

1 **ESSB 5967** - H AMDS to REV COMM AMD **000560 ADOPTED 4-16-93**
2 By Representatives Rayburn and Grant

3 On page 9 of the amendment, line 3, after "to" Strike
4 everything through "82.04.330" on page 9, line 7, and insert
5 "~~((persons))~~ farmers for the purpose of producing for sale any
6 agricultural product (~~((whatsoever, including plantation Christmas
7 trees and milk, eggs, wool, fur, meat, honey, or other substances
8 obtained from animals, birds, or insects but only when such
9 production and subsequent sale are exempt from tax under RCW
10 82.04.330))~~)"

11 On page 9 of the amendment, after line 22, insert:

12 "NEW SECTION. Sec. 102 A new section is added to chapter
13 82.04 RCW to read as follows:

14 (1) "Agricultural product" means any product of plant
15 cultivation or animal husbandry including, but not limited to: A
16 product of horticulture, grain cultivation, vermiculture,
17 viticulture, or aquaculture as defined in RCW 15.85.020; plantation
18 Christmas trees; turf; or any animal including but not limited to
19 an animal that is a private sector cultured aquatic product as
20 defined in RCW 15.85.020, or a bird, or insect, or the substances
21 obtained from such an animal. "Agricultural product" does not
22 include animals intended to be pets.

23 (2) "Farmer" means any person engaged in the business of
24 growing or producing, upon the person's own lands or upon the lands
25 in which the person has a present right of possession, any
26 agricultural product whatsoever for sale. "Farmer" does not include
27 a person using such products as ingredients in a manufacturing
28 process, or a person growing or producing such products for the
29 person's own consumption. "Farmer" does not include a person
30 selling any animal or substance obtained therefrom in connection

1 with the person's business of operating a stockyard or a slaughter
2 or packing house. "Farmer" does not include any person in respect
3 to the business of taking, cultivating, or raising timber.

4 **Sec. 103.** RCW 82.04.330 and 1988 c 253 s 2 are each amended
5 to read as follows:

6 This chapter shall not apply to any (~~person in respect to the~~
7 ~~business of growing or producing for sale upon the person's own~~
8 ~~lands or upon land in which the person has a present right of~~
9 ~~possession, any agricultural or horticultural produce or crop, or~~
10 ~~of raising upon the person's own lands or upon land in which the~~
11 ~~person has a present right of possession, any plantation Christmas~~
12 ~~tree or any animal, bird, fish, or insect, or the milk, eggs, wool,~~
13 ~~fur, meat, honey, or other substance obtained therefrom, or in~~
14 ~~respect to the sale of such products)) farmer that sells any
15 agricultural product at wholesale (~~by such grower, producer, or~~
16 ~~raiser thereof)). This exemption shall not apply to any person~~
17 ~~selling such products at retail ((or using such products as~~
18 ~~ingredients in a manufacturing process; nor to the sale of any~~
19 ~~animal or substance obtained therefrom by a person in connection~~
20 ~~with the person's business of operating a stockyard or a slaughter~~
21 ~~or packing house; nor to any person in respect to the business of~~
22 ~~taking, cultivating, or raising timber; nor to any association of~~
23 ~~persons whatever, whether mutual, cooperative or otherwise,~~
24 ~~engaging in any business activity with respect to which tax~~
25 ~~liability is imposed under the provisions of this chapter. As used~~
26 ~~in this section, "fish" means fish which are cultivated or raised~~
27 ~~entirely within confined rearing areas on the person's own land or~~
28 ~~on land in which the person has a present right of possession)).~~~~

29 This chapter shall also not apply to any persons who
30 participate in the federal conservation reserve program or its
31 successor administered by the United States department of
32 agriculture with respect to land enrolled in that program."

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1 Renumber sections consecutively and correct any internal
2 references accordingly.

3 On page 62 of the amendment, line 9, after "Sections" insert
4 "102, 103,"

EFFECT: Clarifies the definition of farmer, for purposes of
sales tax exemption of purchases of fertilizer, feed, seed,
etc.