

SHB 2278 - H AMD 258

By Representative Hunter

WITHDRAWN 03/09/2009

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

3 "Sec. 1. RCW 82.08.890 and 2006 c 151 s 2 are each amended to read  
4 as follows:

5 (1) The tax levied by RCW 82.08.020 does not apply to sales to  
6 eligible persons of:

7 (a) Qualifying livestock nutrient management equipment;

8 (b) Labor and services rendered in respect to installing,  
9 repairing, cleaning, altering, or improving qualifying livestock  
10 nutrient management equipment; and

11 (c)(i) Labor and services rendered in respect to ((operating,))  
12 repairing, cleaning, altering, or improving of qualifying livestock  
13 nutrient management ((equipment and)) facilities, or to ((sales of))  
14 tangible personal property that becomes an ingredient or component of  
15 ((the equipment and)) qualifying livestock nutrient management  
16 facilities in the course of repairing, cleaning, altering, or improving  
17 of such facilities.

18 (ii) The exemption provided in this subsection (1)(c) does not  
19 apply to the sale of or charge made for: (A) Labor and services  
20 rendered in respect to the constructing of new, or replacing previously  
21 existing, qualifying livestock nutrient management facilities; or (B)  
22 tangible personal property that becomes an ingredient or component of  
23 qualifying livestock nutrient management facilities during the course  
24 of constructing new, or replacing previously existing, qualifying  
25 livestock nutrient management facilities.

26 ~~(2)((a) To be eligible, the equipment and facilities must be used~~  
27 ~~exclusively for activities necessary to maintain a livestock nutrient~~  
28 ~~management plan.~~

29 ~~(b))~~ The exemption provided in subsection (1) of this section  
30 applies to sales made after the livestock nutrient management plan is:

1 ((+i+)) (a) Certified under chapter 90.64 RCW; ((+ii+)) (b) approved as  
2 part of the permit issued under chapter 90.48 RCW; or ((+iii+)) (c)  
3 approved as required under subsection (4)(c)(iii) of this section.

4 (3)(a) The department of revenue must provide an exemption  
5 certificate to an eligible person upon application by that person. The  
6 department of agriculture must provide a list of eligible persons, as  
7 defined in subsection (4)(c)(i) and (ii) of this section, to the  
8 department of revenue. Conservation districts must maintain lists of  
9 eligible persons as defined in subsection (4)(c)(iii) of this section  
10 to allow the department of revenue to verify eligibility. The  
11 application must be in a form and manner prescribed by the department  
12 and must contain information regarding the location of the dairy or  
13 animal feeding operation and other information the department may  
14 require.

15 (b) A person claiming an exemption under this section must keep  
16 records necessary for the department to verify eligibility under this  
17 section. The exemption is available only when the buyer provides the  
18 seller with an exemption certificate in a form and manner prescribed by  
19 the department. The seller must retain a copy of the certificate for  
20 the seller's files.

21 (4) The definitions in this subsection apply to this section and  
22 RCW 82.12.890 unless the context clearly requires otherwise:

23 (a) "Animal feeding operation" means a lot or facility, other than  
24 an aquatic animal production facility, where the following conditions  
25 are met:

26 (i) Animals, other than aquatic animals, have been, are, or will be  
27 stabled or confined and fed or maintained for a total of forty-five  
28 days or more in any twelve-month period; and

29 (ii) Crops, vegetation, forage growth, or postharvest residues are  
30 not sustained in the normal growing season over any portion of the lot  
31 or facility.

32 (b) "Conservation district" means a subdivision of state government  
33 organized under chapter 89.08 RCW.

34 (c) "Eligible person" means a person: (i) Licensed to produce milk  
35 under chapter 15.36 RCW who has a certified dairy nutrient management  
36 plan, as required by chapter 90.64 RCW; (ii) who owns an animal feeding  
37 operation and has a permit issued under chapter 90.48 RCW; or (iii) who  
38 owns an animal feeding operation and has a nutrient management plan

1 approved by a conservation district as meeting natural resource  
2 conservation service field office technical guide standards and who  
3 possesses an exemption certificate under RCW 82.08.855.

4 ~~(d) ("Livestock nutrient management equipment and facilities"~~  
5 ~~means machinery, equipment, and structures used in the handling and~~  
6 ~~treatment of livestock manure, such as aerators, agitators, alley~~  
7 ~~scrapers, augers, dams, gutter cleaners, loaders, lagoons, pipes,~~  
8 ~~pumps, separators, and tanks. The term also includes tangible personal~~  
9 ~~property that becomes an ingredient or component of the equipment and~~  
10 ~~facilities, including repair and replacement parts.~~

11 ~~(e))~~ "Handling and treatment of livestock manure" means the  
12 activities of collecting, storing, moving, or transporting livestock  
13 manure, separating livestock manure solids from liquids, or applying  
14 livestock manure to the agricultural lands of an eligible person other  
15 than through the use of pivot or linear type traveling irrigation  
16 systems.

17 (e) "Permit" means either a state waste discharge permit or a  
18 national pollutant discharge elimination system permit, or both.

19 (f) "Qualifying livestock nutrient management equipment" means the  
20 following tangible personal property for exclusive use in the handling  
21 and treatment of livestock manure, including repair and replacement  
22 parts for such equipment: (i) Aerators; (ii) agitators; (iii) augers;  
23 (iv) conveyers; (v) gutter cleaners; (vi) hard-hose reel traveler  
24 irrigation systems; (vii) lagoon and pond liners and floating covers;  
25 (viii) loaders; (ix) manure composting devices; (x) manure spreaders;  
26 (xi) manure tank wagons; (xii) manure vacuum tanks; (xiii) poultry  
27 house cleaners; (xiv) poultry house flame sterilizers; (xv) poultry  
28 house washers; (xvi) poultry litter saver machines; (xvii) pipes;  
29 (xviii) pumps; (xix) scrapers; (xx) separators; (xxi) slurry injectors  
30 and hoses; and (xxii) wheelbarrows, shovels, and pitchforks.

31 (g) "Qualifying livestock nutrient management facilities" means the  
32 following structures and facilities for exclusive use in the handling  
33 and treatment of livestock manure: (i) Flush systems; (ii) lagoons;  
34 (iii) liquid livestock manure storage structures, such as concrete  
35 tanks or glass-lined steel tanks; and (iv) structures used solely for  
36 the dry storage of manure, including roofed stacking facilities.

1       **Sec. 2.** RCW 82.12.890 and 2006 c 151 s 3 are each amended to read  
2 as follows:

3       (1) The provisions of this chapter do not apply with respect to the  
4 use by an eligible person of (~~tangible personal property that becomes~~  
5 ~~an ingredient or component of livestock nutrient management equipment~~  
6 ~~and facilities, as defined in RCW 82.08.890, or to labor and services~~  
7 ~~rendered in respect to repairing, cleaning, altering, or improving~~  
8 ~~eligible tangible personal property.)):~~

9       (a) Qualifying livestock nutrient management equipment;

10       (b) Labor and services rendered in respect to installing,  
11 repairing, cleaning, altering, or improving qualifying livestock  
12 nutrient management equipment; and

13       (c)(i) Tangible personal property that becomes an ingredient or  
14 component of qualifying livestock nutrient management facilities in the  
15 course of repairing, cleaning, altering, or improving of such  
16 facilities.

17       (ii) The exemption provided in this subsection (1)(c) does not  
18 apply to the use of tangible personal property that becomes an  
19 ingredient or component of qualifying livestock nutrient management  
20 facilities during the course of constructing new, or replacing  
21 previously existing, qualifying livestock nutrient management  
22 facilities.

23       ~~(2)((a) To be eligible, the equipment and facilities must be used~~  
24 ~~exclusively for activities necessary to maintain a livestock nutrient~~  
25 ~~management plan.~~

26       ~~(b))~~ The exemption applies to the use of tangible personal  
27 property (~~(or)~~) and labor and services made after the livestock  
28 nutrient management plan is: ~~((+i))~~ (a) Certified under chapter 90.64  
29 RCW; ~~((+ii))~~ (b) approved as part of the permit issued under chapter  
30 90.48 RCW; or ~~((+iii))~~ (c) approved as required under RCW  
31 82.08.890(4)(c)(iii).

32       (3) The exemption certificate and recordkeeping requirements of RCW  
33 82.08.890 apply to this section. The definitions in RCW 82.08.890  
34 apply to this section."

35       Correct the title.

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