

SSB 6157 - H AMD 1208

By Representative McIntire

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 82.16 RCW
4 to read as follows:

5 (1) For the purposes of this section:

6 (a) "Chlor-alkali electrolytic processing business" means a person
7 who is engaged in a business that uses more than ten average megawatts
8 of electricity per month in a chlor-alkali electrolytic process to
9 split the electrochemical bonds of sodium chloride and water to make
10 chlorine and sodium hydroxide. A "chlor-alkali electrolytic processing
11 business" does not include direct service industrial customers or their
12 subsidiaries that contract for the purchase of power from the
13 Bonneville power administration as of the effective date of this
14 section.

15 (b) "Sodium chlorate electrolytic processing business" means a
16 person who is engaged in a business that uses more than ten average
17 megawatts of electricity per month in a sodium chlorate electrolytic
18 process to split the electrochemical bonds of sodium chloride and water
19 to make sodium chlorate and hydrogen. A "sodium chlorate electrolytic
20 processing business" does not include direct service industrial
21 customers or their subsidiaries that contract for the purchase of power
22 from the Bonneville power administration as of the effective date of
23 this section.

24 (2) Effective July 1, 2004, the tax levied under this chapter does
25 not apply to sales of electricity made by a light and power business to
26 a chlor-alkali electrolytic processing business or a sodium chlorate
27 electrolytic processing business for the electrolytic process if the
28 contract for sale of electricity to the business contains the following
29 terms:

30 (a) The electricity to be used in the electrolytic process is

1 separately metered from the electricity used for general operations of
2 the business;

3 (b) The price charged for the electricity used in the electrolytic
4 process will be reduced by an amount equal to the tax exemption
5 available to the light and power business under this section; and

6 (c) Disallowance of all or part of the exemption under this section
7 is a breach of contract and the damages to be paid by the chlor-alkali
8 electrolytic processing business or the sodium chlorate electrolytic
9 processing business are the amount of the tax exemption disallowed.

10 (3) The exemption provided for in this section does not apply to
11 amounts received from the remarketing or resale of electricity
12 originally obtained by contract for the electrolytic process.

13 (4) In order to claim an exemption under this section, the
14 chlor-alkali electrolytic processing business or the sodium chlorate
15 electrolytic processing business must provide the light and power
16 business with an exemption certificate in a form and manner prescribed
17 by the department.

18 (5)(a) This section does not apply to sales of electricity made
19 after December 31, 2007.

20 (b) This section expires June 30, 2008.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.32 RCW
22 to read as follows:

23 (1) For the purposes of this section, "electrolytic processing
24 business tax exemption" means the exemption and preferential tax rate
25 under section 1 of this act.

26 (2) The legislature finds that accountability and effectiveness are
27 important aspects of setting tax policy. In order to make policy
28 choices regarding the best use of limited state resources, the
29 legislature needs information to evaluate whether the stated goals of
30 legislation were achieved.

31 (3) The goals of the electrolytic processing business tax exemption
32 are:

33 (a) To retain family wage jobs by enabling electrolytic processing
34 businesses to maintain production of chlor-alkali and sodium chlorate
35 at a level that will preserve at least seventy-five percent of the jobs
36 that were on the payroll effective January 1, 2004, as adjusted for
37 employment reductions publicly announced before November 30, 2003; and

1 (b) To allow the electrolytic processing industries to continue
2 production in this state through 2007 so that the industries will be
3 positioned to preserve and create new jobs when the anticipated
4 reduction of energy costs occur.

5 (4)(a) A person who receives the benefit of an electrolytic
6 processing business tax exemption shall make an annual report to the
7 department detailing employment, wages, and employer-provided health
8 and retirement benefits per job at the manufacturing site. The report
9 is due by March 31st following any year in which a tax exemption is
10 claimed or used. The report shall not include names of employees. The
11 report shall detail employment by the total number of full-time,
12 part-time, and temporary positions. The report shall indicate the
13 quantity of product produced at the plant during the time period
14 covered by the report. The first report filed under this subsection
15 shall include employment, wage, and benefit information for the
16 twelve-month period immediately before first use of a tax exemption.
17 Employment reports shall include data for actual levels of employment
18 and identification of the number of jobs affected by any employment
19 reductions that have been publicly announced at the time of the report.
20 Information in a report under this section is not subject to the
21 confidentiality provisions of RCW 82.32.330 and may be disclosed to the
22 public upon request.

23 (b) If a person fails to submit an annual report under (a) of this
24 subsection by the due date of the report, the department shall declare
25 the amount of taxes exempted for that year to be immediately due and
26 payable. Public utility taxes payable under this subsection are
27 subject to interest but not penalties, as provided under this chapter.
28 This information is not subject to the confidentiality provisions of
29 RCW 82.32.330 and may be disclosed to the public upon request.

30 (5) By December 1, 2006, and by December 1, 2007, the fiscal
31 committees of the house of representatives and the senate, in
32 consultation with the department, shall report to the legislature on
33 the effectiveness of the tax incentive under section 1 of this act.
34 The report shall measure the effect of the incentive on job retention
35 for Washington residents, and other factors as the committees select.
36 The report shall also discuss expected trends or changes to electricity
37 prices as they affect the industries that benefit from the incentives."

38 Correct the title.

EFFECT: Terminates the exemption by June 30, 2008, and requires evaluations be conducted of the exemption program in 2006 and 2007.

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