of prizes for progressive jackpot contests, or repayment of amounts used to seed guaranteed progressive jackpot prizes.

**Sec. 27.** RCW 82.04.286 and 2005 c 369 s 6 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of conducting race meets for the conduct of which a license must be secured from the Washington horse racing commission; as to such persons, the amount of tax with respect to the business of parimutuel wagering is equal to the gross income of the business derived from parimutuel wagering multiplied by the rate of 0.1 percent through June 30, 2006, and ((~~0.13~~)) 0.2904 percent thereafter. The money collected under this section shall be deposited in the problem gambling account created in RCW 43.20A.892.

 (2) For purposes of this section, "gross income of the business" does not include amounts paid to players for winning wagers, or taxes imposed or other distributions required under chapter 67.16 RCW.

 (3) The tax imposed under this section is in addition to any tax imposed under chapter 67.16 RCW.

**Sec. 28.** RCW 82.04.2905 and 1998 c 312 s 7 are each amended to read as follows:

 Upon every person engaging within this state in the business of providing child care for periods of less than twenty-four hours; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such sales multiplied by the rate of ((~~0.484~~)) 0.2904 percent.

**Sec. 29.** RCW 82.04.2906 and 2003 c 343 s 1 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of providing intensive inpatient or recovery house residential treatment services for chemical dependency, certified by the department of social and health services, for which payment from the United States or any instrumentality thereof or from the state of Washington or any municipal corporation or political subdivision thereof is received as compensation for or to support those services; as to such persons the amount of tax with respect to such business shall be equal to the gross income from such services multiplied by the rate of ((~~0.484~~)) 0.2904 percent.

 (2) If the persons described in subsection (1) of this section receive income from sources other than those described in subsection (1) of this section or provide services other than those named in subsection (1) of this section, that income and those services are subject to tax as otherwise provided in this chapter.

**Sec. 30.** RCW 82.04.2907 and 2010 1st sp.s. c 23 s 107 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of receiving income from royalties, the amount of tax with respect to the business is equal to the gross income from royalties multiplied by the rate of ((~~0.484~~)) 0.2904 percent.

 (2) For the purposes of this section, "gross income from royalties" means compensation for the use of intangible property, including charges in the nature of royalties, regardless of where the intangible property will be used. For purposes of this subsection, "intangible property" includes copyrights, patents, licenses, franchises, trademarks, trade names, and similar items. "Gross income from royalties" does not include compensation for any natural resource, the licensing of prewritten computer software to the end user, or the licensing of digital goods, digital codes, or digital automated services to the end user as defined in RCW 82.04.190(11).

**Sec. 31.** RCW 82.04.2908 and 2012 c 10 s 70 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of providing room and domiciliary care to residents of an assisted living facility licensed under chapter 18.20 RCW, the amount of tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ((~~0.275~~)) 0.2904 percent.

 (2) For the purposes of this section, "domiciliary care" has the meaning provided in RCW 18.20.020.

**Sec. 32.** RCW 82.04.294 and 2013 2nd sp.s. c 13 s 902 are each amended to read as follows:

 (1) Upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules or stirling converters, or of manufacturing solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems; as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of ((~~0.275~~)) 0.2904 percent.

 (2) Upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules or stirling converters, or of solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business is equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules or stirling converters, or of the solar grade silicon to be used exclusively in components of such systems, multiplied by the rate of ((~~0.275~~)) 0.2904 percent.

 (3) Silicon solar wafers, silicon solar cells, thin film solar devices, solar grade silicon, or compound semiconductor solar wafers are "semiconductor materials" for the purposes of RCW 82.08.9651 and 82.12.9651.

 (4) The definitions in this subsection apply throughout this section.

 (a) "Compound semiconductor solar wafers" means a semiconductor solar wafer composed of elements from two or more different groups of the periodic table.

 (b) "Module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

 (c) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

 (d) "Silicon solar cells" means a photovoltaic cell manufactured from a silicon solar wafer.

 (e) "Silicon solar wafers" means a silicon wafer manufactured for solar conversion purposes.

 (f) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

 (g) "Solar grade silicon" means high‑purity silicon used exclusively in components of solar energy systems using photovoltaic modules to capture direct sunlight. "Solar grade silicon" does not include silicon used in semiconductors.

 (h) "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

 (i) "Thin film solar devices" means a nonparticipating substrate on which various semiconducting materials are deposited to produce a photovoltaic cell that is used to generate electricity.

 (5) A person reporting under the tax rate provided in this section must file a complete annual survey with the department under RCW 82.32.585.

 (6) This section expires June 30, 2017.

**Sec. 33.** RCW 82.04.298 and 2011 c 2 s 204 (Initiative Measure No. 1107, approved November 2, 2010) are each amended to read as follows:

 (1) The amount of tax with respect to a qualified grocery distribution cooperative's sales of groceries or related goods for resale, excluding items subject to tax under RCW 82.04.260(4), to customer-owners of the grocery distribution cooperative is equal to the gross proceeds of sales of the grocery distribution cooperative multiplied by the rate of ((~~one and one‑half~~)) 0.2904 percent.

 (2) A qualified grocery distribution cooperative is allowed a deduction from the gross proceeds of sales of groceries or related goods for resale, excluding items subject to tax under RCW 82.04.260(4), to customer-owners of the grocery distribution cooperative that is equal to the portion of the gross proceeds of sales for resale that represents the actual cost of the merchandise sold by the grocery distribution cooperative to customer-owners.

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

 (a) "Grocery distribution cooperative" means an entity that sells groceries and related items to customer-owners of the grocery distribution cooperative and has customer-owners, in the aggregate, who own a majority of the outstanding ownership interests of the grocery distribution cooperative or of the entity controlling the grocery distribution cooperative. "Grocery distribution cooperative" includes an entity that controls a grocery distribution cooperative.

 (b) "Qualified grocery distribution cooperative" means:

 (i) A grocery distribution cooperative that has been determined by a court of record of the state of Washington to be not engaged in wholesaling or making sales at wholesale, within the meaning of RCW 82.04.270 or any similar provision of a municipal ordinance that imposes a tax on gross receipts, gross proceeds of sales, or gross income, with respect to purchases made by customer-owners, and subsequently changes its form of doing business to make sales at wholesale of groceries or related items to its customer-owners; or

 (ii) A grocery distribution cooperative that has acquired substantially all of the assets of a grocery distribution cooperative described in (b)(i) of this subsection.

 (c) "Customer-owner" means a person who has an ownership interest in a grocery distribution cooperative and purchases groceries and related items at wholesale from that grocery distribution cooperative.

 (d) "Controlling" means holding fifty percent or more of the voting interests of an entity and having at least equal power to direct or cause the direction of the management and policies of the entity, whether through the ownership of voting securities, by contract, or otherwise."

 Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

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| --- | --- |
|  |  EFFECT:  Changes various business and occupation tax rates so that the rate for all business and occupation taxes is set at a uniform 0.2904 percent.  |

**--- END ---**