

3SHB 1091 - H AMD 142

By Representative Stokesbary

NOT ADOPTED 02/27/2021

1 On page 16, at the beginning of line 23, strike "(1)"

2 On page 16, beginning on line 27, strike all of subsection (2)

3 On page 16, after line 28, insert the following:

4 "NEW SECTION. **Sec. 15.** (1) This section is the tax preference
5 performance statement for the tax preference contained in section 14
6 of this act. This performance statement is only intended to be used
7 for subsequent evaluation of the tax preference. It is not intended
8 to create a private right of action by any party or to be used to
9 determine eligibility for preferential tax treatment.

10 (2) The legislature categorizes this tax preference as one
11 intended to provide tax relief for certain businesses or individuals,
12 as indicated in RCW 82.32.808(2)(e).

13 (3) It is the legislature's specific public policy objective to:

14 (a) Lower the cost of clean energy technology and clean fuel
15 standard compliance; and

16 (b) Incentivize the development of clean energy businesses in the
17 state.

18 (4) If a review finds that the economic benefit from the clean
19 fuel program with respect to clean fuel technology and emissions
20 reduction is greater than the total increase in the cost of fuel plus
21 the total economic cost of any jobs lost as a result of the clean
22 fuels program, then the legislature intends to extend the expiration
23 date of the tax preference. In reviewing the tax preference, the
24 joint legislative audit and review committee must, to the extent
25 possible, evaluate the impacts of the preference on clean energy
26 technology businesses in Washington.

27 (5) In order to obtain the data necessary to perform the review
28 in subsection (4) of this section, the joint legislative audit and
29 review committee may refer to any data collected by the state.

1 (6) The department of revenue must include the tax preference
2 contained in section 14 of this act in the quadrennial tax exemption
3 report prepared pursuant to RCW 43.06.400."

4 Renumber the remaining sections consecutively, correct any
5 internal references accordingly, and correct the title.

EFFECT: Requires a tax preference performance statement for the business and occupation tax exemption for the generation, purchase, sale, transfer, and retirement of Clean Fuels Program credits. Establishes specific public policy purposes by which the effects of the tax preference will be measured. Directs the Joint Legislative Audit and Review Committee to consider specified impacts of the tax preference on clean energy businesses. Requires the Department of Revenue to include the Business and Occupation Tax exemption in its quadrennial tax exemption report.

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