
HOUSE BILL 2504

State of Washington 59th Legislature 2006 Regular Session

By Representatives Anderson, Dunn and Rodne

Read first time 01/10/2006. Referred to Committee on Finance.

1 AN ACT Relating to the payment of sales and use taxes by state and
2 local governments; amending RCW 82.04.190, 82.04.280, 82.04.280, and
3 82.12.0284; reenacting and amending RCW 82.04.050; adding a new section
4 to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;
5 repealing RCW 82.08.0256, 82.12.0257, 82.08.0271, 82.12.930,
6 82.08.0275, 82.12.0269, 82.08.0278, 82.12.0274, 82.08.0285, 82.12.0279,
7 82.08.834, and 82.12.834; providing an effective date; providing a
8 contingent effective date; and providing a contingent expiration date.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.08 RCW
11 to read as follows:

12 (1) The tax levied by RCW 82.08.020 does not apply to sales to
13 state agencies or local governments of any: (a) Article of tangible
14 personal property; (b) service; (c) prewritten software; and (d)
15 extended warranty. The exemption is available only when the buyer
16 provides the seller with an exemption certificate in a form and manner
17 prescribed by the department. The seller must retain a copy of the
18 certificate for the seller's files.

19 (2) The definitions in this subsection apply to this section.

1 (a) "State agency" means the state of Washington and its
2 departments and institutions.

3 (b) "Local government" means any unit of local government
4 including, but not limited to, a county, city, town, municipal
5 corporation, quasi-municipal corporation, or political subdivision.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.12 RCW
7 to read as follows:

8 The provisions of this chapter do not apply with respect to the use
9 by state agencies or local governments of any: (1) Article of tangible
10 personal property; (2) service; (3) prewritten software; and (4)
11 extended warranty. The definitions in section 1 of this act apply to
12 this section.

13 **Sec. 3.** RCW 82.04.050 and 2005 c 515 s 2 and 2005 c 514 s 101 are
14 each reenacted and amended to read as follows:

15 (1) "Sale at retail" or "retail sale" means every sale of tangible
16 personal property (including articles produced, fabricated, or
17 imprinted) to all persons irrespective of the nature of their business
18 and including, among others, without limiting the scope hereof, persons
19 who install, repair, clean, alter, improve, construct, or decorate real
20 or personal property of or for consumers other than a sale to a person
21 who presents a resale certificate under RCW 82.04.470 and who:

22 (a) Purchases for the purpose of resale as tangible personal
23 property in the regular course of business without intervening use by
24 such person, but a purchase for the purpose of resale by a regional
25 transit authority under RCW 81.112.300 is not a sale for resale; or

26 (b) Installs, repairs, cleans, alters, imprints, improves,
27 constructs, or decorates real or personal property of or for consumers,
28 if such tangible personal property becomes an ingredient or component
29 of such real or personal property without intervening use by such
30 person; or

31 (c) Purchases for the purpose of consuming the property purchased
32 in producing for sale a new article of tangible personal property or
33 substance, of which such property becomes an ingredient or component or
34 is a chemical used in processing, when the primary purpose of such
35 chemical is to create a chemical reaction directly through contact with
36 an ingredient of a new article being produced for sale; or

1 (d) Purchases for the purpose of consuming the property purchased
2 in producing ferrosilicon which is subsequently used in producing
3 magnesium for sale, if the primary purpose of such property is to
4 create a chemical reaction directly through contact with an ingredient
5 of ferrosilicon; (~~for~~) or

6 (e) Purchases for the purpose of providing the property to
7 consumers as part of competitive telephone service, as defined in RCW
8 82.04.065. The term shall include every sale of tangible personal
9 property which is used or consumed or to be used or consumed in the
10 performance of any activity classified as a "sale at retail" or "retail
11 sale" even though such property is resold or utilized as provided in
12 (a), (b), (c), (d), or (e) of this subsection following such use. The
13 term also means every sale of tangible personal property to persons
14 engaged in any business which is taxable under RCW 82.04.280 (2) and
15 (7), 82.04.290, and 82.04.2908; or

16 (f) Purchases for the purpose of satisfying the person's
17 obligations under an extended warranty as defined in subsection (7) of
18 this section, if such tangible personal property replaces or becomes an
19 ingredient or component of property covered by the extended warranty
20 without intervening use by such person.

21 (2) The term "sale at retail" or "retail sale" shall include the
22 sale of or charge made for tangible personal property consumed and/or
23 for labor and services rendered in respect to the following:

24 (a) The installing, repairing, cleaning, altering, imprinting, or
25 improving of tangible personal property of or for consumers, including
26 charges made for the mere use of facilities in respect thereto, but
27 excluding charges made for the use of self-service laundry facilities,
28 and also excluding sales of laundry service to nonprofit health care
29 facilities, and excluding services rendered in respect to live animals,
30 birds and insects;

31 (b) The constructing, repairing, decorating, or improving of new or
32 existing buildings or other structures under, upon, or above real
33 property of or for consumers, including the installing or attaching of
34 any article of tangible personal property therein or thereto, whether
35 or not such personal property becomes a part of the realty by virtue of
36 installation, and shall also include the sale of services or charges
37 made for the clearing of land and the moving of earth excepting the
38 mere leveling of land used in commercial farming or agriculture;

1 (c) The charge for labor and services rendered in respect to
2 constructing, repairing, or improving any structure upon, above, or
3 under any real property owned by an owner who conveys the property by
4 title, possession, or any other means to the person performing such
5 construction, repair, or improvement for the purpose of performing such
6 construction, repair, or improvement and the property is then
7 reconveyed by title, possession, or any other means to the original
8 owner;

9 (d) The sale of or charge made for labor and services rendered in
10 respect to the cleaning, fumigating, razing or moving of existing
11 buildings or structures, but shall not include the charge made for
12 janitorial services; and for purposes of this section the term
13 "janitorial services" shall mean those cleaning and caretaking services
14 ordinarily performed by commercial janitor service businesses
15 including, but not limited to, wall and window washing, floor cleaning
16 and waxing, and the cleaning in place of rugs, drapes and upholstery.
17 The term "janitorial services" does not include painting, papering,
18 repairing, furnace or septic tank cleaning, snow removal or
19 sandblasting;

20 (e) The sale of or charge made for labor and services rendered in
21 respect to automobile towing and similar automotive transportation
22 services, but not in respect to those required to report and pay taxes
23 under chapter 82.16 RCW;

24 (f) The sale of and charge made for the furnishing of lodging and
25 all other services by a hotel, rooming house, tourist court, motel,
26 trailer camp, and the granting of any similar license to use real
27 property, as distinguished from the renting or leasing of real
28 property, and it shall be presumed that the occupancy of real property
29 for a continuous period of one month or more constitutes a rental or
30 lease of real property and not a mere license to use or enjoy the same.
31 For the purposes of this subsection, it shall be presumed that the sale
32 of and charge made for the furnishing of lodging for a continuous
33 period of one month or more to a person is a rental or lease of real
34 property and not a mere license to enjoy the same;

35 (g) The sale of or charge made for tangible personal property,
36 labor and services to persons taxable under (a), (b), (c), (d), (e),
37 and (f) of this subsection when such sales or charges are for property,
38 labor and services which are used or consumed in whole or in part by

1 such persons in the performance of any activity defined as a "sale at
2 retail" or "retail sale" even though such property, labor and services
3 may be resold after such use or consumption. Nothing contained in this
4 subsection shall be construed to modify subsection (1) of this section
5 and nothing contained in subsection (1) of this section shall be
6 construed to modify this subsection.

7 (3) The term "sale at retail" or "retail sale" shall include the
8 sale of or charge made for personal, business, or professional services
9 including amounts designated as interest, rents, fees, admission, and
10 other service emoluments however designated, received by persons
11 engaging in the following business activities:

12 (a) Amusement and recreation services including but not limited to
13 golf, pool, billiards, skating, bowling, ski lifts and tows, day trips
14 for sightseeing purposes, and others, when provided to consumers;

15 (b) Abstract, title insurance, and escrow services;

16 (c) Credit bureau services;

17 (d) Automobile parking and storage garage services;

18 (e) Landscape maintenance and horticultural services but excluding
19 (i) horticultural services provided to farmers and (ii) pruning,
20 trimming, repairing, removing, and clearing of trees and brush near
21 electric transmission or distribution lines or equipment, if performed
22 by or at the direction of an electric utility;

23 (f) Service charges associated with tickets to professional
24 sporting events; and

25 (g) The following personal services: Physical fitness services,
26 tanning salon services, tattoo parlor services, steam bath services,
27 turkish bath services, escort services, and dating services.

28 (4)(a) The term shall also include:

29 (i) The renting or leasing of tangible personal property to
30 consumers; and

31 (ii) Providing tangible personal property along with an operator
32 for a fixed or indeterminate period of time. A consideration of this
33 is that the operator is necessary for the tangible personal property to
34 perform as designed. For the purpose of this subsection (4)(a)(ii), an
35 operator must do more than maintain, inspect, or set up the tangible
36 personal property.

37 (b) The term shall not include the renting or leasing of tangible

1 personal property where the lease or rental is for the purpose of
2 sublease or subrent.

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

5 (6) The term shall also include the sale of prewritten computer
6 software other than a sale to a person who presents a resale
7 certificate under RCW 82.04.470, regardless of the method of delivery
8 to the end user, but shall not include custom software or the
9 customization of prewritten computer software.

10 (7) The term shall also include the sale of or charge made for an
11 extended warranty to a consumer. For purposes of this subsection,
12 "extended warranty" means an agreement for a specified duration to
13 perform the replacement or repair of tangible personal property at no
14 additional charge or a reduced charge for tangible personal property,
15 labor, or both, or to provide indemnification for the replacement or
16 repair of tangible personal property, based on the occurrence of
17 specified events. The term "extended warranty" does not include an
18 agreement, otherwise meeting the definition of extended warranty in
19 this subsection, if no separate charge is made for the agreement and
20 the value of the agreement is included in the sales price of the
21 tangible personal property covered by the agreement. For purposes of
22 this subsection, "sales price" has the same meaning as in RCW
23 82.08.010.

24 (8) The term shall not include the sale of or charge made for labor
25 and services rendered in respect to the building, repairing, or
26 improving of any street, place, road, highway, easement, right of way,
27 mass public transportation terminal or parking facility, bridge,
28 tunnel, or trestle which is owned (~~by a municipal corporation or~~
29 ~~political subdivision of the state or~~) by the United States and which
30 is used or to be used primarily for foot or vehicular traffic including
31 mass transportation vehicles of any kind.

32 (9) The term shall also not include sales of chemical sprays or
33 washes to persons for the purpose of postharvest treatment of fruit for
34 the prevention of scald, fungus, mold, or decay, nor shall it include
35 sales of feed, seed, seedlings, fertilizer, agents for enhanced
36 pollination including insects such as bees, and spray materials to:
37 (a) Persons who participate in the federal conservation reserve
38 program, the environmental quality incentives program, the wetlands

1 reserve program, and the wildlife habitat incentives program, or their
2 successors administered by the United States department of agriculture;
3 (b) farmers for the purpose of producing for sale any agricultural
4 product; and (c) farmers acting under cooperative habitat development
5 or access contracts with an organization exempt from federal income tax
6 under 26 U.S.C. Sec. 501(c)(3) or the Washington state department of
7 fish and wildlife to produce or improve wildlife habitat on land that
8 the farmer owns or leases.

9 (10) The term shall not include the sale of or charge made for
10 labor and services rendered in respect to the constructing, repairing,
11 decorating, or improving of new or existing buildings or other
12 structures under, upon, or above real property of or for the United
13 States(~~((7))~~) or any instrumentality thereof, (~~((or a county or city~~
14 ~~housing authority created pursuant to chapter 35.82 RCW,~~)) including
15 the installing, or attaching of any article of tangible personal
16 property therein or thereto, whether or not such personal property
17 becomes a part of the realty by virtue of installation. Nor shall the
18 term include the sale of services or charges made for the clearing of
19 land and the moving of earth of or for the United States(~~((7))~~) or any
20 instrumentality thereof(~~((, or a county or city housing authority))~~).
21 Nor shall the term include the sale of services or charges made for
22 cleaning up for the United States, or its instrumentalities,
23 radioactive waste and other byproducts of weapons production and
24 nuclear research and development.

25 (~~((11) The term shall not include the sale of or charge made for~~
26 ~~labor, services, or tangible personal property pursuant to agreements~~
27 ~~providing maintenance services for bus, rail, or rail fixed guideway~~
28 ~~equipment when a regional transit authority is the recipient of the~~
29 ~~labor, services, or tangible personal property, and a transit agency,~~
30 ~~as defined in RCW 81.104.015, performs the labor or services.))~~

31 **Sec. 4.** RCW 82.04.190 and 2005 c 514 s 103 are each amended to
32 read as follows:

33 "Consumer" means the following:

34 (1) Any person who purchases, acquires, owns, holds, or uses any
35 article of tangible personal property irrespective of the nature of the
36 person's business and including, among others, without limiting the
37 scope hereof, persons who install, repair, clean, alter, improve,

1 construct, or decorate real or personal property of or for consumers
2 other than for the purpose (a) of resale as tangible personal property
3 in the regular course of business or (b) of incorporating such property
4 as an ingredient or component of real or personal property when
5 installing, repairing, cleaning, altering, imprinting, improving,
6 constructing, or decorating such real or personal property of or for
7 consumers or (c) of consuming such property in producing for sale a new
8 article of tangible personal property or a new substance, of which such
9 property becomes an ingredient or component or as a chemical used in
10 processing, when the primary purpose of such chemical is to create a
11 chemical reaction directly through contact with an ingredient of a new
12 article being produced for sale or (d) of consuming the property
13 purchased in producing ferrosilicon which is subsequently used in
14 producing magnesium for sale, if the primary purpose of such property
15 is to create a chemical reaction directly through contact with an
16 ingredient of ferrosilicon or (e) of satisfying the person's
17 obligations under an extended warranty as defined in RCW 82.04.050(7),
18 if such tangible personal property replaces or becomes an ingredient or
19 component of property covered by the extended warranty without
20 intervening use by such person;

21 (2)(a) Any person engaged in any business activity taxable under
22 RCW 82.04.290 or 82.04.2908; (b) any person who purchases, acquires, or
23 uses any telephone service as defined in RCW 82.04.065, other than for
24 resale in the regular course of business; (c) any person who purchases,
25 acquires, or uses any service defined in RCW 82.04.050(2)(a), other
26 than for resale in the regular course of business or for the purpose of
27 satisfying the person's obligations under an extended warranty as
28 defined in RCW 82.04.050(7); (d) any person who purchases, acquires, or
29 uses any amusement and recreation service defined in RCW
30 82.04.050(3)(a), other than for resale in the regular course of
31 business; (e) any person who is an end user of software; and (f) any
32 person who purchases or acquires an extended warranty as defined in RCW
33 82.04.050(7) other than for resale in the regular course of business;

34 (3) Any person engaged in the business of contracting for the
35 building, repairing or improving of any street, place, road, highway,
36 easement, right of way, mass public transportation terminal or parking
37 facility, bridge, tunnel, or trestle which is owned (~~by a municipal~~
38 ~~corporation or political subdivision of the state of Washington or~~) by

1 the United States and which is used or to be used primarily for foot or
2 vehicular traffic including mass transportation vehicles of any kind as
3 defined in RCW 82.04.280, in respect to tangible personal property when
4 such person incorporates such property as an ingredient or component of
5 such publicly owned street, place, road, highway, easement, right of
6 way, mass public transportation terminal or parking facility, bridge,
7 tunnel, or trestle by installing, placing or spreading the property in
8 or upon the right of way of such street, place, road, highway,
9 easement, bridge, tunnel, or trestle or in or upon the site of such
10 mass public transportation terminal or parking facility;

11 (4) Any person who is an owner, lessee or has the right of
12 possession to or an easement in real property which is being
13 constructed, repaired, decorated, improved, or otherwise altered by a
14 person engaged in business, excluding only (~~((a) municipal corporations~~
15 ~~or political subdivisions of the state in respect to labor and services~~
16 ~~rendered to their real property which is used or held for public road~~
17 ~~purposes, and (b))~~) the United States((7)) and instrumentalities
18 thereof(~~(, and county and city housing authorities created pursuant to~~
19 ~~chapter 35.82 RCW in respect to labor and services rendered to their~~
20 ~~real property))~~). Nothing contained in this or any other subsection of
21 this definition shall be construed to modify any other definition of
22 "consumer";

23 (5) Any person who is an owner, lessee, or has the right of
24 possession to personal property which is being constructed, repaired,
25 improved, cleaned, imprinted, or otherwise altered by a person engaged
26 in business;

27 (6) Any person engaged in the business of constructing, repairing,
28 decorating, or improving new or existing buildings or other structures
29 under, upon, or above real property of or for the United States((7)) or
30 any instrumentality thereof, (~~(or a county or city housing authority~~
31 ~~created pursuant to chapter 35.82 RCW,~~)) including the installing or
32 attaching of any article of tangible personal property therein or
33 thereto, whether or not such personal property becomes a part of the
34 realty by virtue of installation; also, any person engaged in the
35 business of clearing land and moving earth of or for the United
36 States((7)) or any instrumentality thereof(~~(, or a county or city~~
37 ~~housing authority created pursuant to chapter 35.82 RCW))~~). Any such
38 person shall be a consumer within the meaning of this subsection in

1 respect to tangible personal property incorporated into, installed in,
2 or attached to such building or other structure by such person, except
3 that consumer does not include any person engaged in the business of
4 constructing, repairing, decorating, or improving new or existing
5 buildings or other structures under, upon, or above real property of or
6 for the United States, or any instrumentality thereof, if the
7 investment project would qualify for sales and use tax deferral under
8 chapter 82.63 RCW if undertaken by a private entity;

9 (7) Any person who is a lessor of machinery and equipment, the
10 rental of which is exempt from the tax imposed by RCW 82.08.020 under
11 RCW 82.08.02565, with respect to the sale of or charge made for
12 tangible personal property consumed in respect to repairing the
13 machinery and equipment, if the tangible personal property has a useful
14 life of less than one year. Nothing contained in this or any other
15 subsection of this section shall be construed to modify any other
16 definition of "consumer";

17 (8) Any person engaged in the business of cleaning up for the
18 United States, or its instrumentalities, radioactive waste and other
19 byproducts of weapons production and nuclear research and development;
20 and

21 (9) Any person who is an owner, lessee, or has the right of
22 possession of tangible personal property that, under the terms of an
23 extended warranty as defined in RCW 82.04.050(7), has been repaired or
24 is replacement property, but only with respect to the sale of or charge
25 made for the repairing of the tangible personal property or the
26 replacement property.

27 **Sec. 5.** RCW 82.04.280 and 2004 c 24 s 6 are each amended to read
28 as follows:

29 Upon every person engaging within this state in the business of:
30 (1) Printing, and of publishing newspapers, periodicals, or magazines;
31 (2) building, repairing or improving any street, place, road, highway,
32 easement, right of way, mass public transportation terminal or parking
33 facility, bridge, tunnel, or trestle which is owned by a municipal
34 corporation or political subdivision of the state or by the United
35 States and which is used or to be used, primarily for foot or vehicular
36 traffic including mass transportation vehicles of any kind and
37 including any readjustment, reconstruction or relocation of the

1 facilities of any public, private or cooperatively owned utility or
2 railroad in the course of such building, repairing or improving, the
3 cost of which readjustment, reconstruction, or relocation, is the
4 responsibility of the public authority whose street, place, road,
5 highway, easement, right of way, mass public transportation terminal or
6 parking facility, bridge, tunnel, or trestle is being built, repaired
7 or improved; (3) extracting for hire or processing for hire, except
8 persons taxable as processors for hire under another section of this
9 chapter; (4) operating a cold storage warehouse or storage warehouse,
10 but not including the rental of cold storage lockers; (5) representing
11 and performing services for fire or casualty insurance companies as an
12 independent resident managing general agent licensed under the
13 provisions of RCW 48.05.310; (6) radio and television broadcasting,
14 excluding network, national and regional advertising computed as a
15 standard deduction based on the national average thereof as annually
16 reported by the Federal Communications Commission, or in lieu thereof
17 by itemization by the individual broadcasting station, and excluding
18 that portion of revenue represented by the out-of-state audience
19 computed as a ratio to the station's total audience as measured by the
20 100 micro-volt signal strength and delivery by wire, if any; (7)
21 engaging in activities (~~which bring a person within the definition of~~
22 ~~consumer contained~~) described in RCW 82.04.190(6) if such activities
23 are performed for the United States, or any of its instrumentalities,
24 or a county or city housing authority created under chapter 35.82 RCW;
25 as to such persons, the amount of tax on such business shall be equal
26 to the gross income of the business multiplied by the rate of 0.484
27 percent.

28 As used in this section, "cold storage warehouse" means a storage
29 warehouse used to store fresh and/or frozen perishable fruits or
30 vegetables, meat, seafood, dairy products, or fowl, or any combination
31 thereof, at a desired temperature to maintain the quality of the
32 product for orderly marketing.

33 As used in this section, "storage warehouse" means a building or
34 structure, or any part thereof, in which goods, wares, or merchandise
35 are received for storage for compensation, except field warehouses,
36 fruit warehouses, fruit packing plants, warehouses licensed under
37 chapter 22.09 RCW, public garages storing automobiles, railroad freight
38 sheds, docks and wharves, and "self-storage" or "mini storage"

1 facilities whereby customers have direct access to individual storage
2 areas by separate entrance. "Storage warehouse" does not include a
3 building or structure, or that part of such building or structure, in
4 which an activity taxable under RCW 82.04.272 is conducted.

5 As used in this section, "periodical or magazine" means a printed
6 publication, other than a newspaper, issued regularly at stated
7 intervals at least once every three months, including any supplement or
8 special edition of the publication.

9 **Sec. 6.** RCW 82.04.280 and 2003 c 149 s 4 are each amended to read
10 as follows:

11 Upon every person engaging within this state in the business of:
12 (1) Printing, and of publishing newspapers, periodicals, or magazines;
13 (2) building, repairing or improving any street, place, road, highway,
14 easement, right of way, mass public transportation terminal or parking
15 facility, bridge, tunnel, or trestle which is owned by a municipal
16 corporation or political subdivision of the state or by the United
17 States and which is used or to be used, primarily for foot or vehicular
18 traffic including mass transportation vehicles of any kind and
19 including any readjustment, reconstruction or relocation of the
20 facilities of any public, private or cooperatively owned utility or
21 railroad in the course of such building, repairing or improving, the
22 cost of which readjustment, reconstruction, or relocation, is the
23 responsibility of the public authority whose street, place, road,
24 highway, easement, right of way, mass public transportation terminal or
25 parking facility, bridge, tunnel, or trestle is being built, repaired
26 or improved; (3) extracting for hire or processing for hire, except
27 persons taxable as processors for hire under another section of this
28 chapter; (4) operating a cold storage warehouse or storage warehouse,
29 but not including the rental of cold storage lockers; (5) representing
30 and performing services for fire or casualty insurance companies as an
31 independent resident managing general agent licensed under the
32 provisions of RCW 48.05.310; (6) radio and television broadcasting,
33 excluding network, national and regional advertising computed as a
34 standard deduction based on the national average thereof as annually
35 reported by the Federal Communications Commission, or in lieu thereof
36 by itemization by the individual broadcasting station, and excluding
37 that portion of revenue represented by the out-of-state audience

1 computed as a ratio to the station's total audience as measured by the
2 100 micro-volt signal strength and delivery by wire, if any; (7)
3 engaging in activities (~~which bring a person within the definition of~~
4 ~~consumer contained~~) described in RCW 82.04.190(6) if such activities
5 are performed for the United States, or any of its instrumentalities,
6 or a county or city housing authority created under chapter 35.82 RCW;
7 as to such persons, the amount of tax on such business shall be equal
8 to the gross income of the business multiplied by the rate of 0.484
9 percent.

10 As used in this section, "cold storage warehouse" means a storage
11 warehouse used to store fresh and/or frozen perishable fruits or
12 vegetables, meat, seafood, dairy products, or fowl, or any combination
13 thereof, at a desired temperature to maintain the quality of the
14 product for orderly marketing.

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

25 As used in this section, "periodical or magazine" means a printed
26 publication, other than a newspaper, issued regularly at stated
27 intervals at least once every three months, including any supplement or
28 special edition of the publication.

29 **Sec. 7.** RCW 82.12.0284 and 2003 c 168 s 603 are each amended to
30 read as follows:

31 The provisions of this chapter shall not apply in respect to the
32 use of computers, computer components, computer accessories, or
33 computer software irrevocably donated to any (~~public or~~) private
34 nonprofit school or college, as defined under chapter 84.36 RCW, in
35 this state. For purposes of this section, "computer" has the same
36 meaning as in RCW 82.04.215.

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

3 (1) RCW 82.08.0256 (Exemptions--Sale of the operating property of
4 a public utility to the state or a political subdivision) and 1980 c 37
5 s 24;

6 (2) RCW 82.12.0257 (Exemptions--Use of tangible personal property
7 of the operating property of a public utility by state or political
8 subdivision) and 1980 c 37 s 57;

9 (3) RCW 82.08.0271 (Exemptions--Sales to municipal corporations,
10 the state, and political subdivisions of tangible personal property,
11 labor and services on watershed protection and flood prevention
12 contracts) and 1980 c 37 s 37;

13 (4) RCW 82.12.930 (Exemptions--Watershed protection or flood
14 prevention) and 2003 c 5 s 17;

15 (5) RCW 82.08.0275 (Exemptions--Sales of and labor and service
16 charges for mining, sorting, crushing, etc., of sand, gravel, and rock
17 from county or city quarry for public road purposes) and 1980 c 37 s
18 41;

19 (6) RCW 82.12.0269 (Exemptions--Use of sand, gravel, or rock to
20 extent of labor and service charges for mining, sorting, crushing,
21 etc., thereof from county or city quarry for public road purposes) and
22 1980 c 37 s 68;

23 (7) RCW 82.08.0278 (Exemptions--Sales between political
24 subdivisions resulting from annexation or incorporation) and 1980 c 37
25 s 44;

26 (8) RCW 82.12.0274 (Exemptions--Use of tangible personal property
27 by political subdivision resulting from annexation or incorporation)
28 and 1980 c 37 s 72;

29 (9) RCW 82.08.0285 (Exemptions--Sales of ferry vessels to the state
30 or local governmental units--Components thereof--Labor and service
31 charges) and 1980 c 37 s 50;

32 (10) RCW 82.12.0279 (Exemptions--Use of ferry vessels by the state
33 or local governmental units--Components thereof) and 2003 c 5 s 9 &
34 1980 c 37 s 77;

35 (11) RCW 82.08.834 (Exemptions--Sales/leasebacks by regional
36 transit authorities) and 2000 2nd sp.s. c 4 s 21; and

37 (12) RCW 82.12.834 (Exemptions--Sales/leasebacks by regional
38 transit authorities) and 2001 c 320 s 6 & 2000 2nd sp.s. c 4 s 22.

1 NEW SECTION. **Sec. 9.** (1) Section 5 of this act expires on the
2 date chapter 149, Laws of 2003, becomes null and void.

3 (2) Section 6 of this act takes effect on the date chapter 149,
4 Laws of 2003, becomes null and void.

5 NEW SECTION. **Sec. 10.** Except for section 6 of this act, this act
6 takes effect July 1, 2006.

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