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**HOUSE BILL 1133**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Tharinger, Muri, Reykdal, Fitzgibbon, Lytton, Jinkins, Cody, Moscoso, Dunshee, Gregerson, Johnson, Ryu, and Pollet

AN ACT Relating to authorizing counties to impose a public utility tax; and adding a new chapter to Title 82 RCW.

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

NEW SECTION. **Sec.**  (1) Subject to the conditions and requirements of this section, a county may impose an excise tax on the privilege of engaging in business as a utility. The tax is equal to the gross income of the utility derived from providing service to consumers within the county multiplied by the rate provided in subsection (3) of this section. A county may submit a ballot proposition to the voters to seek voter approval to impose the tax authorized under this section, but is not required to do so.

(2) A county may not impose a rate of tax that exceeds six percent.

(3) A utility subject to tax under this section must add the tax to the rates or charges it makes for utility services and separately state the amount of tax on billings.

(4) A county may initially impose the tax authorized under this section only on the first day of a calendar quarter and no sooner than seventy-five days from the date the county adopts the ordinance or resolution imposing the tax.

(5) A county may provide exemptions for sales by utilities to business customers, such as manufacturing facilities, aircraft repair facilities, industrial parks, industrial facilities, farm businesses, and computer data centers. A county may not provide a general exemption for sales by utilities to residential customers unless business customers are also exempt.

(6) A county must allow a credit against the tax imposed under the authority of this section for the amount of any similar utility tax imposed by a city or town on the same taxable event. The credit required by this subsection may not exceed the amount of tax otherwise due.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cable service utility" means a person providing cable service as defined in the federal telecommunications act of 1996.

(2) "Electrical power utility" means a light and power business as defined in RCW 82.16.010.

(3) "Gas utility" means a gas distribution business as defined in RCW 82.16.010.

(4) "Gross income" has the same meaning as provided in RCW 82.16.010.

(5) "Sewer utility" means a sewerage collection business as that term is used in chapter 82.16 RCW.

(6) "Solid waste utility" means a solid waste collection business as defined in RCW 82.18.010.

(7) "Telephone utility" means a person providing telecommunications service as defined in RCW 82.04.065.

(8) "Utility" means an electrical power utility, gas utility, telephone utility, water utility, sewer utility, solid waste utility, or cable service utility.

(9) "Water utility" means a water distribution business as defined in RCW 82.16.010.

NEW SECTION. **Sec.**  Sections 1 and 2 of this act constitute a new chapter in Title 82 RCW to be codified as chapter 82.16A RCW.

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