

ESSB 6170 - H COMM AMD
By Committee on Finance

1 On page 3, line 12, after "building." insert the following:

2 "(e) "Purchaser" means a qualifying utility purchasing machinery or
3 equipment, or a person contracting with a qualifying utility for the
4 sale of electric power generated by a facility containing machinery and
5 equipment.

6 (f) "Qualifying utility" means a utility subject to renewable
7 resource target requirements under chapter 19.285 RCW."

8 Beginning on page 4, line 13, after "act," strike all material
9 through "quarter." on page 5, line 15 and insert "purchasers who have
10 paid the tax imposed by RCW 82.12.020 on machinery and equipment used
11 directly in generating electricity using fuel cells, wind, sun, biomass
12 energy, tidal or wave energy, geothermal resources, anaerobic
13 digestion, technology that converts otherwise lost energy from exhaust,
14 or landfill gas as the principal source of power, or to sales of or
15 charges made for labor and services rendered in respect to installing
16 such machinery and equipment, are eligible for an exemption as provided
17 in this section, but only if the purchaser develops with such
18 machinery, equipment, and labor a facility capable of generating not
19 less than one thousand watts of electricity.

20 (b) Beginning on July 1, 2009, through June 30, 2011, the
21 provisions of this chapter do not apply in respect to the use of
22 machinery and equipment described in (a) of this subsection that are
23 used directly in generating electricity or to sales of or charges made
24 for labor and services rendered in respect to installing such machinery
25 and equipment.

26 (c) Beginning on July 1, 2011, through June 30, 2013, the amount of
27 the exemption under this subsection (1) is equal to seventy-five
28 percent of the state and local sales tax paid. The purchaser is
29 eligible for an exemption under this subsection (1)(c) in the form of
30 a remittance.

1 (2)(a) A purchaser claiming an exemption in the form of a
2 remittance under subsection (1)(c) of this section must pay the tax
3 imposed by RCW 82.12.020 and all applicable local use taxes imposed
4 under the authority of chapters 82.14 and 81.104 RCW. The purchaser
5 may then apply to the department for remittance in a form and manner
6 prescribed by the department. A purchaser may not apply for a
7 remittance under this section more frequently than once per quarter.
8 The purchaser must specify the amount of exempted tax claimed and the
9 qualifying purchases or acquisitions for which the exemption is
10 claimed. The purchaser must retain, in adequate detail, records to
11 enable the department to determine whether the purchaser is entitled to
12 an exemption under this section, including: Invoices; proof of tax
13 paid; and documents describing the machinery and equipment.

14 (b) The department must determine eligibility under this section
15 based on the information provided by the purchaser, which is subject to
16 audit verification by the department. The department must on a
17 quarterly basis remit exempted amounts to qualifying purchasers who
18 submitted applications during the previous quarter."

EFFECT: Specifies that the sales and use tax incentive may be
taken by a qualifying utility subject to renewable resource target
requirements, or a person contracting with a qualifying utility for the
sale of electric power generated by a facility containing machinery and
equipment.

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