

CERTIFICATION OF ENROLLMENT

SENATE BILL 6117

Chapter 1, Laws of 1996

(veto override)

54th Legislature
1996 Regular Session

BUSINESS AND OCCUPATION TAX REDUCTION BY SERVICE RATE REDUCTIONS
AND DISTRESSED AREA TAX CREDITS

EFFECTIVE DATE: 1/24/96

Passed by the Senate January 9, 1996
YEAS 46 NAYS 3

JOEL PRITCHARD

President of the Senate

Passed by the House January 12, 1996
YEAS 72 NAYS 19

CLYDE BALLARD

**Speaker of the
House of Representatives**

Vetoed January 22, 1996

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6117** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

January 25, 1996 - 12:14 p.m.

**Secretary of State
State of Washington**

SENATE BILL 6117

Passed Legislature - 1996 Regular Session

State of Washington

54th Legislature

1996 Regular Session

By Senators Quigley, Loveland, Snyder, Rinehart, Spanel, Rasmussen, Thibaudeau, Hale, Swecker, Prince, Long, Morton, West, Deccio, Moyer, Zarelli, McCaslin, Johnson, Strannigan, Finkbeiner, Hochstatter, Wood, A. Anderson, Cantu, Sellar, Schow, McDonald, Winsley, Sheldon, Haugen, Goings, Heavey, Bauer, Drew, McAuliffe, Franklin, Newhouse and Oke

Read first time 01/08/96.

1 AN ACT Relating to reducing business and occupation taxes by
2 reducing the 1993 service rate increases by fifty percent and
3 increasing tax credits in distressed areas; amending RCW 82.04.255,
4 82.04.290, and 82.62.030; adding a new section to chapter 82.04 RCW;
5 providing an effective date; and declaring an emergency.

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

7 **Sec. 1.** RCW 82.04.255 and 1993 sp.s. c 25 s 202 are each amended
8 to read as follows:

9 Upon every person engaging within the state as a real estate
10 broker; as to such persons, the amount of the tax with respect to such
11 business shall be equal to the gross income of the business, multiplied
12 by the rate of (~~2.0~~) 1.75 percent.

13 The measure of the tax on real estate commissions earned by the
14 real estate broker shall be the gross commission earned by the
15 particular real estate brokerage office including that portion of the
16 commission paid to salesmen or associate brokers in the same office on
17 a particular transaction: PROVIDED, HOWEVER, That where a real estate
18 commission is divided between an originating brokerage office and a
19 cooperating brokerage office on a particular transaction, each

1 brokerage office shall pay the tax only upon their respective shares of
2 said commission: AND PROVIDED FURTHER, That where the brokerage office
3 has paid the tax as provided herein, salesmen or associate brokers
4 within the same brokerage office shall not be required to pay a similar
5 tax upon the same transaction.

6 **Sec. 2.** RCW 82.04.290 and 1995 c 229 s 3 are each amended to read
7 as follows:

8 (1) Upon every person engaging within this state in the business of
9 providing selected business services other than or in addition to those
10 enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount
11 of tax on account of such activities shall be equal to the gross income
12 of the business multiplied by the rate of (~~(2.5)~~) 2.0 percent.

13 (2) Upon every person engaging within this state in banking, loan,
14 security, investment management, investment advisory, or other
15 financial businesses, other than or in addition to those enumerated in
16 subsection (3) of this section; as to such persons, the amount of the
17 tax with respect to such business shall be equal to the gross income of
18 the business, multiplied by the rate of (~~(1.70)~~) 1.6 percent.

19 (3) Upon every person engaging within this state in the business of
20 providing international investment management services, as to such
21 persons, the amount of tax with respect to such business shall be equal
22 to the gross income or gross proceeds of sales of the business
23 multiplied by a rate of 0.275 percent.

24 (4) Upon every person engaging within this state in any business
25 activity other than or in addition to those enumerated in RCW
26 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and
27 82.04.280, and subsections (1), (2), and (3) of this section; as to
28 such persons the amount of tax on account of such activities shall be
29 equal to the gross income of the business multiplied by the rate of
30 (~~(2.0)~~) 1.75 percent.

31 This section includes, among others, and without limiting the scope
32 hereof (whether or not title to materials used in the performance of
33 such business passes to another by accession, confusion or other than
34 by outright sale), persons engaged in the business of rendering any
35 type of service which does not constitute a "sale at retail" or a "sale
36 at wholesale." The value of advertising, demonstration, and
37 promotional supplies and materials furnished to an agent by his
38 principal or supplier to be used for informational, educational and

1 promotional purposes shall not be considered a part of the agent's
2 remuneration or commission and shall not be subject to taxation under
3 this section.

4 **Sec. 3.** RCW 82.62.030 and 1986 c 116 s 17 are each amended to read
5 as follows:

6 (1) A person shall be allowed a credit against the tax due under
7 chapter 82.04 RCW (~~(of an amount equal to)~~) as provided in this
8 section. For an application approved before January 1, 1996, the
9 credit shall equal one thousand dollars for each qualified employment
10 position directly created in an eligible business project. For an
11 application approved on or after January 1, 1996, the credit shall
12 equal two thousand dollars for each qualified employment position
13 directly created in an eligible business project.

14 (2) The department shall keep a running total of all credits
15 granted under this chapter during each fiscal biennium. The department
16 shall not allow any credits which would cause the tabulation for a
17 biennium to exceed fifteen million dollars. If all or part of an
18 application for credit is disallowed under this subsection, the
19 disallowed portion shall be carried over for approval the next
20 biennium. However, the applicant's carryover into the next biennium is
21 only permitted if the tabulation for the next biennium does not exceed
22 fifteen million dollars as of the date on which the department has
23 disallowed the application.

24 (3) No recipient is eligible for tax credits in excess of three
25 hundred thousand dollars.

26 (4) No recipient may use the tax credits to decertify a union or to
27 displace existing jobs in any community in the state.

28 (5) No recipient may receive a tax credit on taxes which have not
29 been paid during the taxable year.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.04 RCW
31 to read as follows:

32 (1) There may be credited against the tax imposed by this chapter,
33 the value of state-approved, employer-provided or sponsored job
34 training services designed to enhance the job-related performance of
35 employees, for those businesses eligible for a tax deferral under
36 chapter 82.60 RCW.

1 (2) The value of the state-approved, job training services provided
2 by the employer to the employee, without charge, shall be determined by
3 the allocation of the cost method using generally accepted accounting
4 standards.

5 (3) The credit allowed under this section shall be limited to an
6 amount equal to twenty percent of the value of the state-approved, job
7 training services determined under subsection (2) of this section. The
8 total credits allowed under this section for a business shall not
9 exceed five thousand dollars per calendar year.

10 (4) Prior to claiming the credit under this section, the business
11 must obtain approval of the proposed job training service from the
12 employment security department. The employer's request for approval
13 must include a description of the proposed job training service, how
14 the job training will enhance the employee's performance, and the cost
15 of the proposed job training.

16 (5) This section only applies to training in respect to eligible
17 business projects for which an application is approved on or after
18 January 1, 1996.

19 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and shall take
22 effect January 1, 1996.

Passed the Senate January 9, 1996.

Passed the House January 12, 1996.

Vetoed by the Governor January 22, 1996.

Filed in Office of Secretary of State January 25, 1996.