
HOUSE BILL 2751

State of Washington 60th Legislature 2008 Regular Session

By Representatives Chandler, Newhouse, Bailey, Morrell, and McCune

Read first time 01/16/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the taxation of honey beekeepers; amending RCW
2 82.04.330, 82.08.865, and 82.12.865; adding a new section to chapter
3 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new
4 section to chapter 82.12 RCW; and providing an effective date.

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

6 **Sec. 1.** RCW 82.04.330 and 2001 c 118 s 3 are each amended to read
7 as follows:

8 (1)(a) This chapter shall not apply to any farmer ~~((that))~~ who:
9 (i) Sells any agricultural product at wholesale; or ~~((to any farmer~~
10 ~~who))~~

11 (ii) Grows, raises, or produces agricultural products owned by
12 others, such as custom feed operations.

13 (b) This chapter shall not apply to amounts derived from the
14 wholesale sale of honey bee products by a person who owns or keeps bee
15 colonies and who does not qualify for an exemption under (a) of this
16 subsection in respect to such sales.

17 (c) The exemptions provided in (a) and (b) of this subsection shall
18 not apply to any person selling such products at retail or to any
19 person selling manufactured substances or articles.

1 (2) This chapter shall also not apply to any persons who
2 participate in the federal conservation reserve program or its
3 successor administered by the United States department of agriculture
4 with respect to land enrolled in that program.

5 (3) The definitions in RCW 82.08.865 apply to this section.

6 **Sec. 2.** RCW 82.08.865 and 2007 c 443 s 1 are each amended to read
7 as follows:

8 ~~(1) The tax levied by RCW 82.08.020 does not apply to sales ((of
9 diesel fuel, biodiesel fuel, or aircraft fuel,)) of the following fuels
10 to a farm fuel user for ((nonhighway use. This exemption applies to a
11 fuel blend if all of the component fuels of the blend would otherwise
12 be exempt under this subsection if the component fuels were sold as
13 separate products. This exemption is available only if the buyer
14 provides the seller with an exemption certificate in a form and manner
15 prescribed by the department. Fuel used for space or water heating for
16 human habitation is not exempt under this section.~~

17 ~~(2))~~ agricultural purposes:

18 (a) Diesel fuel;

19 (b) Biodiesel fuel;

20 (c) Aircraft fuel; or

21 (d) Fuel blends, provided that all of the component fuels of the
22 blend would otherwise be exempt under this subsection if the component
23 fuels were sold as separate products.

24 (2) This exemption is available only if the buyer provides the
25 seller with an exemption certificate in a form and manner prescribed by
26 the department.

27 (3) The definitions in RCW 82.04.213 and this subsection apply to
28 this section.

29 (a)(i) "Agricultural purposes" means the performance of activities
30 directly related to the growing, raising, or producing of agricultural
31 products.

32 (ii) "Agricultural purposes" does not include:

33 (A) Heating space for human habitation or water for human
34 consumption; or

35 (B) Transporting individuals, agricultural products, farm machinery
36 or equipment, or other tangible personal property on public roads
37 except as permitted under RCW 82.38.080(1)(g).

1 **(b)** "Aircraft fuel" is defined as provided in RCW 82.42.010.

2 ~~((b))~~ **(c)** "Bee colony" means a natural group of honey bees
3 containing seven thousand or more workers and one or more queens,
4 housed in a man-made hive with movable frames, and operated as a
5 beekeeping unit.

6 **(d)** "Biodiesel fuel" is defined as provided in RCW 19.112.010.

7 ~~((e))~~ **(e)** "Diesel fuel" is defined as provided in 26 U.S.C. 4083,
8 as amended or renumbered as of January 1, 2006.

9 ~~((d))~~ **(f)** "Eligible apiarist" means a person who owns or keeps
10 one or more bee colonies and who grows, raises, or produces honey bee
11 products for sale at wholesale.

12 **(g)** "Farm fuel user" means:

13 **(i)** A farmer; ~~((e))~~

14 **(ii)** An eligible apiarist; or

15 **(iii)** A person who provides horticultural services for farmers,
16 such as soil preparation services, crop cultivation services, and crop
17 harvesting services.

18 **(h)** "Honey bee products" means queen honey bees, packaged honey
19 bees, honey, pollen, bees wax, propolis, or other substances obtained
20 from honey bees. "Honey bee products" does not include manufactured
21 substances or articles.

22 **Sec. 3.** RCW 82.12.865 and 2007 c 443 s 2 are each amended to read
23 as follows:

24 (1) The provisions of this chapter do not apply with respect to the
25 ~~((nonhighway use of diesel fuel, biodiesel fuel, or aircraft fuel, by~~
26 ~~a farm fuel user. This exemption applies to a fuel blend if all of the~~
27 ~~component fuels of the blend would otherwise be exempt under this~~
28 ~~subsection if the component fuels were acquired as separate products.~~
29 ~~Fuel used for space or water heating for human habitation is not exempt~~
30 ~~under this section)) use of the following fuels by a farm fuel user for~~
31 agricultural purposes:

32 **(a)** Diesel fuel;

33 **(b)** Biodiesel fuel;

34 **(c)** Aircraft fuel; or

35 **(d)** Fuel blends, provided that all of the component fuels of the
36 blend would otherwise be exempt under this subsection if the component
37 fuels were sold as separate products.

1 (2) The definitions in RCW 82.08.865 apply to this section.

2 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.04 RCW
3 to read as follows:

4 (1) This chapter does not apply to amounts received by any person
5 for providing bee pollination services to a farmer using a bee colony
6 owned or kept by the person providing the pollination services.

7 (2) The definitions in RCW 82.04.213 and 82.08.865 apply to this
8 section.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.08 RCW
10 to read as follows:

11 The tax levied by RCW 82.08.020 does not apply to the sale of honey
12 bees to an eligible apiarist, as defined in RCW 82.08.865. This
13 exemption is available only if the buyer provides the seller with an
14 exemption certificate in a form and manner prescribed by the
15 department.

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

18 The provisions of this chapter do not apply in respect to the use
19 of honey bees by an eligible apiarist, as defined in RCW 82.08.865.
20 This exemption is available only if the buyer provides the seller with
21 an exemption certificate in a form and manner prescribed by the
22 department.

23 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2008.

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