

# SENATE BILL REPORT

## ESB 5849

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As Passed Senate, March 4, 2022

**Title:** An act relating to tax incentives.

**Brief Description:** Concerning tax incentives.

**Sponsors:** Senator Warnick.

**Brief History:**

**Committee Activity:** Business, Financial Services & Trade: 1/25/22, 1/27/22 [DP-WM, w/oRec].

Ways & Means: 2/17/22, 2/24/22 [DP, w/oRec].

**Floor Activity:** Passed Senate: 3/4/22, 46-1.

**Brief Summary of Engrossed Bill**

- Modifies a requirement for the targeted urban area property tax exemption.
- Extends the expiration date for the reduced business and occupation tax rate for manufacturers of certain kinds of solar energy systems and their components from July 1, 2027, to July 1, 2032.

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### SENATE COMMITTEE ON BUSINESS, FINANCIAL SERVICES & TRADE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Mullet, Chair; Dozier, Ranking Member; Brown, Lovick and Wilson, L.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Hasegawa, Vice Chair; Frockt.

**Staff:** Alia Kennedy (786-7405)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun, Carlyle, Gildon, Hunt, Keiser, Mullet, Muzzall, Van De Wege, Wagoner, Warnick and Wellman.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Billig, Conway, Dhingra, Hasegawa and Pedersen.

**Staff:** Alia Kennedy (786-7405)

**Background:** Targeted Urban Area Property Tax Exemption. Cities and towns are authorized to grant a ten-year local property tax exemption for new industrial or manufacturing facilities in designated areas. Industrial or manufacturing facilities must be at least 10,000 square feet with an improvement value of at least \$800,000 and meet certain building use standards by the United States Department of Labor. New construction of industrial or manufacturing facilities must:

- be within a targeted area designated by the city;
- be on land that has no existing building improvements and that is zoned for an industrial or manufacturing use as of December 31, 2014;
- meet all construction and development regulations of the city; and
- be completed within three years from the date of approval of the application.

Within one year of building occupancy, the facility must create at least 25 family living wage jobs with an average wage of at least \$23 per hour.

A property owner seeking the exemption must apply to the city, pay any applicable fees, and enter into a contract with the city agreeing to terms and conditions of the implementation of the development. An application must be approved by a city governing authority or its authorized representative. The contract into which an applicant must enter with the city must be approved by the city governing authority, or an administrative official or commission authorized by the governing authority. No application for exemption may be submitted on or after December 31, 2030.

The value of the property tax exemption is provided on the value of eligible improvements and applies only to the city portion of the property tax. A county may, by resolution, allow any property receiving an exemption from city property taxes to also receive an exemption from county property taxes.

Reduced Business and Occupation Tax Rate for Solar Energy and Silicon Product Manufacturers. A reduced business and occupation (B&O) tax rate of 0.275 percent to

manufacturers of certain kinds of solar energy systems and their components. Without the preference, these manufacturers would pay a B&O tax rate of 0.484 percent.

The preference applies to:

- manufacturers of solar energy systems using photovoltaic modules or stirling converters; and
- manufacturers of certain components of solar energy systems, specifically, solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers for use exclusively in solar energy systems.

The preference also includes the wholesale sales of these systems or components by their manufacturers.

The reduced B&O tax rate expires July 1, 2027.

Tax Preference Performance Statement. State law provides a range of tax preferences that confer reduced tax liability upon a designated class of taxpayer. Tax preferences include tax exclusions, deductions, exemptions, preferential tax rates, deferrals, and credits. Washington has over 650 tax preferences, including a variety of sales and use tax exemptions. Legislation that establishes or expands a tax preference must include a tax preference performance statement that identifies the public policy objective of the preference, as well as specific metrics that the Joint Legislative Audit and Review Committee can use to evaluate the effectiveness of the preference. All new tax preferences automatically expire after ten years unless an alternative expiration date is provided.

**Summary of Engrossed Bill:** Targeted Urban Area Property Tax Exemption. The requirement that new construction of industrial or manufacturing facilities must be on land that has no existing building improvements and is zoned for an industrial or manufacturing use as of December 31, 2014, is removed.

Reduced Business and Occupation Tax Rate for Solar Energy and Silicon Product Manufacturers. The expiration date for the reduced B&O tax rate of 0.275 percent to manufacturers of certain kinds of solar energy systems and their components is extended from July 1, 2027, to July 1, 2032.

Tax Preference Performance Statement. The act contains a tax preference performance statement that applies to the reduced B&O tax rate for solar energy and silicon product manufactures. If a review finds that the number of people employed by the solar silicon industry in Washington is the same or more than in 2019, and that at least 60 percent of employees earn \$60,000 a year or more, then the Legislature intends to extend the expiration date of the tax preference.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on July 1, 2022.

**Staff Summary of Public Testimony (Business, Financial Services & Trade):** PRO: The state has experienced a decline in growth of the manufacturing industry. This bill would create jobs and support economic development. Jobs in the manufacturing and solar energy industries pay higher living wage jobs. The bill would result a significant amount of direct and indirect revenue growth. Supporting the manufacturing industry is import for the economic development of smaller, rural counties.

**Persons Testifying (Business, Financial Services & Trade):** PRO: Senator Judy Warnick, Prime Sponsor; Bruce Beckett, Port of Moses Lake; Chuck Sutton, REC Silicon; Brant Mayo, Grant County Economic Development Council; Tommy Gantz, Association of Washington Business.

**Persons Signed In To Testify But Not Testifying (Business, Financial Services & Trade):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: A significant amount of money was put into developing the solar power industry in Washington until trade disputes hindered production. This bill allows the state to rebuild the solar power industry. Manufacturing and other green-tech industry jobs pay above average wages and benefits. There is an active market for the types of large-scale projects supported by this bill. This bill makes Washington a more competitive location for green-tech manufacturing. The bill supports growth in rural communities by directly and indirectly creating jobs and increasing revenue.

OTHER: The bill would benefit if certain provisions were to apply retroactively.

**Persons Testifying (Ways & Means):** PRO: Chuck Sutton, REC Silicon Inc; Chris Green, WA St. Dept. of Commerce; Brant Mayo, Grant County Economic Development Council.

OTHER: Dave Warren, Silfab Solar WA.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.