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SECOND SUBSTITUTE SENATE BILL 5398

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State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Quigley, Haugen, A. Smith, Prince, Fraser, Skratek, McAuliffe, Bauer, Drew, Deccio, Talmadge, Sutherland, Gaspard, Snyder, Jesernig, von Reichbauer, Winsley, Niemi, Prentice, Vognild, Sheldon and Erwin)

Read first time 03/08/93.

1 AN ACT Relating to a primary voters' pamphlet; amending RCW  
2 29.80.040, 82.04.050, and 29.80.060; adding new sections to chapter  
3 29.80 RCW; adding a new section to chapter 82.32 RCW; and repealing RCW  
4 29.80.050 and 29.80.080.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.80 RCW  
7 to read as follows:

8 As soon as possible before each state primary at which nominees for  
9 federal or state offices are to be elected, the secretary of state  
10 shall publish and mail to each individual place of residence of the  
11 state a candidates' pamphlet containing photographs and campaign  
12 statements of candidates who desire to be included in the pamphlet,  
13 together with a campaign mailing address and telephone number submitted  
14 by the candidate at the candidate's option. In odd-numbered years the  
15 secretary of state shall not publish a candidates' pamphlet unless a  
16 special election is to be held to fill a vacancy in a federal or state  
17 office.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 29.80 RCW  
2 to read as follows:

3        At a time prescribed by the secretary of state, each candidate for  
4 nomination for a federal or state office may file with the secretary of  
5 state a written statement and photograph in accordance with RCW  
6 29.80.020.

7        **Sec. 3.**    RCW 29.80.040 and 1984 c 54 s 3 are each amended to read  
8 as follows:

9        The nominees' statements, photographs, and the addresses and  
10 telephone numbers submitted by them as set forth in RCW 29.80.010  
11 (~~and~~), 29.80.020, or section 2 of this act shall be published by the  
12 secretary of state as a candidates' pamphlet, the printing of which  
13 shall be completed as soon as possible before the state primary or  
14 general election concerned. The overall dimensions of the pamphlet  
15 shall be determined by the secretary of state as those which in the  
16 secretary's judgment best serve the voters, and whenever possible the  
17 candidates' pamphlet shall be combined with the voters' pamphlet as a  
18 single publication.

19        **Sec. 4.**    RCW 82.04.050 and 1988 c 253 s 1 are each amended to read  
20 as follows:

21        (1) "Sale at retail" or "retail sale" means every sale of tangible  
22 personal property (including articles produced, fabricated, or  
23 imprinted) to all persons irrespective of the nature of their business  
24 and including, among others, without limiting the scope hereof, persons  
25 who install, repair, clean, alter, improve, construct, or decorate real  
26 or personal property of or for consumers other than a sale to a person  
27 who (a) purchases for the purpose of resale as tangible personal  
28 property in the regular course of business without intervening use by  
29 such person, or (b) installs, repairs, cleans, alters, imprints,  
30 improves, constructs, or decorates real or personal property of or for  
31 consumers, if such tangible personal property becomes an ingredient or  
32 component of such real or personal property without intervening use by  
33 such person, or (c) purchases for the purpose of consuming the property  
34 purchased in producing for sale a new article of tangible personal  
35 property or substance, of which such property becomes an ingredient or  
36 component or is a chemical used in processing, when the primary purpose  
37 of such chemical is to create a chemical reaction directly through

1 contact with an ingredient of a new article being produced for sale, or  
2 (d) purchases for the purpose of consuming the property purchased in  
3 producing ferrosilicon which is subsequently used in producing  
4 magnesium for sale, if the primary purpose of such property is to  
5 create a chemical reaction directly through contact with an ingredient  
6 of ferrosilicon, or (e) purchases for the purpose of providing the  
7 property to consumers as part of competitive telephone service, as  
8 defined in RCW 82.04.065. The term shall include every sale of  
9 tangible personal property which is used or consumed or to be used or  
10 consumed in the performance of any activity classified as a "sale at  
11 retail" or "retail sale" even though such property is resold or  
12 utilized as provided in (a), (b), (c), (d), or (e) above following such  
13 use. The term also means every sale of tangible personal property to  
14 persons engaged in any business which is taxable under RCW 82.04.280,  
15 subsections (2) and (7) and RCW 82.04.290.

16 (2) The term "sale at retail" or "retail sale" shall include the  
17 sale of or charge made for tangible personal property consumed and/or  
18 for labor and services rendered in respect to the following: (a) The  
19 installing, repairing, cleaning, altering, imprinting, or improving of  
20 tangible personal property of or for consumers, including charges made  
21 for the mere use of facilities in respect thereto, but excluding  
22 charges made for the use of coin operated laundry facilities when such  
23 facilities are situated in an apartment house, hotel, motel, rooming  
24 house, trailer camp or tourist camp for the exclusive use of the  
25 tenants thereof, and also excluding sales of laundry service to members  
26 by nonprofit associations composed exclusively of nonprofit hospitals,  
27 and excluding services rendered in respect to live animals, birds and  
28 insects; (b) the constructing, repairing, decorating, or improving of  
29 new or existing buildings or other structures under, upon, or above  
30 real property of or for consumers, including the installing or  
31 attaching of any article of tangible personal property therein or  
32 thereto, whether or not such personal property becomes a part of the  
33 realty by virtue of installation, and shall also include the sale of  
34 services or charges made for the clearing of land and the moving of  
35 earth excepting the mere leveling of land used in commercial farming or  
36 agriculture; (c) the charge for labor and services rendered in respect  
37 to constructing, repairing, or improving any structure upon, above, or  
38 under any real property owned by an owner who conveys the property by  
39 title, possession, or any other means to the person performing such

1 construction, repair, or improvement for the purpose of performing such  
2 construction, repair, or improvement and the property is then  
3 reconveyed by title, possession, or any other means to the original  
4 owner; (d) the sale of or charge made for labor and services rendered  
5 in respect to the cleaning, fumigating, razing or moving of existing  
6 buildings or structures, but shall not include the charge made for  
7 janitorial services; and for purposes of this section the term  
8 "janitorial services" shall mean those cleaning and caretaking services  
9 ordinarily performed by commercial janitor service businesses  
10 including, but not limited to, wall and window washing, floor cleaning  
11 and waxing, and the cleaning in place of rugs, drapes and upholstery.  
12 The term "janitorial services" does not include painting, papering,  
13 repairing, furnace or septic tank cleaning, snow removal or  
14 sandblasting; (e) the sale of or charge made for labor and services  
15 rendered in respect to automobile towing and similar automotive  
16 transportation services, but not in respect to those required to report  
17 and pay taxes under chapter 82.16 RCW; (f) the sale of and charge made  
18 for the furnishing of lodging and all other services by a hotel,  
19 rooming house, tourist court, motel, trailer camp, and the granting of  
20 any similar license to use real property, as distinguished from the  
21 renting or leasing of real property, and it shall be presumed that the  
22 occupancy of real property for a continuous period of one month or more  
23 constitutes a rental or lease of real property and not a mere license  
24 to use or enjoy the same; (g) the sale of or charge made for tangible  
25 personal property, labor and services to persons taxable under (a),  
26 (b), (c), (d), (e), and (f) above when such sales or charges are for  
27 property, labor and services which are used or consumed in whole or in  
28 part by such persons in the performance of any activity defined as a  
29 "sale at retail" or "retail sale" even though such property, labor and  
30 services may be resold after such use or consumption. Nothing  
31 contained in this paragraph shall be construed to modify the first  
32 paragraph of this section and nothing contained in the first paragraph  
33 of this section shall be construed to modify this paragraph.

34 (3) The term "sale at retail" or "retail sale" shall include the  
35 sale of or charge made for personal business or professional services  
36 including amounts designated as interest, rents, fees, admission, and  
37 other service emoluments however designated, received by persons  
38 engaging in the following business activities: (a) Amusement and  
39 recreation businesses including but not limited to golf, pool,

1 billiards, skating, bowling, ski lifts and tows and others; (b)  
2 abstract, title insurance and escrow businesses; (c) credit bureau  
3 businesses; (d) automobile parking and storage garage businesses; and  
4 (e) political campaign consulting businesses.

5 (4) The term shall also include the renting or leasing of tangible  
6 personal property to consumers.

7 (5) The term shall also include the providing of telephone service,  
8 as defined in RCW 82.04.065, to consumers.

9 (6) The term shall not include the sale of or charge made for labor  
10 and services rendered in respect to the building, repairing, or  
11 improving of any street, place, road, highway, easement, right of way,  
12 mass public transportation terminal or parking facility, bridge,  
13 tunnel, or trestle which is owned by a municipal corporation or  
14 political subdivision of the state or by the United States and which is  
15 used or to be used primarily for foot or vehicular traffic including  
16 mass transportation vehicles of any kind. The term shall also not  
17 include sales of feed, seed, seedlings, fertilizer, and spray materials  
18 to persons who participate in the federal conservation reserve program  
19 or its successor administered by the United States department of  
20 agriculture, or to persons for the purpose of producing for sale any  
21 agricultural product whatsoever, including plantation Christmas trees  
22 and milk, eggs, wool, fur, meat, honey, or other substances obtained  
23 from animals, birds, or insects but only when such production and  
24 subsequent sale are exempt from tax under RCW 82.04.330, nor shall it  
25 include sales of chemical sprays or washes to persons for the purpose  
26 of post-harvest treatment of fruit for the prevention of scald, fungus,  
27 mold, or decay.

28 (7) The term shall not include the sale of or charge made for labor  
29 and services rendered in respect to the constructing, repairing,  
30 decorating, or improving of new or existing buildings or other  
31 structures under, upon, or above real property of or for the United  
32 States, any instrumentality thereof, or a county or city housing  
33 authority created pursuant to chapter 35.82 RCW, including the  
34 installing, or attaching of any article of tangible personal property  
35 therein or thereto, whether or not such personal property becomes a  
36 part of the realty by virtue of installation. Nor shall the term  
37 include the sale of services or charges made for the clearing of land  
38 and the moving of earth of or for the United States, any  
39 instrumentality thereof, or a county or city housing authority.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 29.80 RCW  
2 to read as follows:

3        The primary candidates' pamphlet account is created in the state  
4 treasury.    All receipts from the sales and use tax on political  
5 campaign consulting services shall be deposited in the account as  
6 provided in section 6 of this act.    Moneys in the account may be spent  
7 only after appropriation.    Expenditures from the account may be used  
8 only for publication of the primary candidates' pamphlet.

9        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 82.32 RCW  
10 to read as follows:

11        The department of revenue shall deposit into the candidates'  
12 pamphlet account created in section 5 of this act all moneys received  
13 from the imposition of the taxes under chapters 82.08 and 82.12 RCW on  
14 the sales or use of political campaign consulting services.

15        **Sec. 7.**    RCW 29.80.060 and 1965 c 9 s 29.80.060 are each amended to  
16 read as follows:

17        Whenever practical, the secretary of state shall cause the  
18 pamphlets to be printed so that no candidate's picture or statement  
19 shall be included in the copy of the pamphlet going to any county where  
20 such candidate is not to be voted for.

21        The ((candidates' photographs and statements)) offices shall appear  
22 in the pamphlet in the same sequence as ((the positions sought)) those  
23 offices appear on the state primary or general election ballot.

24        NEW SECTION.    **Sec. 8.**    The following acts or parts of acts are each  
25 repealed:

26        (1) RCW 29.80.050 and 1971 ex.s. c 145 s 3 & 1965 c 9 s 29.80.050;  
27 and

28        (2) RCW 29.80.080 and 1981 c 243 s 1.

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