
HOUSE BILL 2580

State of Washington

59th Legislature

2006 Regular Session

By Representatives Upthegrove, Schual-Berke, P. Sullivan, Simpson and McCune

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

1 AN ACT Relating to the excise taxation of persons that inspect,
2 test, and label canned salmon; amending RCW 82.04.280 and 82.04.280;
3 adding a new section to chapter 82.08 RCW; adding a new section to
4 chapter 82.12 RCW; providing an effective date; providing a contingent
5 effective date; and providing a contingent expiration date.

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

7 **Sec. 1.** RCW 82.04.280 and 2004 c 24 s 6 are each amended to read
8 as follows:

9 Upon every person engaging within this state in the business of:
10 (1) Printing, and of publishing newspapers, periodicals, or magazines;
11 (2) building, repairing or improving any street, place, road, highway,
12 easement, right of way, mass public transportation terminal or parking
13 facility, bridge, tunnel, or trestle which is owned by a municipal
14 corporation or political subdivision of the state or by the United
15 States and which is used or to be used, primarily for foot or vehicular
16 traffic including mass transportation vehicles of any kind and
17 including any readjustment, reconstruction or relocation of the
18 facilities of any public, private or cooperatively owned utility or
19 railroad in the course of such building, repairing or improving, the

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

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

29 As used in this section, "storage warehouse" means a building or
30 structure, or any part thereof, in which goods, wares, or merchandise
31 are received for storage for compensation, except field warehouses,
32 fruit warehouses, fruit packing plants, warehouses licensed under
33 chapter 22.09 RCW, public garages storing automobiles, railroad freight
34 sheds, docks and wharves, and "self-storage" or "mini storage"
35 facilities whereby customers have direct access to individual storage
36 areas by separate entrance. "Storage warehouse" does not include a
37 building or structure, or that part of such building or structure, in
38 which an activity taxable under RCW 82.04.272 is conducted.

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

5 **Sec. 2.** RCW 82.04.280 and 2003 c 149 s 4 are each amended to read
6 as follows:

7 Upon every person engaging within this state in the business of:
8 (1) Printing, and of publishing newspapers, periodicals, or magazines;
9 (2) building, repairing or improving any street, place, road, highway,
10 easement, right of way, mass public transportation terminal or parking
11 facility, bridge, tunnel, or trestle which is owned by a municipal
12 corporation or political subdivision of the state or by the United
13 States and which is used or to be used, primarily for foot or vehicular
14 traffic including mass transportation vehicles of any kind and
15 including any readjustment, reconstruction or relocation of the
16 facilities of any public, private or cooperatively owned utility or
17 railroad in the course of such building, repairing or improving, the
18 cost of which readjustment, reconstruction, or relocation, is the
19 responsibility of the public authority whose street, place, road,
20 highway, easement, right of way, mass public transportation terminal or
21 parking facility, bridge, tunnel, or trestle is being built, repaired
22 or improved; (3) extracting for hire or processing for hire, except
23 persons taxable as processors for hire under another section of this
24 chapter; (4) operating a cold storage warehouse or storage warehouse,
25 but not including the rental of cold storage lockers; (5) representing
26 and performing services for fire or casualty insurance companies as an
27 independent resident managing general agent licensed under the
28 provisions of RCW 48.05.310; (6) radio and television broadcasting,
29 excluding network, national and regional advertising computed as a
30 standard deduction based on the national average thereof as annually
31 reported by the Federal Communications Commission, or in lieu thereof
32 by itemization by the individual broadcasting station, and excluding
33 that portion of revenue represented by the out-of-state audience
34 computed as a ratio to the station's total audience as measured by the
35 100 micro-volt signal strength and delivery by wire, if any; (7)
36 engaging in activities which bring a person within the definition of
37 consumer contained in RCW 82.04.190(6); (8) inspecting, testing, and

1 labeling canned salmon owned by another person; as to such persons, the
2 amount of tax on such business shall be equal to the gross income of
3 the business multiplied by the rate of 0.484 percent.

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

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

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

23 NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW
24 to read as follows:

25 (1) The tax levied by RCW 82.08.020 does not apply to sales to
26 persons who are subject to tax under RCW 82.04.280(8) of: (a)
27 Materials used to package canned salmon including, but not limited to,
28 clear wrap, boxes, tape, and box labels; and (b) glue, ink, or similar
29 tangible personal property, that: (i) Affixes the label to the labeled
30 product; or (ii) becomes a component of the label.

31 (2) The exemption is available only if the buyer provides the
32 seller with an exemption certificate in a form and manner prescribed by
33 the department. The seller must retain a copy of the certificate for
34 the seller's files.

35 NEW SECTION. Sec. 4. A new section is added to chapter 82.12 RCW
36 to read as follows:

1 The provisions of this chapter do not apply with respect to the use
2 by persons who are subject to tax under RCW 82.04.280(8) of: (a)
3 Materials used to package canned salmon including, but not limited to,
4 clear wrap, boxes, tape, and box labels; and (b) glue, ink, or similar
5 tangible personal property, that: (i) Affixes the label to the labeled
6 product; or (ii) becomes a component of the label.

7 NEW SECTION. **Sec. 5.** (1) Sections 1, 3, and 4 of this act take
8 effect July 1, 2006.

9 (2) Section 1 of this act expires, and section 2 of this act takes
10 effect, on the date chapter 149, Laws of 2003 takes effect.

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