
SUBSTITUTE SENATE BILL 6346

State of Washington**69th Legislature****2026 Regular Session**

By Senate Ways & Means (originally sponsored by Senators Pedersen, Chapman, Frame, Bateman, Orwall, Slatter, Alvarado, Hunt, Lovelett, Riccelli, Shewmake, Valdez, Wellman, Hasegawa, Robinson, Lovick, Conway, Trudeau, Cleveland, Kauffman, C. Wilson, Dhingra, Stanford, Nobles, Saldaña, Salomon, and Cortes)

READ FIRST TIME 02/09/26.

1 AN ACT Relating to investing in Washington families and
2 businesses to fund K-12 education, health care, higher education,
3 other essential governmental services, and the working families' tax
4 credit, and to reduce certain sales and use taxes and certain
5 business and occupation taxes by establishing a tax on millionaires;
6 amending RCW 82.32.050, 82.32.060, 82.32.090, 2.10.180, 2.12.090,
7 6.15.020, 41.24.240, 41.32.052, 41.34.080, 41.35.100, 41.40.052,
8 41.44.240, 41.26.053, 43.43.310, 82.08.0206, 82.04.4451, 82.32.045,
9 82.04.288, and 1.90.100; amending 2023 c 456 s 3 (uncodified); adding
10 a new section to chapter 82.08 RCW; adding a new section to chapter
11 82.12 RCW; adding a new Title to the Revised Code of Washington to be
12 codified as Title 82A RCW; creating new sections; prescribing
13 penalties; providing an effective date; and providing an expiration
14 date.

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

16 NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that the
17 state, through the state's general fund, invests in K-12 education,
18 health care, higher education, other essential governmental services,
19 and the working families' tax credit, all of which help
20 Washingtonians succeed and thrive.

1 (2) These general fund dollars help the state meet its paramount
2 duty to make ample provision for the education of all children in the
3 state, including children who qualify for special education services,
4 creating the opportunity for each child to succeed in school and
5 achieve success in life.

6 (3) The general fund supports health care programs that deliver
7 critical, life-saving medical care, provide support for those with
8 developmental and other disabilities, offers long-term care for the
9 elderly, and protects the long-term health and well-being of the
10 public.

11 (4) Further, the general fund invests in higher education,
12 including two and four-year colleges, apprenticeships, and other
13 postsecondary education and training programs, ensuring Washington
14 students remain competitive in the workforce and broader economy.

15 (5) The general fund also invests in human services that provide
16 vital basic-needs assistance to the state's lowest-income households
17 and educate the youngest learners.

18 (6) Therefore, the intent of this act is to maintain and preserve
19 essential governmental services for Washingtonians, particularly
20 within K-12 education, health care, higher education, and human
21 services, and support working families by ensuring continued
22 investment in the working families' tax credit by depositing revenues
23 from this act into the general fund.

24 (7) The legislature further recognizes that reforming our tax
25 code to be common sense, balanced, and sustainable is essential to
26 the long-term economic success of Washington. The Washington tax
27 structure, developed during the Great Depression, relies heavily on
28 excise and consumption taxes, with consequences for equity, adequacy,
29 and long-term fiscal stability that persist today. The legislature
30 recognizes that more progress is needed for the state to have a fair
31 and balanced tax system that can provide sustainable, ample funding
32 for K-12 education, health care, higher education, human services,
33 and other essential governmental services. Washington's tax system
34 remains the second most regressive in the nation as it asks those
35 with the least to pay the most as a percentage of their income. Low-
36 income Washingtonians pay at least three times more in state and
37 local taxes as a percentage of their income than the state's highest
38 income households.

39 (8) Further, due to the action of the federal government through
40 the passage of HR 1, Washington's highest-income households are set

1 to receive an average federal tax break of \$90,850 while Washington's
2 lowest-income households are set to receive a mere \$200. These tax
3 breaks were largely funded through cuts to federal funding in health
4 care and food security programs, negatively impacting Washington's
5 working families.

6 (9) Thus, the legislature intends to limit the tax established by
7 this act to only individuals with annual adjusted gross income of
8 \$1,000,000 or more. Washingtonians with an annual adjusted gross
9 income of less than \$1,000,000 will not owe this tax. As a result,
10 the millionaires' tax is estimated to affect only the wealthiest one-
11 half of one percent of the households in this state, taking a
12 significant step toward reducing the disproportionate reliance on
13 working people to fund K-12 education, health care, higher education,
14 human services, the working families' tax credit, and other essential
15 governmental services to benefit Washingtonians.

16 (10) The legislature further intends to exempt certain sources of
17 income from the tax including, but not limited to, the sale of
18 qualified family owned small businesses and the sale of all
19 residential and other real property.

20 (11) It is also the intent of the legislature to rebalance the
21 tax system by reducing taxes on consumers and businesses through
22 small business and other business and occupation tax credits, as well
23 as by exempting from the retail sales tax essential household items
24 such as personal care products.

25 (12) Thus, to help meet the state's paramount duty of amply
26 providing every child in the state with an education and supporting
27 the health and well-being of Washingtonians, it is the intent of the
28 legislature, by adopting this act, insofar as possible, to:

29 (a) Impose a tax on those individuals with the greatest ability
30 to pay, specifically those earning Washington adjusted gross income
31 during the taxable year of at least \$1,000,000;

32 (b) Make the Washington millionaires' tax law identical in effect
33 to the provisions of the internal revenue code relating to the
34 measurement of adjusted gross income of individuals, modified as
35 necessary to achieve the goals and purpose of this act;

36 (c) Achieve this result by the application of the various
37 provisions of the internal revenue code relating to the definition of
38 income, exemptions and exclusions therefrom, accounting methods,
39 basis, depreciation, and other pertinent provisions, subject to
40 additional exemptions and modifications as provided in this act,

1 resulting in a final amount called "Washington adjusted taxable
2 income"; and

3 (d) Impose a tax on residents of this state measured by
4 Washington adjusted taxable income wherever derived and to impose a
5 tax on nonresidents measured by Washington adjusted taxable income
6 from sources within this state.

7 (13) The legislature finds that, in 2024, Washington counties
8 were responsible for more than 90 percent of the costs associated
9 with public defense in the state, creating a system of legal
10 representation that varies greatly depending on where a person lives
11 in Washington state. While fully funding public defense is not the
12 responsibility of the state, the state is responsible under the
13 United States Constitution for ensuring the protection of the right
14 to counsel for all defendants. Furthermore, the Washington state
15 supreme court's decision to modify caseload standards in 2025 will
16 significantly increase the overall cost of providing public defense
17 in Washington state. Through the creation and funding of the local
18 government public defense stabilization account, the legislature
19 intends to provide funding to help counties meet their obligations.

20
21 **PART I**
DEFINITIONS

22 **NEW SECTION.** **Sec. 101.** DEFINITIONS. The definitions in this
23 section apply throughout this chapter unless the context clearly
24 requires otherwise.

25 (1) "Capital asset" has the same meaning as provided in chapter
26 82.87 RCW.

27 (2) "Department" means the department of revenue of the state of
28 Washington.

29 (3) "Federal adjusted gross income" means adjusted gross income
30 as determined under section 62 of the internal revenue code.

31 (4) "Individual" means a natural person.

32 (5) "Internal revenue code" means the United States internal
33 revenue code of 1986, as amended and in effect on January 1, 2026, or
34 such subsequent date as the department may provide by rule consistent
35 with the purpose of this chapter.

36 (6) "Long-term capital asset," "long-term capital gain," and
37 "long-term capital loss" have the same meanings as provided in
38 chapter 82.87 RCW.

(7) "Pass-through entity" means a disregarded entity for federal tax purposes, such as a partnership, limited liability company, or S corporation.

(8) (a) "Resident" means an individual:

(i) Who is domiciled in this state during the taxable year, unless the individual (A) maintained no permanent place of abode in this state during the entire taxable year, (B) maintained a permanent place of abode outside of this state during the entire taxable year, and (C) spent in the aggregate not more than 30 days of the taxable year in this state; or

(ii) Who is not domiciled in this state during the taxable year, but maintained a place of abode and was physically present in this state for more than 183 days during the taxable year.

(b) For purposes of this subsection, "day" means a calendar day or any portion of a calendar day.

(c) An individual who is a resident under (a) of this subsection is a resident for that portion of a taxable year in which the individual was domiciled in this state or maintained a place of abode in this state.

(9) "Taxable year" means the taxpayer's taxable year as defined under section 7701(a)(23) of the internal revenue code.

(10) "Taxpayer" means an individual receiving income subject to tax under this chapter.

(11) "Washington base income" means federal adjusted gross income as modified under sections 302 through 306 and 401 through 407 of this act.

(12) "Washington taxable income" means Washington base income as further modified by sections 307 through 310 of this act.

NEW SECTION. **Sec. 102.** UNDEFINED TERMS—CONFORMITY WITH FEDERAL INTERNAL REVENUE CODE. Any term used in this chapter has the same meaning as when used in a comparable context in the internal revenue code, unless a different meaning is clearly required or the term is specifically defined in this chapter.

PART II

DETERMINATION OF TAX

NEW SECTION. **Sec. 201.** TAX IMPOSED—RATES. (1) Beginning January 1, 2028, a tax is imposed on the receipt of Washington taxable

1 income. Only individuals are subject to payment of the tax, which
2 equals 9.90 percent multiplied by an individual's Washington taxable
3 income.

4 (2) If an individual's Washington taxable income is less than
5 zero for a taxable year, no tax is due under this section and no
6 amount is allowed as a carryover for use in the calculation of that
7 individual's Washington taxable income, for any taxable year. To the
8 extent that a loss carryforward is included in an individual's
9 adjusted gross income and the loss carryforward is derived from or
10 connected with sources in this state, the loss carryforward is
11 included in the calculation of that individual's Washington taxable
12 income.

13 NEW SECTION. **Sec. 202.** DISTRIBUTION OF TAX REVENUES. (1) Taxes
14 collected under this chapter must be deposited as follows:

15 (a) Seven percent to the local government public defense funding
16 stabilization account created in section 711 of this act; and

17 (b) The remainder to the state general fund to fund the sales and
18 use tax relief in sections 903 and 904 of this act, the working
19 families' tax credit program, including its expansion in section 901
20 of this act, and the business and occupation tax relief in sections
21 905 and 906 of this act.

22 (2) All interest and penalties collected under this chapter must
23 be deposited in the state general fund.

24 NEW SECTION. **Sec. 203.** CREDIT FOR INCOME TAXES DUE ANOTHER
25 JURISDICTION. (1) A resident individual is allowed a credit against
26 the tax imposed under this chapter for the amount of any income tax
27 paid to another state, or political subdivision of the state, on
28 income taxed under this chapter, subject to the following conditions,
29 which must be imposed separately with respect to each taxing
30 jurisdiction:

31 (a) The credit is allowed only for taxes paid to the other
32 jurisdiction on net income from sources within that jurisdiction that
33 is included in the individual's Washington base income; and

34 (b) The amount of the credit may not exceed the smaller of:

35 (i) The amount of tax paid to the other jurisdiction on net
36 income from sources within the other jurisdiction; or

37 (ii) The amount of tax due under this chapter before application
38 of credits allowable by this chapter, multiplied by a fraction. The

1 numerator of the fraction is the amount of the taxpayer's federal
2 adjusted gross income subject to tax in the other jurisdiction. The
3 denominator of the fraction is the taxpayer's total Washington base
4 income. The fraction may never be greater than one.

5 (2) If the laws of the other taxing jurisdiction contain a
6 provision exempting a resident of this state from liability for the
7 payment of income taxes on income earned for personal services
8 performed in such jurisdiction, then the department may enter into a
9 reciprocal agreement with such jurisdiction providing a similar tax
10 exemption on income earned for personal services performed in this
11 state.

12 **NEW SECTION.** **Sec. 204.** CREDIT FOR BUSINESS AND OCCUPATION AND
13 PUBLIC UTILITY TAXES. (1) Beginning in tax year 2028 with taxes due
14 in 2029, to avoid taxing the same Washington taxable income under the
15 business and occupation tax or public utility tax and the tax imposed
16 under this chapter, a nonrefundable credit is allowed against taxes
17 due under this chapter on income that is also subject to the tax
18 imposed under chapter 82.04 or 82.16 RCW. The credit is equal to the
19 amount of tax paid under chapter 82.04 or 82.16 RCW for income
20 included in both the calculation of the tax paid under chapter 82.04
21 or 82.16 RCW and the tax imposed under this chapter.

22 (2) The credit under this section is earned in regard to income
23 reportable for federal income tax purposes and may be claimed against
24 taxes due under this chapter, for the tax reporting period in which
25 the income is reportable for federal income tax purposes. The credit
26 claimed for a tax reporting period may not exceed the tax otherwise
27 due under this chapter for that tax reporting period. Unused credit
28 may not be carried forward or backward to another tax reporting
29 period. No refunds may be granted for unused credit under this
30 section.

31 **NEW SECTION.** **Sec. 205.** CREDIT FOR WASHINGTON CAPITAL GAINS
32 TAXES. Beginning in tax year 2028 with taxes due in 2029, a
33 nonrefundable credit is allowed against taxes due under this chapter
34 for the amount of tax imposed on Washington capital gains for the
35 same tax year. "Washington capital gains" has the same meaning as
36 provided in RCW 82.87.020.

1 NEW SECTION. **Sec. 206.** CREDIT FOR PASS-THROUGH ENTITY TAX
2 PAYMENTS. Beginning in tax year 2028 for taxes due in 2029, a credit
3 is allowed against taxes due under this chapter for the amount of the
4 tax expense incurred by a pass-through entity under section 502 of
5 this act attributable to the owner as provided in section 502(3) of
6 this act. For a resident, the credit under this section must be
7 reduced by the amount of any credit claimed under section 203 of this
8 act based on the same Washington taxable income.

9 NEW SECTION. **Sec. 207.** CARRYFORWARDS AND CARRYBACKS. The amount
10 of tax credits received by any taxpayer under sections 203 through
11 206 of this act may not exceed the total amount of tax due for that
12 reporting period, and no carryback or carryforward of any unused
13 excess credits is allowed.

PART III

ADJUSTED GROSS INCOME MODIFICATIONS

16 NEW SECTION. **Sec. 301.** INTRODUCTORY. In computing Washington
17 base income for a taxable year, modifications must be made to the
18 taxpayer's federal adjusted gross income as required under sections
19 302 through 306 and 401 through 407 of this act, unless the
20 modification has the effect of duplicating an item of income or
21 deduction. If an item of income is excluded from federal adjusted
22 gross income, including income derived directly from treaty-protected
23 tribal rights, it is excluded from the tax under this chapter unless
24 specifically included as provided in sections 302 through 306 of this
25 act.

26 NEW SECTION. **Sec. 302.** LONG-TERM CAPITAL GAINS AND LOSSES. (1)
27 In computing a taxpayer's Washington base income, the taxpayer must
28 deduct from the taxpayer's federal adjusted gross income any long-
29 term capital gains that have been included in computing federal
30 adjusted gross income.

31 (2) In computing a taxpayer's Washington base income, a taxpayer
32 must add to the taxpayer's federal adjusted gross income any long-
33 term capital losses that have been included in computing federal
34 adjusted gross income.

1 income, a taxpayer must add to the taxpayer's federal adjusted gross
2 income the amount of Washington capital gains subject to tax under
3 chapter 82.87 RCW for the same taxable year, plus the amounts
4 deducted under RCW 82.87.060 (1) and (4). This subsection (3) applies
5 only to taxpayers owing tax under chapter 82.87 RCW for that taxable
6 year. "Washington capital gains" has the same meaning as provided in
7 RCW 82.87.020.

8 NEW SECTION. **Sec. 303.** STATE AND LOCAL OBLIGATIONS. In
9 computing a taxpayer's Washington base income, the taxpayer must add
10 to the taxpayer's federal adjusted gross income any income that has
11 been excluded under section 103 of the internal revenue code in
12 computing federal adjusted gross income, except interest on
13 obligations of the state of Washington or political subdivisions of
14 the state of Washington.

15 NEW SECTION. **Sec. 304.** STATE AND LOCAL INCOME TAXES—BUSINESS
16 AND OCCUPATION AND PUBLIC UTILITY TAXES. In computing a taxpayer's
17 Washington base income, the taxpayer must add to the taxpayer's
18 federal adjusted gross income:

19 (1) Taxes on or measured by net income which have been deducted
20 under the internal revenue code in computing federal adjusted gross
21 income;

22 (2) The amount of taxes paid or accrued which have been deducted
23 for federal purposes, but for which either a business and occupation
24 tax credit or public utility tax credit, or both, is allowed.

25 NEW SECTION. **Sec. 305.** CARRYOVERS. In computing a taxpayer's
26 Washington base income, the taxpayer must add to the taxpayer's
27 federal adjusted gross income, any amounts that have been deducted in
28 computing federal adjusted gross income to the extent the amounts
29 have been carried over from taxable years ending before the effective
30 date of this section.

31 NEW SECTION. **Sec. 306.** FEDERAL OBLIGATIONS. In computing a
32 taxpayer's Washington base income, the taxpayer must deduct, to the
33 extent included, from the taxpayer's federal adjusted gross income,
34 any income derived from obligations of the United States that this
35 state is prohibited by federal law from subjecting to a net income
36 tax. However, the amount deducted under this section must be reduced

1 by any expense, including amortizable bond premiums, incurred in the
2 production of such income to the extent the expense has been deducted
3 in calculating federal adjusted gross income.

4 NEW SECTION. **Sec. 307.** CHARITABLE CONTRIBUTIONS. In determining
5 a taxpayer's Washington taxable income, the taxpayer may deduct from
6 their Washington base income the amount of charitable contributions
7 they claimed for the taxable year under section 170 of the internal
8 revenue code, up to a maximum deduction of \$100,000 per individual,
9 or in the case of spouses or domestic partners, their combined
10 charitable deduction is limited to \$100,000, regardless of whether
11 they file joint or separate returns.

12 NEW SECTION. **Sec. 308.** PASS-THROUGH ENTITY TAX PAYMENTS. In
13 computing a taxpayer's Washington taxable income, the taxpayer must
14 add to the taxpayer's Washington base income the taxpayer's
15 distributive share of the tax expense incurred by a pass-through
16 entity under section 502 of this act to the extent the expense has
17 been deducted in calculating the taxpayer's federal adjusted gross
18 income.

19 NEW SECTION. **Sec. 309.** In determining a taxpayer's Washington
20 taxable income, the taxpayer may deduct from the taxpayer's
21 Washington base income the amount deposited in a capital construction
22 fund under section 7518 of the internal revenue code if the amount
23 has reduced the taxpayer's federal taxable income for the taxable
24 year.

25 NEW SECTION. **Sec. 310.** ONE MILLION DOLLAR STANDARD DEDUCTION.
26 In computing a taxpayer's Washington taxable income, a taxpayer may
27 deduct from the taxpayer's Washington base income a standard
28 deduction of \$1,000,000 per individual, or in the case of spouses or
29 domestic partners, their combined standard deduction is limited to
30 \$1,000,000, regardless of whether they file joint or separate
31 returns. The amount of the standard deduction must be annually
32 adjusted pursuant to section 312 of this act. The standard deduction
33 must be adjusted for nonresidents as provided in section 311 of this
34 act.

NEW SECTION. Sec. 311. ADJUSTMENT OF DEDUCTIONS FOR

2 NONRESIDENTS. The deduction from Washington base income allowed under
3 section 310 of this act for individual taxpayers who are not
4 residents of this state for the entire taxable year must be reduced
5 by multiplying the amount of the deduction by a fraction. The
6 numerator of the fraction is the individual's Washington base income.
7 The denominator of the fraction is the individual's federal adjusted
8 gross income from all sources. The fraction may never be greater than
9 one.

NEW SECTION. Sec. 312. INDEX FOR INFLATION. (1) Beginning

11 October 2029 and each October thereafter, the department must adjust
12 the standard deduction under section 310 of this act by multiplying
13 the current standard deduction amount by one plus the percentage by
14 which the most current consumer price index available on October 1st
15 of the current year exceeds the consumer price index for the prior
16 12-month period, and rounding the result to the nearest \$1,000. If an
17 adjustment under this subsection (1) would reduce the standard
18 deduction amount, the department must not adjust the amounts for use
19 in the following year. The department must publish the adjusted
20 standard deduction amount on its public website by October 31st of
21 each year. The adjusted standard deduction amount calculated under
22 this subsection (1) takes effect for taxes due in the following
23 calendar year.

24 (2) For purposes of this section, the following definitions
25 apply:

26 (a) "Consumer price index" means the consumer price index for all
27 urban consumers, all items, for the Seattle area as calculated by the
28 United States bureau of labor statistics or its successor agency.

29 (b) "Seattle area" means the geographic area sample that includes
30 Seattle and surrounding areas.

PART IV

DIVISION OF INCOME

NEW SECTION. Sec. 401. ALLOCATION AND APPORTIONMENT OF INCOME.

34 (1) For resident individuals, all income must be allocated to this
35 state.

1 (2) For nonresident individuals, income derived from sources
2 within this state must be allocated to this state. Income derived
3 from sources within this state means:

4 (a) Wages and other compensation from employment within this
5 state as provided in section 403 of this act;

6 (b) Compensation attributable to professional athletics as
7 provided in section 404 of this act;

8 (c) Income of a nonresident student athlete derived from the
9 commercial use of the student athlete's name, image, or likeness as
10 provided in section 407 of this act;

11 (d) Amounts attributable to any business, trade, profession, or
12 occupation carried on within this state, including an individual's
13 distributive share of income from a pass-through entity operating
14 within this state as provided in section 402 of this act, to the
15 extent determined under section 405 of this act;

16 (e) Rents, short-term gains, and other amounts attributable to
17 the ownership or disposition of any interest in real or tangible
18 personal property in this state; and

19 (f) Income from intangible personal property, including
20 annuities, dividends, interest, and gains from the disposition of
21 intangible personal property, to the extent that the intangible
22 personal property was employed in a business, trade, profession, or
23 occupation carried on within this state.

24 (3) Deductible expenses, capital losses, and net operating losses
25 of a nonresident are based solely on income, gains, losses, and
26 deductible expenses derived from or connected with sources in this
27 state but are otherwise determined in the same manner as the
28 corresponding federal deductions except as provided in this chapter.

29 (4) Compensation paid by the United States for service in the
30 armed forces of the United States performed in this state by a
31 nonresident does not constitute income derived from sources within
32 this state.

33 NEW SECTION. **Sec. 402.** PASS-THROUGH ENTITIES—DISTRIBUTIVE
34 SHARE. (1) Income derived from sources within this state include an
35 apportioned share of the individual's distributive share of income,
36 gains, losses, and deductions from pass-through entities that operate
37 in the state, as provided in subsection (2) of this section.

38 (2) The tax due under this chapter for partners, members, or
39 shareholders of a pass-through entity are computed by including a pro

1 rata share of the Washington base income and the credits allowed
2 under sections 203 through 205 of this act, if the modification or
3 credit relates to the income of the pass-through entity. Each
4 member's, partner's, or shareholder's pro rata share of a
5 modification or credit is the amount of modification or credit
6 multiplied by a fraction. The numerator of the fraction is the
7 member's, partner's, or shareholder's distributive share of pass-
8 through income. The denominator of the fraction is the total income
9 of the pass-through entity. The fraction may never be greater than
10 one.

11 (3) The following definitions apply throughout this section.

12 (a) "Pass-through income" includes both distributed and
13 undistributed federal taxable income of the pass-through entity.

14 (b) "Pro rata share" means pro rata share as reflected on the
15 member's, partner's, or shareholder's federal schedule K-1 form.

16 NEW SECTION. **Sec. 403.** GENERAL RULE FOR ALLOCATING NONRESIDENT
17 INCOME DERIVED FROM COMPENSATION TO WASHINGTON. (1) Unless provided
18 otherwise in this chapter, a nonresident individual is subject to tax
19 on the portion of federal adjusted gross income derived from
20 employment within the state of Washington, regardless of the location
21 of the commercial domicile of the employer.

22 (2) Compensation for services performed by a nonresident as part
23 of their employment must be allocated to this state to the extent
24 such services are rendered within the state. If services are
25 performed both within and outside the state, the compensation must be
26 apportioned based on the ratio of days worked in the state to total
27 days worked, or by another reasonable method approved by the
28 department.

29 (3) For the purpose of this section, the following definitions
30 apply:

31 (a) "Compensation" means wages, salaries, commissions, and any
32 other form of remuneration paid to employees for personal services.

33 (b) "Employer" means any individual or type of organization,
34 including any partnership, association, trust, estate, joint stock
35 company, insurance company, limited liability company, or
36 corporation, whether domestic or foreign, or the receiver, trustee in
37 bankruptcy, trustee, or the legal representative of a deceased
38 person, having any person in employment or, having become an

1 employer, has not ceased to be an employer as provided in this
2 chapter.

3 (c) "Employment" means personal service, of whatever nature, as
4 known to the common law or any other legal relationship performed for
5 an employer by an individual for compensation or under any contract
6 calling for the performance of personal services, written or oral,
7 express or implied, where the employer is subject to tax under RCW
8 50.24.010 on any portion of compensation paid by the employer to the
9 individual for the performance of the personal services.

10 NEW SECTION. **Sec. 404.** APPORTIONING INCOME FOR NONRESIDENT
11 MEMBERS OF A PROFESSIONAL ATHLETIC TEAM. (1) For nonresident members
12 of a professional athletic team, the portion of compensation
13 attributable to athletic performances in the state must be
14 apportioned to Washington as provided under this section.

15 (2) (a) The portion of the compensation of a member of a
16 professional athletic team apportioned to Washington is that portion
17 of compensation received for the tax year that bears the same ratio
18 to total compensation received for the tax year as the number of duty
19 days within this state bears to the total number of duty days spent
20 both within and outside this state during the tax year.

21 (b) Notwithstanding the description of the portion of
22 compensation subject to apportionment to the state of Washington
23 under this subsection, the department may provide by rule alternative
24 methodologies for determining the portion of compensation subject to
25 apportionment to the state of Washington that the department
26 determines to be fair and equitable.

27 (3) (a) A person who transacts business in the state of Washington
28 and who pays wages, salary, bonuses, or other taxable income to a
29 member of a professional athletic team, must submit a report to the
30 department each year indicating any member of a professional athletic
31 team who may be reasonably assumed to owe tax under this chapter for
32 the calendar year.

33 (b) The report required under (a) of this subsection (3) must
34 include:

35 (i) The total amount of compensation paid during the year to the
36 members of the professional athletic team for which the report is
37 being made;

1 (ii) A roster of the members of the professional athletic team
2 for which the report is being made who were members at any time
3 during the year, that lists for each member:

4 (A) A taxpayer identification number;
5 (B) Compensation paid to the member; and

6 (C) The number of duty days in this state and the total number of
7 duty days for the year; and

8 (iii) Any other information the department may require by rule.

9 (c) The report must be filed with the department on or before
10 April 15th following the year for which the report is being made or
11 at another time as the department may require by rule.

12 (4) The definitions in this subsection apply throughout this
13 section unless the context clearly requires otherwise.

14 (a) "Compensation" means wages, salaries, bonuses, and any other
15 income included with federal adjusted gross income and paid to a
16 member of a professional athletic team.

17 (b) "Duty days" means the days during the tax year from the
18 beginning of the official preseason training period of a professional
19 athletic team through the last game in which the professional
20 athletic team competes or is scheduled to compete during the tax
21 year.

22 (c) "Member of a professional athletic team" means a nonresident
23 athlete or other individual rendering service to a professional
24 athletic team if the total compensation of the athlete or other
25 individual exceeds \$1,000,000 in a tax year.

26 NEW SECTION. **Sec. 405.** GENERAL RULE FOR APPORTIONING AND
27 ALLOCATING NONRESIDENT INCOME FROM BUSINESS ACTIVITY CONDUCTED IN THE
28 STATE. (1) The portion of federal adjusted gross income of a
29 nonresident derived from or connected with a business, trade, or
30 profession carried on in this state, including a sole proprietorship
31 and any distributive share of a pass-through entity of a business,
32 trade, or profession carried on in this state, must be apportioned
33 and allocated as provided in this section. This section does not
34 apply to compensation received as an employee allocated under section
35 403 of this act.

36 (2) Income from a business, trade, or profession carried on in
37 this state, including any distributive share of a pass-through entity
38 of a business, trade, or profession carried on in this state, must be
39 classified as either apportionable income or nonapportionable income.

1 (3) All apportionable income must be apportioned to this state by
2 multiplying the income by the receipts factor. The receipts factor is
3 a fraction the numerator of which is the total receipts of the
4 taxpayer in this state during the tax period and the denominator of
5 which is the total receipts of the taxpayer everywhere during the tax
6 period.

7 (a) Receipts from the sale of tangible personal property are in
8 this state if:

9 (i) The property is delivered or shipped to a purchaser, other
10 than the United States government, within this state regardless of
11 the free on board point or other conditions of the sale; or

12 (ii) The property is shipped from an office, store, warehouse,
13 factory, or other place of storage in this state and (A) the
14 purchaser is the United States government or (B) the taxpayer is not
15 taxable in the state of the purchaser.

16 (b) (i) Receipts, other than receipts described in (a) of this
17 subsection (3), are in this state if the taxpayer's market for the
18 sales is in this state. The taxpayer's market for sales is in this
19 state:

20 (A) In the case of sale, rental, lease, or license of real
21 property, if and to the extent the property is located in this state;

22 (B) In the case of rental, lease, or license of tangible personal
23 property, if and to the extent the property is located in this state;

24 (C) In the case of sale of a service, if and to the extent the
25 service is delivered to a location in this state; and

26 (D) In the case of intangible property:

27 (I) That is rented, leased, or licensed, if and to the extent the
28 property is used in this state, provided that intangible property
29 used in marketing a good or service to a consumer is "used in this
30 state" if that good or service is purchased by a consumer who is in
31 this state; and

32 (II) That is sold, if and to the extent the property is used in
33 this state, if:

34 (1) A contract right, government license, or similar intangible
35 property that authorizes the holder to conduct a business activity in
36 a specific geographic area is "used in this state" if the geographic
37 area includes all or part of this state;

38 (2) Receipts from intangible property sales that are contingent
39 on the productivity, use, or disposition of the intangible property
40 must be treated as receipts from the rental, lease, or licensing of

1 such intangible property under subsection (4)(a)(i) of this section;
2 and

3 (3) All other receipts from a sale of intangible property must be
4 excluded from the numerator and denominator of the receipts factor.

5 (c) If the state or states of assignment under (b) of this
6 subsection (3) cannot be determined, the state or states of
7 assignment must be reasonably approximated.

8 (d) If the taxpayer is not taxable in a state to which a receipt
9 is assigned under this subsection (3), or if the state of assignment
10 cannot be determined under (b) of this subsection (3) or reasonably
11 approximated under (c) of this subsection (3), the receipt must be
12 excluded from the denominator of the receipts factor.

13 (4)(a) If the allocation and apportionment provisions in
14 subsection (3) of this section do not fairly represent the extent of
15 the taxpayer's business activity in this state, the taxpayer may
16 petition for or the department may require, in respect to all or any
17 part of the taxpayer's business activity, if reasonable:

18 (i) Separate accounting;

19 (ii) The exclusion of any one or more of the factors;

20 (iii) The inclusion of one or more additional factors that will
21 fairly represent the taxpayer's business activity in this state; or

22 (iv) The employment of any other method to effectuate an
23 equitable allocation and apportionment of the taxpayer's income.

24 (b) If the allocation and apportionment provisions of this
25 section do not fairly represent the extent of business activity in
26 this state for taxpayers engaged in a particular industry or in a
27 particular transaction or activity, the department may, in addition
28 to the authority provided in (a) of this subsection (4), adopt rules
29 for determining alternative allocation and apportionment methods for
30 such taxpayers. Rules adopted pursuant to this subsection (4)(b) must
31 be applied uniformly, except that with respect to any taxpayer to
32 whom such rule applies, the taxpayer may petition for, or the
33 department may require, adjustment under (a) of this subsection (4).

34 (c)(i) The party petitioning for, or the department requiring,
35 the use of any method to effectuate an equitable allocation and
36 apportionment of the taxpayer's income pursuant to (a) of this
37 subsection (4) must prove by clear and convincing evidence:

38 (A) That the allocation and apportionment provisions of this
39 section do not fairly represent the extent of the taxpayer's business
40 activity in this state; and

1 (B) That the alternative to such provisions is reasonable.

2 (ii) The same burden of proof applies whether the taxpayer is
3 petitioning for, or the department is requiring, the use of any
4 reasonable method to effectuate an equitable allocation and
5 apportionment of the taxpayer's income. However, if the department
6 can show that in any two of the prior five tax years, the taxpayer
7 had used an allocation or apportionment method at variance with its
8 allocation or apportionment method or methods used for such other tax
9 years, then the department does not bear the burden of proof in
10 imposing a different method pursuant to (a) of this subsection (4).

11 (iii) If the department requires any method to effectuate an
12 equitable allocation and apportionment of the taxpayer's income, the
13 department may not impose any civil or criminal penalty with
14 reference to the tax due that is attributable to the taxpayer's
15 reasonable reliance solely on the allocation and apportionment
16 provisions of this section.

17 (iv) A taxpayer that has received written permission from the
18 department to use a reasonable method to effectuate an equitable
19 allocation and apportionment of the taxpayer's income may not have
20 that permission revoked with respect to transactions and activities
21 that have already occurred unless there has been a material change
22 in, or a material misrepresentation of, the facts provided by the
23 taxpayer upon which the department reasonably relied.

24 (5) Rents and royalties from real or tangible personal property,
25 capital gains, interest, dividends, or patent or copyright royalties,
26 to the extent that they constitute nonapportionable income, must be
27 allocated as provided in subsections (6) through (9) of this section.

28 (6) (a) Net rents and royalties from real property located in this
29 state are allocable to this state.

30 (b) Net rents and royalties from tangible personal property are
31 allocable to this state: (i) If and to the extent that the property
32 is utilized in this state; or (ii) in their entirety if the
33 taxpayer's commercial domicile is in this state and the taxpayer is
34 not organized under the laws of or taxable in the state in which the
35 property is utilized.

36 (c) The extent of utilization of tangible personal property in a
37 state is determined by multiplying the rents and royalties by a
38 fraction the numerator of which is the number of days of physical
39 location of the property in the state during the rental or royalty
40 period in the taxable year and the denominator of which is the number

1 of days of physical location of the property everywhere during all
2 rental or royalty periods in the taxable year. If the physical
3 location of the property during the rental or royalty period is
4 unknown or unascertainable by the taxpayer, tangible personal
5 property is utilized in the state in which the property was located
6 at the time the rental or royalty payer obtained possession.

7 (7) (a) Short-term capital gains and losses from sales of real
8 property located in this state are allocable to this state.

9 (b) Short-term capital gains and losses from sales of tangible
10 personal property are allocable to this state if: (i) The property
11 had a situs in this state at the time of the sale; or (ii) the
12 taxpayer's commercial domicile is in this state and the taxpayer is
13 not taxable in the state in which the property had a situs.

14 (c) Short-term capital gains and losses from sales of intangible
15 personal property are allocable to this state if the taxpayer's
16 commercial domicile is in this state.

17 (8) Interest and dividends are allocable to this state if the
18 taxpayer's commercial domicile is in this state.

19 (9) (a) Patent and copyright royalties are allocable to this
20 state: (i) If and to the extent that the patent or copyright is
21 utilized by the payer in this state; or (ii) if and to the extent
22 that the patent or copyright is utilized by the payer in a state in
23 which the taxpayer is not taxable and the taxpayer's commercial
24 domicile is in this state.

25 (b) A patent is utilized in a state to the extent that it is
26 employed in production, fabrication, manufacturing, or other
27 processing in the state or to the extent that a patented product is
28 produced in the state. If the basis of receipts from patent royalties
29 does not permit allocation to states or if the accounting procedures
30 do not reflect states of utilization, the patent is utilized in the
31 state in which the taxpayer's commercial domicile is located.

32 (c) A copyright is utilized in a state to the extent that
33 printing or other publication originates in the state. If the basis
34 of receipts from copyright royalties does not permit allocation to
35 states or if the accounting procedures do not reflect states of
36 utilization, the copyright is utilized in the state in which the
37 taxpayer's commercial domicile is located.

38 (10) The definitions in this subsection apply throughout this
39 section unless the context clearly requires otherwise.

40 (a) "Apportionable income" means:

1 (i) All income that is apportionable under the Constitution of
2 the United States and is not allocated under the laws of this state,
3 including:

4 (A) Income arising from transactions and activity in the regular
5 course of the taxpayer's trade or business; and

6 (B) Income arising from tangible and intangible property if the
7 acquisition, management, employment, development, or disposition of
8 the property is or was related to the operation of the taxpayer's
9 trade or business; and

10 (ii) Any income that would be allocable to this state under the
11 Constitution of the United States, but that is apportioned rather
12 than allocated pursuant to the laws of this state.

13 (b) "Commercial domicile" means the principal place from which
14 the trade or business of the taxpayer is directed or managed.

15 (c) "Nonapportionable income" means all income other than
16 apportionable income.

17 (d) "Receipts" means all gross receipts of the taxpayer that are
18 not allocated under this section, and that are received from
19 transactions and activity in the regular course of the taxpayer's
20 trade or business, except that receipts of a taxpayer from hedging
21 transactions and from the maturity, redemption, sale, exchange, loan,
22 or other disposition of cash or securities, shall be excluded.

23 (e) "State" means any state of the United States, the District of
24 Columbia, the Commonwealth of Puerto Rico, any territory or
25 possession of the United States, and any foreign country or political
26 subdivision thereof.

27 (f) "Taxpayer" means a pass-through entity or individual
28 conducting business activity in the state of Washington.

29 NEW SECTION. **SEC. 406.** PRORATION OF PART-YEAR INCOME. (1)
30 Except as provided in subsection (2) of this section, the adjusted
31 gross income of a part-year resident is the sum of the following:

32 (a) For the portion of the year in which the taxpayer was a
33 resident of Washington, the taxpayer's entire adjusted gross income;
34 and

35 (b) For the portion of the year in which the taxpayer was a
36 nonresident, the taxpayer's adjusted gross income derived from
37 sources within this state, as provided in sections 403 through 405 of
38 this act.

1 (2) The adjusted gross income of a part-year resident with
2 federal adjusted gross income that includes an item of income, gain,
3 loss, deduction, or credit from a pass-through entity must include
4 the sum of the following:

5 (a) The total amount of the item that is taken into account in
6 federal adjusted gross income, multiplied by the ratio of the number
7 of days the taxpayer was a resident of Washington during the tax year
8 of the entity over the total number of days in the tax year of the
9 entity; and

10 (b) The total amount of the item that is taken into account in
11 federal adjusted gross income and that is derived from or connected
12 with sources within this state, as determined under sections 403
13 through 405 of this act, multiplied by the ratio of the number of
14 days the taxpayer was a nonresident of Washington during the tax year
15 of the entity over the total number of days in the tax year of the
16 entity.

17 NEW SECTION. **Sec. 407.** ALLOCATION AND APPORTIONMENT OF
18 NONRESIDENT STUDENT ATHLETE INCOME. (1) The portion of adjusted gross
19 income of a nonresident student athlete derived from the commercial
20 use of the student athlete's name, image, or likeness is allocated to
21 this state if the publicity services provided by the student athlete
22 related to such commercial use of the student athlete's name, image,
23 or likeness primarily occur in Washington.

24 (2) The portion of adjusted gross income of a nonresident student
25 athlete derived from payments by an institution of higher education
26 representing a percentage of institutional athletic revenues shall be
27 apportioned to Washington in a form and manner consistent with a
28 duty-day methodology. By January 1, 2028, the department shall submit
29 proposed legislation to the legislature that would implement an
30 apportionment methodology as specified under this subsection (2).

31 (3) The definitions in this subsection apply throughout this
32 section unless the context clearly requires otherwise.

33 (a) "Commercial use" means the use of an individual's name,
34 image, or likeness for advertising, selling, or soliciting purchases
35 of products, goods, or services.

36 (b) "Name, image, or likeness" means an individual's readily
37 identifiable name, voice, signature, photograph, or likeness.

38 (c) "Publicity services" includes, but is not limited to, the
39 following activities: Appearing in photoshoots; filming commercials;

1 recording audio endorsements; posting sponsored content on social
2 media platforms; attending promotional events; either wearing or
3 using, or both, branded products; and granting rights by the student
4 athlete to use the student athlete's name, image, or likeness in
5 either advertisements or online campaigns, or both.

6 (d) "Student athlete" means an individual who is enrolled at an
7 institution of higher education and eligible to engage in any varsity
8 intercollegiate athletics program at the institution.

9 **PART V**

10 **ESTIMATED TAX PAYMENTS AND PASS-THROUGH ENTITY TAX ELECTION**

11 NEW SECTION. **Sec. 501.** ESTIMATED TAX IMPOSED—DUE DATE OF
12 ESTIMATED TAXES—AMOUNT OF ESTIMATED TAX—UNDERPAYMENT PENALTY. (1)
13 Each individual subject to taxation by this chapter that is required
14 by the internal revenue code to make payment of estimated taxes must
15 pay to the department on forms prescribed by the department the
16 estimated taxes due under this chapter.

17 (2) The provisions of the internal revenue code relating to the
18 determination of reporting periods and due dates of payments of
19 estimated tax applies to the estimated tax payments due under this
20 section.

21 (3) The amount of the estimated tax is the annualized tax divided
22 by the number of months in the reporting period. No estimated tax is
23 due if the annualized tax is less than \$5,000. RCW 82.32.050 and
24 82.32.090 apply to underpayments of estimated tax unless the
25 estimated tax remitted to the department is either at least 90
26 percent of the tax shown on the return required under section 702(1)
27 of this act or 100 percent of the tax shown on the previous year's
28 tax return.

29 (4) For purposes of this section, the annualized tax is the
30 taxpayer's projected tax liability for the tax year as computed
31 pursuant to internal revenue code section 6654 and the regulations
32 thereunder.

33 (5) The department shall adopt rules for making estimated tax
34 payments under this section on wages, salaries, and other
35 compensation subject to federal income tax withholding.

36 (6) Estimated payments are not required under this section before
37 July 1, 2029.

1 NEW SECTION. **Sec. 502.** PASS-THROUGH ENTITY TAX ELECTION. (1) (a)

2 Beginning January 1, 2028, a tax is imposed at a rate of 9.90 percent
3 of the taxable income of an electing entity for each taxable year in
4 which an election under this section is in effect.

5 (b) The tax is paid by the electing entity.

6 (2) (a) A pass-through entity may elect to be subject to the tax
7 imposed under this section by filing an election with the department
8 on or before the due date prescribed by the department for making
9 such election, but no later than April 15th.

10 (b) The election is made annually and is irrevocable for the
11 taxable year once filed.

12 (c) The election must be made by: (i) In the case of a
13 partnership or limited liability company, any person authorized to
14 sign the entity's return; and (ii) in the case of an S corporation,
15 an officer authorized to sign the return.

16 (3) (a) The taxable income of an electing entity consists of:

17 (i) The entire distributive share of income, gain, loss, and
18 deduction attributable to resident owners, regardless of source; and

19 (ii) The state source distributive share of income, gain, loss,
20 and deduction attributable to nonresident owners.

21 (b) Taxable income is determined by applying all state specific
22 additions, subtractions, and modifications that would apply to the
23 owners individually.

24 (c) Guaranteed payments, separately stated items, and investment
25 income is included in taxable income to the same extent these items
26 would be included in an owner's individual Washington taxable income
27 under this chapter.

28 (4) (a) An electing entity shall make estimated tax payments in
29 the same manner and at the same times as required for individual
30 estimated tax payments under section 501 of this act.

31 (b) Estimated tax payments are based on the electing entity's
32 reasonable estimate of taxable income for the taxable year.

33 (c) Estimated tax payments paid by the electing entity under this
34 section are in lieu of the estimated tax payments imposed on owners
35 under section 501 of this act with respect to the income included in
36 the electing entity's taxable income.

37 (d) Estimated tax payments are not required under this subsection
38 before July 1, 2029.

39 (5) (a) Each owner of an electing entity is allowed a credit
40 against the tax imposed under this section equal to the owner's

1 proportionate share of the tax paid by the electing entity under this
2 chapter as provided in section 206 of this act.

3 (b) Resident owners shall include in their Washington taxable
4 income their full distributive share of the electing entity's income,
5 gains, losses, and deductions and shall claim the credit allowed
6 under section 206 of this act.

7 (c) Nonresident owners shall include in their Washington taxable
8 income their distributive share of the electing entity's income,
9 gains, losses, and deductions as allocated and apportioned under
10 section 405 of this act and shall claim the credit allowed under
11 section 206 of this act.

12 (6)(a) The electing entity shall file an annual return reporting
13 taxable income, tax due, estimated payments, and any other
14 information required by the department in a form and manner required
15 by the department.

16 (b) The department may adopt rules necessary to administer this
17 section, which to the extent possible, must be consistent with the
18 requirements under this chapter for individuals. The department may
19 adopt rules to streamline and simplify the process and procedures for
20 making an election under this section.

21 (7) The definitions in this subsection apply throughout this
22 section unless the context clearly requires otherwise.

23 (a) "Distributive share" means the owner's share of income, gain,
24 loss, or deduction as determined under the entity's governing
25 documents and federal income tax law.

26 (b) "Electing entity" means a pass-through entity that has made a
27 valid election under subsection (2)(c) of this section.

28 (c) "Nonresident owner" means an owner who is not a resident of
29 this state for individual income tax purposes.

30 (d) "Owner" means a partner, member, or shareholder of a pass-
31 through entity.

32 (e) "Resident owner" means an owner who is a resident of this
33 state for individual income tax purposes.

34 (f) "State source income" means income, gain, or loss derived
35 from sources within this state, determined under the allocation and
36 apportionment provisions of section 405 of this act.

37
38 **PART VI**
CRIMES

1 NEW SECTION. **Sec. 601.** CRIMES. (1) Any person who knowingly
2 attempts to evade the tax imposed under this chapter or payment
3 thereof is guilty of a class C felony as provided in chapter 9A.20
4 RCW.

5 (2) Any person required to collect tax imposed under this chapter
6 who knowingly fails to truthfully account for or pay over the tax is
7 guilty of a class C felony as provided in chapter 9A.20 RCW.

(3) Any person who knowingly fails to pay tax, pay estimated tax, make returns, or supply information, as required under this chapter, is guilty of a gross misdemeanor as provided in chapter 9A.20 RCW.

PART VII
ADMINISTRATIVE PROVISIONS

13 NEW SECTION. **Sec. 701.** METHOD OF ACCOUNTING. (1) A taxpayer's
14 method of accounting for purposes of the tax imposed under this
15 chapter is the same as the taxpayer's method of accounting for
16 federal income tax purposes. If no method of accounting has been
17 regularly used by a taxpayer for federal income tax purposes or if
18 the method used does not clearly reflect income, tax due under this
19 chapter is computed by the cash method of accounting.

20 (2) If a person's method of accounting is changed for federal
21 income tax purposes, it must be similarly changed for purposes of
22 this chapter.

23 NEW SECTION. **Sec. 702.** FILING TAX RETURNS. (1) (a) Except as
24 otherwise provided in this section or RCW 82.32.080, taxpayers owing
25 tax under this chapter must file, on forms prescribed by the
26 department, a return with the department on or before the date the
27 taxpayer's federal income tax return for the taxable year is required
28 to be filed. Individuals not owing tax under this chapter are not
29 required to file a return under this section.

30 (b) (i) Except as provided in (b)(ii) of this subsection (1),
31 returns and all supporting documents must be filed electronically
32 using the department's online tax filing service or other method of
33 electronic reporting as the department may authorize.

34 (ii) The department may waive the electronic filing requirement
35 in this subsection for good cause as provided in RCW 82.32.080.

36 (2) (a) Every taxpayer owing tax under this chapter must include
37 with the Washington return described in subsection (1) of this

1 section a copy of the taxpayer's federal income tax return filed with
2 the internal revenue service of the United States, including:

3 (i) All federal income tax forms, schedules, and other
4 attachments that directly relate to the taxpayer's federal adjusted
5 gross income; and

6 (ii) Any information, returns, and federal tax documents received
7 by the taxpayer that directly relate to the taxpayer's federal
8 adjusted gross income including, but not limited to, form W-2, form
9 1099-INT, form 1099-DIV, form 1099-NEC, form 1099-MISC, form 1099-B,
10 schedule K-1 (form 1065), and schedule K-1 (form 1120-S).

11 (b) A taxpayer must provide to the department, upon request,
12 other federal tax return information needed to verify the tax owed
13 under this chapter.

14 (c) The department may prescribe by rule additional reporting or
15 verification requirements under this subsection (2) to substantiate
16 an individual's federal adjusted gross income.

17 (3) Each taxpayer required to file a return under this section
18 must, without assessment, notice, or demand, pay any tax due thereon
19 to the department on or before the date fixed for the filing of the
20 return, regardless of any filing extension. The tax must be paid by
21 electronic funds transfer as defined in RCW 82.32.085 or by other
22 forms of electronic payment as may be authorized by the department.
23 The department may waive the electronic payment requirement for good
24 cause as provided in RCW 82.32.080. If any tax due under this chapter
25 is not paid by the due date, interest and penalties as provided in
26 chapter 82.32 RCW apply to the deficiency.

27 (4) If a taxpayer has obtained an extension of time for filing
28 the federal income tax return for the taxable year and the taxpayer
29 provides the department, on or before the date fixed for the filing
30 of the return, regardless of any filing extension, evidence
31 satisfactory to the department confirming the federal extension, the
32 taxpayer is entitled to the same extension of time for filing the
33 return required under this section. An extension under this
34 subsection for the filing of a return under this chapter is not an
35 extension of time to pay the tax due under this chapter.

36 (5) (a) If any return due under subsection (1) of this section,
37 along with a copy of the federal income tax return, is not filed with
38 the department by the due date or any extension granted by the
39 department, the department must assess a penalty in the amount of
40 five percent of the tax due for the taxable year covered by the

1 return for each month or portion of a month that the return remains
2 unfiled. The total penalty assessed under this subsection may not
3 exceed 25 percent of the tax due for the taxable year covered by the
4 delinquent return. The penalty under this subsection is in addition
5 to any penalties assessed for the late payment of any tax due on the
6 return.

7 (b) The department must waive or cancel the penalty imposed under
8 this subsection if:

9 (i) The department is persuaded that the taxpayer's failure to
10 file the return by the due date was due to circumstances beyond the
11 taxpayer's control; or

12 (ii) The taxpayer has not been delinquent in filing any return
13 due under this section during the preceding five calendar years and
14 the taxpayer has not been contacted by the department for enforcement
15 purposes regarding the reporting period covered by the waiver
16 request.

17 (6) The department must waive or cancel the penalty imposed under
18 RCW 82.32.090(1) on a payment required under this section when the
19 circumstances under which the delinquency occurred do not qualify for
20 waiver or cancellation under RCW 82.32.105(1) if all of the following
21 apply:

22 (a) A taxpayer requests a waiver of penalty for a payment
23 required under this section;

24 (b) The taxpayer has not been contacted by the department for
25 enforcement purposes regarding the reporting period covered by the
waiver request; and

27 (c) The taxpayer has timely remitted payment on all tax returns
28 due under this section during the preceding five calendar years.

29 (7) (a) In the event a taxpayer's federal income tax return is
30 changed in a manner that is final after their return required under
31 subsection (1) of this section is filed with the department and the
32 taxpayer's federal income tax return is changed in a manner that
33 impacts either the calculation of their Washington adjusted gross
34 income or their tax liability under this chapter, or both, the
35 taxpayer must amend the taxpayer's return due under subsection (1) of
36 this section for the same tax year in which their federal income tax
37 return is changed. For the purposes of this subsection (7), a federal
38 income tax return is changed in a manner that is final when such
39 change is not subject to either administrative review by the United
40 States internal revenue service or judicial review in a court of

1 competent jurisdiction, or both. A change is also final in the case
2 of an audit finding in the following circumstances:

3 (i) The taxpayer has received audit findings from the internal
4 revenue service for the tax period and the taxpayer does not timely
5 file an administrative appeal with the internal revenue service.

6 (ii) The taxpayer consented to any of the audit findings for the
7 tax period through a form or other written agreement with the United
8 States internal revenue service.

9 (b) If the return is not amended, as required under this
10 subsection (7), with the department within 90 days of the federal
11 income tax return change becoming final, the department must assess
12 on the 91st day a penalty in the amount of five percent of any
13 additional tax due for the taxable year covered by the return for
14 each month or portion of a month that the return is not timely
15 amended as required by this subsection. The total penalty assessed
16 under this subsection (7)(b) may not exceed 25 percent of the
17 additional tax due for the taxable year covered by the delinquent
18 return amendment. The penalty under this subsection (7)(b) is in
19 addition to any penalties assessed under this section.

20 (8)(a) No assessment or correction of an assessment for
21 additional taxes, penalties, or interest due may be made by the
22 department more than four years after the year in which a return is
23 filed under subsection (1) of this section except:

24 (i) When the taxpayer's federal income tax return is changed in a
25 manner that requires an amended return under subsection (7) of this
26 section; or

27 (ii) As provided in RCW 82.32.050(4).

28 (b) In the event the statute of limitations is extended under
29 (a)(i) of this subsection, no assessment or correction of an
30 assessment for additional taxes, penalties, or interest due may be
31 made by the department more than four years after the year in which
32 an amended return is filed with the department as required under
33 subsection (7) of this section. Any assessment or correction of an
34 assessment for additional taxes, penalties, or interest due under
35 this subsection (8)(b) but made by the department more than four
36 years after the year in which a return is filed under subsection (1)
37 of this section must be directly related to the federal income tax
38 return change described in subsection (7) of this section.

1 NEW SECTION. **Sec. 703.** REQUIREMENT FOR SEPARATE OR JOINT

2 RETURNS. (1) If the federal income tax liabilities of both spouses
3 are determined on a joint federal return for the taxable year, they
4 must file a joint return under this chapter.

5 (2) Except as otherwise provided in this subsection (2), if the
6 federal income tax liability of any individual, including either
7 spouse of a marital community, is determined on a separate federal
8 return for the taxable year, they must file separate returns under
9 this chapter. State registered domestic partners may file a joint
10 return under this chapter even if they filed separate federal returns
11 for the taxable year.

12 (3) The liability for tax due under this chapter of each spouse
13 or state registered domestic partner is joint and several, unless:

14 (a) The spouse is relieved of liability for federal tax purposes
15 as provided under 26 U.S.C. Sec. 6015 of the internal revenue code;
16 or

17 (b) The department determines that the state registered domestic
18 partner qualifies for relief as provided by rule of the department.
19 Such rule, to the extent possible without being inconsistent with
20 this chapter, must follow 26 U.S.C. Sec. 6015.

21 (4) (a) Unless the context clearly indicates otherwise,
22 individuals who are spouses or state registered domestic partners are
23 not considered separate taxpayers for the purposes of this chapter
24 regardless of whether they file a joint or separate return for the
25 tax imposed under this chapter. The activities and assets of each
26 spouse or state registered domestic partner are combined as if they
27 were one individual for the purposes of determining the applicability
28 of any threshold amounts, caps, deductions, credits, or any other
29 amounts related to the activities or assets of an individual
30 throughout this chapter.

31 (b) (i) Except as provided in (b) (ii) of this subsection (4), when
32 an individual does not file a joint return for the tax imposed under
33 this chapter, both spouses or state registered domestic partners must
34 allocate between themselves their respective share of the marital
35 community's or domestic partnership's assets and activity. The
36 allocation must be reported to the department on any returns required
37 to be filed pursuant to this chapter in a manner prescribed by the
38 department.

39 (ii) If both spouses or state registered domestic partners cannot
40 agree on an allocation of assets and activity as authorized under

1 (b)(i) of this subsection (4), each spouse is limited to one-half of
2 the total assets and activities of their marital community or
3 domestic partnership.

4 **NEW SECTION.** **Sec. 704.** ADMINISTRATION OF CHAPTER CONSISTENT
5 WITH CHAPTER 82.32 RCW. Except as otherwise provided by law and to
6 the extent not inconsistent with the provisions of this chapter,
7 chapter 82.32 RCW applies to the administration of taxes imposed
8 under this chapter.

9 **Sec. 705.** RCW 82.32.050 and 2025 c 409 s 12 are each amended to
10 read as follows:

11 (1) If upon examination of any returns or from other information
12 obtained by the department it appears that a tax or penalty has been
13 paid less than that properly due, the department shall assess against
14 the taxpayer such additional amount found to be due and shall add
15 thereto interest on the tax only. The department shall notify the
16 taxpayer by mail, or electronically as provided in RCW 82.32.135, of
17 the additional amount and the additional amount shall become due and
18 shall be paid within 30 days from the date of the notice, or within
19 such further time as the department may provide.

20 (a) For tax liabilities arising before January 1, 1992, interest
21 shall be computed at the rate of nine percent per annum from the last
22 day of the year in which the deficiency is incurred until the earlier
23 of December 31, 1998, or the date of payment. After December 31,
24 1998, the rate of interest shall be variable and computed as provided
25 in subsection (2) of this section. The rate so computed shall be
26 adjusted on the first day of January of each year for use in
27 computing interest for that calendar year.

28 (b) For tax liabilities arising after December 31, 1991, the rate
29 of interest shall be variable and computed as provided in subsection
30 (2) of this section from the last day of the year in which the
31 deficiency is incurred until the date of payment. The rate so
32 computed shall be adjusted on the first day of January of each year
33 for use in computing interest for that calendar year.

34 (c)(i) Except as otherwise provided in this subsection (1)(c),
35 interest imposed after December 31, 1998, shall be computed from the
36 last day of the month following each calendar year included in a
37 notice, and the last day of the month following the final month

1 included in a notice if not the end of a calendar year, until the due
2 date of the notice.

3 (ii) For interest associated with annual tax reporting periods
4 having a due date as prescribed in RCW 82.32.045(3) ((and))~~82.87.110, and section 702 of this act,~~ interest must be computed
5 from the last day of April immediately following each such annual
6 reporting period included in the notice, until the due date of the
7 notice.

8 (iii) For purposes of computing interest under (c)(i) and (ii) of
9 this subsection (1):

10 (A) The same computation of interest applies regardless of
11 whether the department grants additional time for filing any return
12 under RCW 82.32.080(4)(a)(i).

13 (B) If the department extends a due date under subsection (3) of
14 this section or RCW 82.32.080(4)(b), and payment is not made in full
15 by the extended due date, interest is computed from the last day of
16 the month in which the extended due date occurs until the date of
17 payment.

18 (iv) If payment in full is not made by the due date of the
19 notice, additional interest shall be computed under this subsection
20 (1)(c) until the date of payment. The rate of interest shall be
21 variable and computed as provided in subsection (2) of this section.
22 The rate so computed shall be adjusted on the first day of January of
23 each year for use in computing interest for that calendar year.

24 (2) For the purposes of this section, the rate of interest to be
25 charged to the taxpayer shall be an average of the federal short-term
26 rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points.
27 The rate set for each new year shall be computed by taking an
28 arithmetical average to the nearest percentage point of the federal
29 short-term rate, compounded annually. That average shall be
30 calculated using the rates from four months: January, April, and July
31 of the calendar year immediately preceding the new year, and October
32 of the previous preceding year.

33 (3) During a state of emergency declared under RCW 43.06.010(12),
34 the department, on its own motion or at the request of any taxpayer
35 affected by the emergency, may extend the due date of any assessment
36 or correction of an assessment for additional taxes, penalties, or
37 interest as the department deems proper.

38 (4) No assessment or correction of an assessment for additional
39 taxes, penalties, or interest due may be made by the department more

1 than four years after the close of the tax year, except (a) against a
2 taxpayer who has not registered as required by this chapter, (b) upon
3 a showing of fraud or of misrepresentation of a material fact by the
4 taxpayer, or (c) where a taxpayer has executed a written waiver of
5 such limitation. The execution of a written waiver shall also extend
6 the period for making a refund or credit as provided in RCW
7 82.32.060(2).

8 (5) For the purposes of this section, the following definitions
9 apply:

10 (a) "Due date of the notice" means the date indicated in the
11 notice by which the amount due in the notice must be paid, or such
12 later date as provided by RCW 1.12.070(3).

13 (b) "Return" means any document a person is required by the state
14 of Washington to file to satisfy or establish a tax or fee obligation
15 that is administered or collected by the department and that has a
16 statutorily defined due date. "Return" also means an application for
17 refund under RCW 82.08.0206.

18 **Sec. 706.** RCW 82.32.060 and 2025 c 409 s 13 are each amended to
19 read as follows:

20 (1) If, upon receipt of an application by a taxpayer for a refund
21 or for an audit of the taxpayer's records, or upon an examination of
22 the returns or records of any taxpayer, it is determined by the
23 department that within the statutory period for assessment of taxes,
24 penalties, or interest prescribed by RCW 82.32.050 any amount of tax,
25 penalty, or interest has been paid in excess of that properly due,
26 the excess amount paid within, or attributable to, such period must
27 be credited to the taxpayer's account or must be refunded to the
28 taxpayer, at the taxpayer's option. Except as provided in subsection
29 (2) of this section, no refund or credit may be made for taxes,
30 penalties, or interest paid more than four years prior to the
31 beginning of the calendar year in which the refund application is
32 made or examination of records is completed.

33 (2) (a) The execution of a written waiver under RCW 82.32.050 or
34 82.32.100 will extend the time for making a refund or credit of any
35 taxes paid during, or attributable to, the years covered by the
36 waiver if, prior to the expiration of the waiver period, an
37 application for refund of such taxes is made by the taxpayer or the
38 department discovers a refund or credit is due.

1 (b) A refund or credit must be allowed for an excess payment
2 resulting from the failure to claim a bad debt deduction, credit, or
3 refund under RCW 82.04.4284, 82.08.037, 82.12.037, 82.14B.150, or
4 82.16.050(5) for debts that became bad debts under 26 U.S.C. Sec.
5 166, as amended or renumbered as of January 1, 2003, less than four
6 years prior to the beginning of the calendar year in which the refund
7 application is made or examination of records is completed.

8 (3) Any such refunds must be made by means of vouchers approved
9 by the department and by the issuance of state warrants drawn upon
10 and payable from such funds as the legislature may provide. However,
11 taxpayers who are required to pay taxes by electronic funds transfer
12 under RCW 82.32.080 must have any refunds paid by electronic funds
13 transfer if the department has the necessary account information to
14 facilitate a refund by electronic funds transfer.

15 (4) Any judgment for which a recovery is granted by any court of
16 competent jurisdiction, not appealed from, for tax, penalties, and
17 interest which were paid by the taxpayer, and costs, in a suit by any
18 taxpayer must be paid in the same manner, as provided in subsection
19 (3) of this section, upon the filing with the department of a
20 certified copy of the order or judgment of the court.

21 (a) Interest at the rate of three percent per annum must be
22 allowed by the department and by any court on the amount of any
23 refund, credit, or other recovery allowed to a taxpayer for taxes,
24 penalties, or interest paid by the taxpayer before January 1, 1992.
25 This rate of interest applies for all interest allowed through
26 December 31, 1998. Interest allowed after December 31, 1998, must be
27 computed at the rate as computed under RCW 82.32.050(2). The rate so
28 computed must be adjusted on the first day of January of each year
29 for use in computing interest for that calendar year.

30 (b) For refunds or credits of amounts paid or other recovery
31 allowed to a taxpayer after December 31, 1991, the rate of interest
32 must be the rate as computed for assessments under RCW 82.32.050(2)
33 less one percent. This rate of interest applies for all interest
34 allowed through December 31, 1998. Interest allowed after December
35 31, 1998, must be computed at the rate as computed under RCW
36 82.32.050(2). The rate so computed must be adjusted on the first day
37 of January of each year for use in computing interest for that
38 calendar year.

39 (5) Interest allowed on a credit notice or refund issued after
40 December 31, 2003, must be computed as follows:

1 (a) If all overpayments for each calendar year and all reporting
2 periods ending with the final month included in a notice or refund
3 were made on or before the due date of the final return for each
4 calendar year or the final reporting period included in the notice or
5 refund:

6 (i) Interest must be computed from January 31st following each
7 calendar year included in a notice or refund;

8 (ii) Interest must be computed from the last day of the month
9 following the final month included in a notice or refund; or

10 (iii) For interest associated with annual tax reporting periods
11 having a due date as prescribed in RCW 82.32.045(3) ((and)),
12 82.87.110, and section 702 of this act, interest must be computed
13 from the last day of April following each such annual reporting
14 period included in a notice or refund.

15 (b) If the taxpayer has not made all overpayments for each
16 calendar year and all reporting periods ending with the final month
17 included in a notice or refund on or before the dates specified by
18 RCW 82.32.045 for the final return for each calendar year or the
19 final month included in the notice or refund, interest must be
20 computed from the last day of the month following the date on which
21 payment in full of the liabilities was made for each calendar year
22 included in a notice or refund, and the last day of the month
23 following the date on which payment in full of the liabilities was
24 made if the final month included in a notice or refund is not the end
25 of a calendar year.

26 (c) Interest included in a credit notice must accrue up to the
27 date the taxpayer could reasonably be expected to use the credit
28 notice, as defined by the department's rules. If a credit notice is
29 converted to a refund, interest must be recomputed to the date the
30 refund is issued, but not to exceed the amount of interest that would
31 have been allowed with the credit notice.

32 **Sec. 707.** RCW 82.32.090 and 2025 c 409 s 14 are each amended to
33 read as follows:

34 (1) If payment of any tax due on a return to be filed by a
35 taxpayer is not received by the department of revenue by the due
36 date, there is assessed a penalty of nine percent of the amount of
37 the tax; and if the tax is not received on or before the last day of
38 the month following the due date, there is assessed a total penalty
39 of 19 percent of the amount of the tax under this subsection; and if

1 the tax is not received on or before the last day of the second month
2 following the due date, there is assessed a total penalty of 29
3 percent of the amount of the tax under this subsection. No penalty so
4 added may be less than \$5.

5 (2) If the department of revenue determines that any tax has been
6 substantially underpaid, there is assessed a penalty of five percent
7 of the amount of the tax determined by the department to be due. If
8 payment of any tax determined by the department to be due is not
9 received by the department by the due date specified in the notice,
10 or any extension thereof, there is assessed a total penalty of 15
11 percent of the amount of the tax under this subsection; and if
12 payment of any tax determined by the department to be due is not
13 received on or before the 30th day following the due date specified
14 in the notice of tax due, or any extension thereof, there is assessed
15 a total penalty of 25 percent of the amount of the tax under this
16 subsection. No penalty so added may be less than \$5. As used in this
17 ((section)) subsection, "substantially underpaid" means that the
18 taxpayer has paid less than 80 percent of the amount of tax
19 determined by the department to be due for all of the types of taxes
20 included in, and for the entire period of time covered by, the
21 department's examination, and the amount of underpayment is at least
22 \$1,000.

23 (3) If a warrant is issued by the department of revenue for the
24 collection of taxes, increases, and penalties, there is added thereto
25 a penalty of 10 percent of the amount of the tax, but not less than
26 \$10.

27 (4) If the department finds that a person has engaged in any
28 business or performed any act upon which a tax is imposed under this
29 title and that person has not obtained from the department a
30 registration certificate as required by RCW 82.32.030, the department
31 must impose a penalty of five percent of the amount of tax due from
32 that person for the period that the person was not registered as
33 required by RCW 82.32.030. The department may not impose the penalty
34 under this subsection (4) if a person who has engaged in business
35 taxable under this title without first having registered as required
36 by RCW 82.32.030, prior to any notification by the department of the
37 need to register, obtains a registration certificate from the
38 department.

39 (5) If the department finds that a taxpayer has disregarded
40 specific written instructions as to reporting or tax liabilities, or

1 willfully disregarded the requirement to file returns or remit
2 payment electronically, as provided by RCW 82.32.080, the department
3 must add a penalty of 10 percent of the amount of the tax that should
4 have been reported and/or paid electronically or the additional tax
5 found due if there is a deficiency because of the failure to follow
6 the instructions. A taxpayer disregards specific written instructions
7 when the department has informed the taxpayer in writing of the
8 taxpayer's tax obligations and the taxpayer fails to act in
9 accordance with those instructions unless, in the case of a
10 deficiency, the department has not issued final instructions because
11 the matter is under appeal pursuant to this chapter or departmental
12 regulations. The department may not assess the penalty under this
13 section upon any taxpayer who has made a good faith effort to comply
14 with the specific written instructions provided by the department to
15 that taxpayer. A taxpayer will be considered to have made a good
16 faith effort to comply with specific written instructions to file
17 returns and/or remit taxes electronically only if the taxpayer can
18 show good cause, as defined in RCW 82.32.080, for the failure to
19 comply with such instructions. A taxpayer will be considered to have
20 willfully disregarded the requirement to file returns or remit
21 payment electronically if the department has mailed or otherwise
22 delivered the specific written instructions to the taxpayer on at
23 least two occasions. Specific written instructions may be given as a
24 part of a tax assessment, audit, determination, closing agreement, or
25 other written communication, provided that such specific written
26 instructions apply only to the taxpayer addressed or referenced on
27 such communication. Any specific written instructions by the
28 department must be clearly identified as such and must inform the
29 taxpayer that failure to follow the instructions may subject the
30 taxpayer to the penalties imposed by this subsection. If the
31 department determines that it is necessary to provide specific
32 written instructions to a taxpayer that does not comply with the
33 requirement to file returns or remit payment electronically as
34 provided in RCW 82.32.080, the specific written instructions must
35 provide the taxpayer with a minimum of 45 days to come into
36 compliance with its electronic filing and/or payment obligations
37 before the department may impose the penalty authorized in this
38 subsection.

39 (6) If the department finds that all or any part of a deficiency
40 resulted from engaging in a disregarded transaction, as described in

1 RCW 82.32.655(3), the department must assess a penalty of 35 percent
2 of the additional tax found to be due as a result of engaging in a
3 transaction disregarded by the department under RCW 82.32.655(2). The
4 penalty provided in this subsection may be assessed together with any
5 other applicable penalties provided in this section on the same tax
6 found to be due, except for the evasion penalty provided in
7 subsection (7) of this section. The department may not assess the
8 penalty under this subsection if, before the department discovers the
9 taxpayer's use of a transaction described under RCW 82.32.655(3), the
10 taxpayer discloses its participation in the transaction to the
11 department.

12 (7) If the department finds that all or any part of the
13 deficiency resulted from an intent to evade the tax payable
14 hereunder, a further penalty of 50 percent of the additional tax
15 found to be due must be added.

16 (8) The penalties imposed under subsections (1) through (4) of
17 this section can each be imposed on the same tax found to be due.
18 This subsection does not prohibit or restrict the application of
19 other penalties authorized by law.

20 (9) The department may not impose the evasion penalty in
21 combination with the penalty for disregarding specific written
22 instructions or the penalty provided in subsection (6) of this
23 section on the same tax found to be due.

24 (10) If a taxpayer substantially underpays an estimated payment
25 of tax imposed under RCW 82.87.040 pursuant to RCW 82.87.110(3),
26 there is assessed a penalty of five percent of the amount of the
27 actual tax due for tax imposed under RCW 82.87.040. As used in this
28 ((section)) subsection, "substantially underpaid" means that an
29 individual's estimated payment for taxes imposed under RCW 82.87.040
30 was less than 80 percent of the actual tax due, and at least \$1,000.

31 (11) If the total estimated tax payments under section 501 of
32 this act for the tax year are substantially underpaid, there is
33 assessed a penalty of five percent of the amount of the underpaid
34 tax. If a pass-through entity makes an election under section 502 of
35 this act, this subsection (11) applies to the estimated tax payments
36 of the pass-through entity in lieu of the individual. As used in this
37 subsection, "substantially underpaid" means that an individual's
38 total annual estimated tax payments under section 501 of this act
39 were less than 80 percent of the actual annual tax due, and at least
40 \$5,000.

1 (12) For the purposes of this section, "return" means any
2 document a person is required by the state of Washington to file to
3 satisfy or establish a tax or fee obligation that is administered or
4 collected by the department, and that has a statutorily defined due
5 date. "Return" also includes the submission of any estimated payment
6 of tax as provided in RCW 82.87.110(3) and the confirmation of an
7 extension of the filing due date required under RCW 82.87.110(5).

8 NEW SECTION. **Sec. 708.** ESTIMATION AGREEMENTS. The department
9 may reasonably estimate the items of business or nonbusiness income
10 of a taxpayer having an office within the state and one or more other
11 states or foreign countries which may be apportioned or allocated to
12 the state and may enter into estimation agreements with such
13 taxpayers for the determination of their liability for the tax
14 imposed by this chapter.

15 NEW SECTION. **Sec. 709.** PROVISIONS OF INTERNAL REVENUE CODE
16 CONTROL. (1) To the extent possible without being inconsistent with
17 this chapter, all of the provisions of subtitle F (procedure and
18 administration) of the internal revenue code relating to the
19 following subjects apply to the taxes imposed under this chapter:

20 (a) Timing and amount of tax prepayments under section 501 of
21 this act;

22 (b) Liability of transferees; and

23 (c) Time and manner of making returns, extensions of time for
24 filing returns, verification of returns, and the time when a return
25 is deemed to be filed by the department.

26 (2) The department by rule may provide modifications and
27 exceptions to the provisions listed in subsection (1) of this
28 section, if reasonably necessary to facilitate the prompt, efficient,
29 and equitable collection of tax under this chapter.

30 NEW SECTION. **Sec. 710.** RULES. The department may adopt rules
31 under chapter 34.05 RCW for the administration and enforcement of
32 this chapter. The rules, to the extent possible without being
33 inconsistent with this chapter, must follow the internal revenue code
34 and the regulations and rulings of the United States treasury
35 department with respect to the federal income tax. The department may
36 adopt as a part of these rules any portions of the internal revenue

1 code and United States treasury department regulations and rulings,
2 in whole or in part.

3 **NEW SECTION.** **Sec. 711.** LOCAL GOVERNMENT PUBLIC DEFENSE FUNDING
4 STABILIZATION ACCOUNT. (1) The local government public defense
5 funding stabilization account is hereby created in the state
6 treasury. All receipts specified under section 202(1)(a) of this act
7 must be deposited in the account. Moneys in the account may be spent
8 only after appropriation. Expenditures from the account may be used
9 only for distributions to counties and cities for public defense
10 services consistent with chapter 10.101 RCW. Counties and cities
11 receiving funds must comply with the requirements of RCW 10.101.060.

12 (2) On a quarterly basis, the state treasurer shall distribute
13 moneys deposited in the local government public defense funding
14 stabilization account as follows:

15 (a) 10 percent to cities on a pro rata basis, based upon the
16 annual number of misdemeanor criminal cases filed in courts under
17 each city's jurisdiction, as determined by the office of public
18 defense.

19 (b) The remainder to counties as follows:

20 (i) Six percent shall be distributed as a base allocation among
21 the counties. A county's base allocation is equal to the total amount
22 to be distributed under this subsection (2)(b)(i) divided by 39.

23 (ii) 94 percent shall be distributed as follows:

24 (A) 40 percent shall be distributed on a pro rata basis to each
25 county based on the county's personal income ratio as determined
26 under subsection (3) of this section; and

27 (B) 60 percent shall be distributed on a pro rata basis to each
28 county based upon the annual number of criminal cases filed in the
29 county superior court as a percentage of the total annual number of
30 criminal cases filed in the superior courts of all counties, as
31 determined under subsection (5) of this section.

32 (3) The office of financial management shall calculate each
33 county's personal income ratio by December 31, 2028, and December
34 31st of each year thereafter, using the most recent annual county
35 personal income data published by the federal bureau of economic
36 analysis for the state of Washington and notify the state treasurer.
37 The updated county personal income ratio applies to county
38 distributions in the following calendar year.

(4) For the purpose of this section, "county's personal income ratio" means the personal income of the county divided by the personal income of the state of Washington, as determined under subsection (3) of this section.

5 (5) For the purposes of this section, the annual number of
6 criminal cases filed in the county superior court is determined by
7 the most recent annual report of the courts of Washington, as
8 published by the office of the administrator for the courts.

9 (6) For the purposes of this section, the annual number of
10 misdemeanor criminal cases filed in courts under the city's
11 jurisdiction is determined by the most recent annual report of the
12 courts of Washington, as published by the office of the administrator
13 for the courts.

PART VIII
APPLICATION OF TAX TO PUBLIC PENSIONS

16 **Sec. 801.** RCW 2.10.180 and 2012 c 159 s 17 are each amended to
17 read as follows:

18 (1) Except as provided in subsections (2), (3), ((and)) (4), and
19 (5) of this section, the right of a person to a retirement allowance,
20 disability allowance, or death benefit, the retirement, disability or
21 death allowance itself, any optional benefit, any other right accrued
22 or accruing to any person under the provisions of this chapter, and
23 the moneys in the fund created under this chapter, are hereby exempt
24 from any state, county, municipal, or other local tax and shall not
25 be subject to execution, garnishment, or any other process of law
26 whatsoever whether the same be in actual possession of the person or
27 be deposited or loaned.

28 (2) Subsection (1) of this section shall not be deemed to
29 prohibit a beneficiary of a retirement allowance from authorizing
30 deductions therefrom for payment of premiums due on any group
31 insurance policy or plan issued for the benefit of a group comprised
32 of public employees of the state of Washington.

33 (3) Deductions made in the past from retirement benefits are
34 hereby expressly recognized, ratified, and affirmed. Future
35 deductions may only be made in accordance with this section.

36 (4) Subsection (1) of this section shall not prohibit the
37 department of retirement systems from complying with (a) a wage
38 assignment order for child support issued pursuant to chapter 26.18

1 RCW, (b) a notice of payroll deduction issued under chapter 26.23
2 RCW, (c) an order to withhold and deliver issued pursuant to chapter
3 74.20A RCW, (d) a mandatory benefits assignment order issued pursuant
4 to chapter 41.50 RCW, (e) a court order directing the department of
5 retirement systems to pay benefits directly to an obligee under a
6 dissolution order as defined in RCW 41.50.500(3) which fully complies
7 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
8 order expressly authorized by federal law.

9 (5) Subsection (1) of this section does not exempt any pension or
10 other benefit received under this chapter from tax under Title 82A
11 RCW (the new title created in section 1003 of this act).

12 **Sec. 802.** RCW 2.12.090 and 2012 c 159 s 18 are each amended to
13 read as follows:

14 (1) Except as provided in subsections (2), (3), ((and)) (4), and
15 (5) of this section, the right of any person to a retirement
16 allowance or optional retirement allowance under the provisions of
17 this chapter and all moneys and investments and income thereof are
18 exempt from any state, county, municipal, or other local tax and
19 shall not be subject to execution, garnishment, attachment, the
20 operation of bankruptcy or the insolvency laws, or other processes of
21 law whatsoever whether the same be in actual possession of the person
22 or be deposited or loaned and shall be unassignable except as herein
23 specifically provided.

24 (2) Subsection (1) of this section shall not prohibit the
25 department of retirement systems from complying with (a) a wage
26 assignment order for child support issued pursuant to chapter 26.18
27 RCW, (b) a notice of payroll deduction issued under chapter 26.23
28 RCW, (c) an order to withhold and deliver issued pursuant to chapter
29 74.20A RCW, (d) a mandatory benefits assignment order issued pursuant
30 to chapter 41.50 RCW, (e) a court order directing the department of
31 retirement systems to pay benefits directly to an obligee under a
32 dissolution order as defined in RCW 41.50.500(3) which fully complies
33 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
34 order expressly authorized by federal law.

35 (3) Subsection (1) of this section shall not be deemed to
36 prohibit a beneficiary of a retirement allowance from authorizing
37 deductions therefrom for payment of premiums due on any group
38 insurance policy or plan issued for the benefit of a group comprised
39 of public employees of the state of Washington.

1 (4) Deductions made in the past from retirement benefits are
2 hereby expressly recognized, ratified, and affirmed. Future
3 deductions may only be made in accordance with this section.

4 (5) Subsection (1) of this section does not exempt any pension or
5 other benefit received under this chapter from tax under Title 82A
6 RCW (the new title created in section 1003 of this act).

7 **Sec. 803.** RCW 6.15.020 and 2011 c 162 s 3 are each amended to
8 read as follows:

9 (1) It is the policy of the state of Washington to ensure the
10 well-being of its citizens by protecting retirement income to which
11 they are or may become entitled. For that purpose generally and
12 pursuant to the authority granted to the state of Washington under 11
13 U.S.C. Sec. 522(b)(2), the exemptions in this section relating to
14 retirement benefits are provided.

15 (2) Unless otherwise provided by federal law, any money received
16 by any citizen of the state of Washington as a pension from the
17 government of the United States, whether the same be in the actual
18 possession of such person or be deposited or loaned, shall be exempt
19 from execution, attachment, garnishment, or seizure by or under any
20 legal process whatever, and when a debtor dies, or absconds, and
21 leaves his or her family any money exempted by this subsection, the
22 same shall be exempt to the family as provided in this subsection.
23 This subsection shall not apply to child support collection actions
24 issued under chapter 26.18, 26.23, or 74.20A RCW, if otherwise
25 permitted by federal law, or to collection actions for taxes imposed
26 under Title 82A RCW (the new title created in section 1003 of this
27 act).

28 (3) The right of a person to a pension, annuity, or retirement
29 allowance or disability allowance, or death benefits, or any optional
30 benefit, or any other right accrued or accruing to any citizen of the
31 state of Washington under any employee benefit plan, and any fund
32 created by such a plan or arrangement, shall be exempt from
33 execution, attachment, garnishment, or seizure by or under any legal
34 process whatever. This subsection shall not apply to child support
35 collection actions issued under chapter 26.18, 26.23, or 74.20A RCW
36 if otherwise permitted by federal law, or to collection actions for
37 taxes imposed under Title 82A RCW (the new title created in section
38 1003 of this act). This subsection shall permit benefits under any
39 such plan or arrangement to be payable to a spouse, former spouse,

1 child, or other dependent of a participant in such plan to the extent
2 expressly provided for in a qualified domestic relations order that
3 meets the requirements for such orders under the plan, or, in the
4 case of benefits payable under a plan described in 26 U.S.C. Sec.
5 403(b) or 408 of the internal revenue code of 1986, as amended, or
6 section 409 of such code as in effect before January 1, 1984, to the
7 extent provided in any order issued by a court of competent
8 jurisdiction that provides for maintenance or support. This
9 subsection does not prohibit actions against an employee benefit
10 plan, or fund for valid obligations incurred by the plan or fund for
11 the benefit of the plan or fund.

12 (4) For the purposes of this section, the term "employee benefit
13 plan" means any plan or arrangement that is described in RCW
14 49.64.020, including any Keogh plan, whether funded by a trust or by
15 an annuity contract, and in 26 U.S.C. Sec. 401(a) or 403(a) of the
16 internal revenue code of 1986, as amended; or that is a tax-sheltered
17 annuity or a custodial account described in section 403(b) of such
18 code or an individual retirement account or an individual retirement
19 annuity described in section 408 of such code; or a Roth individual
20 retirement account described in section 408A of such code; or a
21 medical savings account or a health savings account described in
22 sections 220 and 223, respectively, of such code; or a retirement
23 bond described in section 409 of such code as in effect before
24 January 1, 1984. The term "employee benefit plan" shall not include
25 any employee benefit plan that is established or maintained for its
26 employees by the government of the United States, by the state of
27 Washington under chapter 2.10, 2.12, 41.26, 41.32, 41.34, 41.35,
28 41.37, 41.40, or 43.43 RCW or RCW 41.50.770, or by any agency or
29 instrumentality of the government of the United States.

30 (5) An employee benefit plan shall be deemed to be a spendthrift
31 trust, regardless of the source of funds, the relationship between
32 the trustee or custodian of the plan and the beneficiary, or the
33 ability of the debtor to withdraw or borrow or otherwise become
34 entitled to benefits from the plan before retirement. This subsection
35 shall not apply to child support collection actions issued under
36 chapter 26.18, 26.23, or 74.20A RCW, if otherwise permitted by
37 federal law, or to collection actions for taxes imposed under Title
38 82A RCW (the new title created in section 1003 of this act). This
39 subsection shall permit benefits under any such plan or arrangement
40 to be payable to a spouse, former spouse, child, or other dependent

1 of a participant in such plan to the extent expressly provided for in
2 a qualified domestic relations order that meets the requirements for
3 such orders under the plan, or, in the case of benefits payable under
4 a plan described in 26 U.S.C. Sec. 403(b) or 408 of the internal
5 revenue code of 1986, as amended, or section 409 of such code as in
6 effect before January 1, 1984, to the extent provided in any order
7 issued by a court of competent jurisdiction that provides for
8 maintenance or support.

9 (6) Unless prohibited by federal law, nothing contained in
10 subsection (3), (4), or (5) of this section shall be construed as a
11 termination or limitation of a spouse's community property interest
12 in an employee benefit plan held in the name of or on account of the
13 other spouse, who is the participant or the account holder spouse.
14 Unless prohibited by applicable federal law, at the death of the
15 nonparticipant, nonaccount holder spouse, the nonparticipant,
16 nonaccount holder spouse may transfer or distribute the community
17 property interest of the nonparticipant, nonaccount holder spouse in
18 the participant or account holder spouse's employee benefit plan to
19 the nonparticipant, nonaccount holder spouse's estate, testamentary
20 trust, inter vivos trust, or other successor or successors pursuant
21 to the last will of the nonparticipant, nonaccount holder spouse or
22 the law of intestate succession, and that distributee may, but shall
23 not be required to, obtain an order of a court of competent
24 jurisdiction, including a nonjudicial binding agreement or order
25 entered under chapter 11.96A RCW, to confirm the distribution. For
26 purposes of subsection (3) of this section, the distributee of the
27 nonparticipant, nonaccount holder spouse's community property
28 interest in an employee benefit plan shall be considered a person
29 entitled to the full protection of subsection (3) of this section.
30 The nonparticipant, nonaccount holder spouse's consent to a
31 beneficiary designation by the participant or account holder spouse
32 with respect to an employee benefit plan shall not, absent clear and
33 convincing evidence to the contrary, be deemed a release, gift,
34 relinquishment, termination, limitation, or transfer of the
35 nonparticipant, nonaccount holder spouse's community property
36 interest in an employee benefit plan. For purposes of this
37 subsection, the term "nonparticipant, nonaccount holder spouse" means
38 the spouse of the person who is a participant in an employee benefit
39 plan or in whose name an individual retirement account is maintained.
40 As used in this subsection, an order of a court of competent

1 jurisdiction entered under chapter 11.96A RCW includes an agreement,
2 as that term is used under RCW 11.96A.220.

3 **Sec. 804.** RCW 41.24.240 and 1995 c 11 s 13 are each amended to
4 read as follows:

5 (1) The right of any person to any future payment under the
6 provisions of this chapter shall not be transferable or assignable at
7 law or in equity, and none of the moneys paid or payable or the
8 rights existing under this chapter, shall be subject to execution,
9 levy, attachment, garnishment, or other legal process, or to the
10 operation of any bankruptcy or insolvency law. This section shall not
11 be applicable to any child support collection action taken under
12 chapter 26.18, 26.23, or 74.20A RCW. Benefits under this chapter
13 shall be payable to a spouse or ex-spouse to the extent expressly
14 provided for in any court decree of dissolution or legal separation
15 or in any court order or court-approved property settlement agreement
16 incident to any court decree of dissolution or legal separation.

17 (2) Nothing in this chapter shall be construed to deprive any
18 participant, eligible to receive a pension hereunder, from receiving
19 a pension under any other act to which that participant may become
20 eligible by reason of services other than or in addition to his or
21 her services under this chapter.

22 (3) Subsection (1) of this section does not exempt any pension or
23 other benefit received under this chapter from tax under Title 82A
24 RCW (the new title created in section 1003 of this act).

25 **Sec. 805.** RCW 41.32.052 and 2012 c 159 s 20 are each amended to
26 read as follows:

27 (1) Subject to subsections (2) ((and)), (3), and (4) of this
28 section, the right of a person to a pension, an annuity, a retirement
29 allowance, or disability allowance, to the return of contributions,
30 any optional benefit or death benefit, any other right accrued or
31 accruing to any person under the provisions of this chapter and the
32 moneys in the various funds created by this chapter shall be
33 unassignable, and are hereby exempt from any state, county, municipal
34 or other local tax, and shall not be subject to execution,
35 garnishment, attachment, the operation of bankruptcy or insolvency
36 laws, or other process of law whatsoever whether the same be in
37 actual possession of the person or be deposited or loaned.

1 (2) This section shall not be deemed to prohibit a beneficiary of
2 a retirement allowance who is eligible:

3 (a) Under RCW 41.05.080 from authorizing monthly deductions
4 therefrom for payment of premiums due on any group insurance policy
5 or plan issued for the benefit of a group comprised of public
6 employees of the state of Washington or its political subdivisions;

7 (b) Under a group health care benefit plan approved pursuant to
8 RCW 28A.400.350 or 41.05.065 from authorizing monthly deductions
9 therefrom, of the amount or amounts of subscription payments,
10 premiums, or contributions to any person, firm, or corporation
11 furnishing or providing medical, surgical, and hospital care or other
12 health care insurance; or

13 (c) Under this system from authorizing monthly deductions
14 therefrom for payment of dues and other membership fees to any
15 retirement association composed of retired teachers and/or public
16 employees pursuant to a written agreement between the director and
17 the retirement association.

18 Deductions under (a) and (b) of this subsection shall be made in
19 accordance with rules that may be adopted by the director.

20 (3) Subsection (1) of this section shall not prohibit the
21 department from complying with (a) a wage assignment order for child
22 support issued pursuant to chapter 26.18 RCW, (b) an order to
23 withhold and deliver issued pursuant to chapter 74.20A RCW, (c) ((
24 ~~notice of payroll deduction~~) an income withholding order issued
25 pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order
26 issued by the department, (e) a court order directing the department
27 of retirement systems to pay benefits directly to an obligee under a
28 dissolution order as defined in RCW 41.50.500(3) which fully complies
29 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
30 order expressly authorized by federal law.

31 (4) Subsection (1) of this section does not exempt any pension or
32 other benefit received under this chapter from tax under Title 82A
33 RCW (the new title created in section 1003 of this act).

34 **Sec. 806.** RCW 41.34.080 and 2012 c 159 s 23 are each amended to
35 read as follows:

36 (1) Subject to subsections (2) ((and)), (3), and (4) of this
37 section, the right of a person to a pension, an annuity, a retirement
38 allowance, any optional benefit, any other right accrued or accruing
39 to any person under the provisions of this chapter, and the various

1 funds created by chapter 239, Laws of 1995; chapter 341, Laws of
2 1998; and chapter 247, Laws of 2000 and all moneys and investments
3 and income thereof, is hereby exempt from any state, county,
4 municipal, or other local tax, and shall not be subject to execution,
5 garnishment, attachment, the operation of bankruptcy or insolvency
6 laws, or other process of law whatsoever, whether the same be in
7 actual possession of the person or be deposited or loaned and shall
8 be unassignable.

9 (2) This section shall not be deemed to prohibit a beneficiary of
10 a retirement allowance from authorizing deductions therefrom for
11 payment of premiums due on any group insurance policy or plan issued
12 for the benefit of a group comprised of public employees of the state
13 of Washington or its political subdivisions and that has been
14 approved for deduction in accordance with rules that may be adopted
15 by the state health care authority and/or the department. This
16 section shall not be deemed to prohibit a beneficiary of a retirement
17 allowance from authorizing deductions therefrom for payment of dues
18 and other membership fees to any retirement association or
19 organization the membership of which is composed of retired public
20 employees, if a total of three hundred or more of such retired
21 employees have authorized such deduction for payment to the same
22 retirement association or organization.

23 (3) Subsection (1) of this section shall not prohibit the
24 department from complying with (a) a wage assignment order for child
25 support issued pursuant to chapter 26.18 RCW, (b) an order to
26 withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a
27 (~~notice of payroll deduction~~) income withholding order issued
28 pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order
29 issued by the department, (e) a court order directing the department
30 to pay benefits directly to an obligee under a dissolution order as
31 defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670
32 and 41.50.700, or (f) any administrative or court order expressly
33 authorized by federal law.

34 (4) Subsection (1) of this section does not exempt any pension or
35 other benefit received under this chapter from tax under Title 82A
36 RCW (the new title created in section 1003 of this act).

37 **Sec. 807.** RCW 41.35.100 and 2012 c 159 s 24 are each amended to
38 read as follows:

1 (1) Subject to subsections (2) ((and)), (3), and (4) of this
2 section, the right of a person to a pension, an annuity, or
3 retirement allowance, any optional benefit, any other right accrued
4 or accruing to any person under the provisions of this chapter, the
5 various funds created by this chapter, and all moneys and investments
6 and income thereof, are hereby exempt from any state, county,
7 municipal, or other local tax, and shall not be subject to execution,
8 garnishment, attachment, the operation of bankruptcy or insolvency
9 laws, or other process of law whatsoever, whether the same be in
10 actual possession of the person or be deposited or loaned and shall
11 be unassignable.

12 (2) This section does not prohibit a beneficiary of a retirement
13 allowance from authorizing deductions therefrom for payment of
14 premiums due on any group insurance policy or plan issued for the
15 benefit of a group comprised of public employees of the state of
16 Washington or its political subdivisions and which has been approved
17 for deduction in accordance with rules that may be adopted by the
18 state health care authority and/or the department. This section also
19 does not prohibit a beneficiary of a retirement allowance from
20 authorizing deductions therefrom for payment of dues and other
21 membership fees to any retirement association or organization the
22 membership of which is composed of retired public employees, if a
23 total of three hundred or more of such retired employees have
24 authorized such deduction for payment to the same retirement
25 association or organization.

26 (3) Subsection (1) of this section does not prohibit the
27 department from complying with (a) a wage assignment order for child
28 support issued pursuant to chapter 26.18 RCW, (b) an order to
29 withhold and deliver issued pursuant to chapter 74.20A RCW, (c) ((a
30 notice of payroll deduction)) an income withholding order issued
31 pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order
32 issued by the department, (e) a court order directing the department
33 of retirement systems to pay benefits directly to an obligee under a
34 dissolution order as defined in RCW 41.50.500(3) which fully complies
35 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
36 order expressly authorized by federal law.

37 (4) Subsection (1) of this section does not exempt any pension or
38 other benefit received under this chapter from tax under Title 82A
39 RCW (the new title created in section 1003 of this act).

1 **Sec. 808.** RCW 41.40.052 and 2012 c 159 s 26 are each amended to
2 read as follows:

3 (1) Subject to subsections (2) ~~((and))~~, (3), and (4) of this
4 section, the right of a person to a pension, an annuity, or
5 retirement allowance, any optional benefit, any other right accrued
6 or accruing to any person under the provisions of this chapter, the
7 various funds created by this chapter, and all moneys and investments
8 and income thereof, are hereby exempt from any state, county,
9 municipal, or other local tax, and shall not be subject to execution,
10 garnishment, attachment, the operation of bankruptcy or insolvency
11 laws, or other process of law whatsoever, whether the same be in
12 actual possession of the person or be deposited or loaned and shall
13 be unassignable.

14 (2) (a) This section shall not be deemed to prohibit a beneficiary
15 of a retirement allowance from authorizing deductions therefrom for
16 payment of premiums due on any group insurance policy or plan issued
17 for the benefit of a group comprised of public employees of the state
18 of Washington or its political subdivisions and which has been
19 approved for deduction in accordance with rules that may be adopted
20 by the state health care authority and/or the department, and this
21 section shall not be deemed to prohibit a beneficiary of a retirement
22 allowance from authorizing deductions therefrom for payment of dues
23 and other membership fees to any retirement association or
24 organization the membership of which is composed of retired public
25 employees, if a total of three hundred or more of such retired
26 employees have authorized such deduction for payment to the same
27 retirement association or organization.

28 (b) This section does not prohibit a beneficiary of a retirement
29 allowance from authorizing deductions from that allowance for
30 charitable purposes on the same terms as employees and public
31 officers under RCW 41.04.035 and 41.04.036.

32 (3) Subsection (1) of this section shall not prohibit the
33 department from complying with (a) a wage assignment order for child
34 support issued pursuant to chapter 26.18 RCW, (b) an order to
35 withhold and deliver issued pursuant to chapter 74.20A RCW, (c) ~~((a
36 notice of payroll deduction))~~ an income withholding order issued
37 pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order
38 issued by the department, (e) a court order directing the department
39 of retirement systems to pay benefits directly to an obligee under a
40 dissolution order as defined in RCW 41.50.500(3) which fully complies

1 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
2 order expressly authorized by federal law.

3 (4) Subsection (1) of this section does not exempt any pension or
4 other benefit received under this chapter from tax under Title 82A
5 RCW (the new title created in section 1003 of this act).

6 **Sec. 809.** RCW 41.44.240 and 2012 c 159 s 27 are each amended to
7 read as follows:

8 (1) The right of a person to a pension, annuity or a retirement
9 allowance, to the return of contribution, the pension, annuity or
10 retirement allowance itself, any optional benefit, any other right
11 accrued or accruing to any person under the provisions of this
12 chapter, and the moneys in the fund created under this chapter shall
13 not be subject to execution, garnishment, or any other process
14 whatsoever whether the same be in actual possession of the person or
15 be deposited or loaned.

16 (2) This section shall not apply to child support collection
17 actions taken under chapter 26.18, 26.23, or 74.20A RCW against
18 benefits payable under any such plan or arrangement. Benefits under
19 this chapter shall be payable to a spouse or ex-spouse to the extent
20 expressly provided for in any court decree of dissolution or legal
21 separation or in any court order or court-approved property
22 settlement agreement incident to any court decree of dissolution or
23 legal separation.

24 (3) Subsection (1) of this section does not exempt any pension or
25 other benefit received under this chapter from tax under Title 82A
26 RCW (the new title created in section 1003 of this act).

27 **Sec. 810.** RCW 41.26.053 and 2012 c 159 s 21 are each amended to
28 read as follows:

29 (1) Subject to subsections (2) ((and)), (3), and (4) of this
30 section, the right of a person to a retirement allowance, disability
31 allowance, or death benefit, to the return of accumulated
32 contributions, the retirement, disability or death allowance itself,
33 any optional benefit, any other right accrued or accruing to any
34 person under the provisions of this chapter, and the moneys in the
35 fund created under this chapter, are hereby exempt from any state,
36 county, municipal, or other local tax and shall not be subject to
37 execution, garnishment, attachment, the operation of bankruptcy or
38 insolvency laws, or any other process of law whatsoever, whether the

1 same be in actual possession of the person or be deposited or loaned
2 and shall be unassignable.

3 (2) On the written request of any person eligible to receive
4 benefits under this section, the department may deduct from such
5 payments the premiums for life, health, or other insurance. The
6 request on behalf of any child or children shall be made by the legal
7 guardian of such child or children. The department may provide for
8 such persons one or more plans of group insurance, through contracts
9 with regularly constituted insurance carriers or health care service
10 contractors.

11 (3) Subsection (1) of this section shall not prohibit the
12 department from complying with (a) a wage assignment order for child
13 support issued pursuant to chapter 26.18 RCW, (b) an order to
14 withhold and deliver issued pursuant to chapter 74.20A RCW, (c) ((
15 ~~notice of payroll deduction~~) an income withholding order issued
16 pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order
17 issued by the department, (e) a court order directing the department
18 of retirement systems to pay benefits directly to an obligee under a
19 dissolution order as defined in RCW 41.50.500(3) which fully complies
20 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
21 order expressly authorized by federal law.

22 (4) Subsection (1) of this section does not exempt any pension or
23 other benefit received under this chapter from tax under Title 82A
24 RCW (the new title created in section 1003 of this act).

25 **Sec. 811.** RCW 43.43.310 and 2012 c 159 s 28 are each amended to
26 read as follows:

27 (1) Except as provided in subsections (2) ((and)), (3), and (4)
28 of this section, the right of any person to a retirement allowance or
29 optional retirement allowance under the provisions hereof and all
30 moneys and investments and income thereof are exempt from any state,
31 county, municipal, or other local tax and shall not be subject to
32 execution, garnishment, attachment, the operation of bankruptcy or
33 the insolvency laws, or other processes of law whatsoever, whether
34 the same be in actual possession of the person or be deposited or
35 loaned and shall be unassignable except as herein specifically
36 provided.

37 (2) Subsection (1) of this section shall not prohibit the
38 department of retirement systems from complying with (a) a wage
39 assignment order for child support issued pursuant to chapter 26.18

1 RCW, (b) an order to withhold and deliver issued pursuant to chapter
2 74.20A RCW, (c) ((a notice of payroll deduction)) an income
3 withholding order issued pursuant to RCW 26.23.060, (d) a mandatory
4 benefits assignment order issued pursuant to chapter 41.50 RCW, (e) a
5 court order directing the department of retirement systems to pay
6 benefits directly to an obligee under a dissolution order as defined
7 in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and
8 41.50.700, or (f) any administrative or court order expressly
9 authorized by federal law.

10 (3) Subsection (1) of this section shall not be deemed to
11 prohibit a beneficiary of a retirement allowance from authorizing
12 deductions therefrom for payment of premiums due on any group
13 insurance policy or plan issued for the benefit of a group comprised
14 of members of the Washington state patrol or other public employees
15 of the state of Washington, or for contributions to the Washington
16 state patrol memorial foundation.

17 (4) Subsection (1) of this section does not exempt any pension or
18 other benefit received under this chapter from tax under Title 82A
19 RCW (the new title created in section 1003 of this act).

20
21 **PART IX**
TAX RELIEF

22 **Sec. 901.** RCW 82.08.0206 and 2024 c 3 s 1 are each amended to
23 read as follows:

24 (1) A working families' tax credit, funded by sales and use tax
25 imposed, is provided to eligible low-income persons for calendar
26 years beginning on or after January 1, 2022. The credit is refundable
27 and is calculated as provided in this section.

28 (2) For purposes of the credit in this section, the following
29 definitions apply:

30 (a) (i) "Eligible low-income person" means an individual who:

31 (A) Is eligible for the credit provided in Title 26 U.S.C. Sec.
32 of the internal revenue code;

33 (B) Properly files a federal income tax return for the prior
34 federal tax year, and was a Washington resident during the year for
35 which the credit is claimed; and

36 (C) Has paid either retail sales tax under this chapter or use
37 tax under chapter 82.12 RCW, or both. There is a rebuttable
38 presumption that a person paid either retail sales tax under this

1 chapter or use tax under chapter 82.12 RCW, or both, if they were a
2 Washington resident during the year for which the credit is claimed.

3 (ii) "Eligible low-income person" also means an individual who
4 meets the requirements provided in (a)(i)(B) of this subsection and
5 would otherwise qualify for the credit provided in Title 26 U.S.C.
6 Sec. 32 of the internal revenue code except that one or any
7 combination of the following conditions apply:

8 (A) The individual filed a federal income tax return for the
9 prior federal tax year using a valid individual taxpayer
10 identification number in lieu of a social security number, and the
11 individual's spouse, if any, and all qualifying children, if any,
12 have a valid individual taxpayer identification number or a social
13 security number; ~~((or))~~

14 (B) The individual filed their federal income tax return for the
15 prior federal tax year under the married filing separately status.
16 For purposes of the refund provided in this section, the special rule
17 for separated spouse under Title 26 U.S.C. Sec. 32(d)(2)(B) of the
18 internal revenue code does not apply; or

19 (C) The individual does not meet the age requirement under Title
20 26 U.S.C. Sec. 32(c)(1)(A)(ii)(II) of the internal revenue code, but
21 is at least age 18 by the end of the prior federal tax year.

22 (b) "Income" means earned income as defined by Title 26 U.S.C.
23 Sec. 32 of the internal revenue code.

24 (c) "Individual" means an individual or an individual and that
25 individual's spouse if they file a federal joint income tax return.

26 (d) "Internal revenue code" means the United States internal
27 revenue code of 1986, as amended, as of June 9, 2022, or such
28 subsequent date as the department may provide by rule consistent with
29 the purpose of this section.

30 (e) "Maximum qualifying income" means the maximum federally
31 adjusted gross income for the prior federal tax year.

32 (f) "Qualifying child" means a qualifying child as defined by
33 Title 26 U.S.C. Sec. 32 of the internal revenue code, except the
34 child may have a valid individual taxpayer identification number in
35 lieu of a social security number.

36 (g) "Washington resident" means an individual who is physically
37 present and residing in this state for at least 183 days. "Washington
38 resident" also includes an individual who is not physically present
39 and residing in this state for at least 183 days but is the spouse of

1 a Washington resident. For purposes of this subsection, "day" means a
2 calendar day or any portion of a calendar day.

3 (3) (a) Except as provided in (b) and (c) of this subsection, for
4 calendar year 2023 and thereafter, the working families' tax credit
5 refund amount for the prior calendar year is:

- 6 (i) \$300 for eligible persons with no qualifying children;
- 7 (ii) \$600 for eligible persons with one qualifying child;
- 8 (iii) \$900 for eligible persons with two qualifying children; or
- 9 (iv) \$1,200 for eligible persons with three or more qualifying
10 children.

11 (b) Except as provided in (f) of this subsection, the refund
12 amounts provided in (a) of this subsection will be reduced, rounded
13 to the nearest dollar, as follows:

14 (i) For eligible persons with no qualifying children, beginning
15 at \$2,500 of income below the federal phase-out income for the prior
16 federal tax year, by 18 percent per additional dollar of income until
17 the minimum credit amount as specified in (c) of this subsection is
18 reached.

19 (ii) For eligible persons with one qualifying child, beginning at
20 \$5,000 of income below the federal phase-out income for the prior
21 federal tax year, by 12 percent per additional dollar of income until
22 the minimum credit amount as specified in (c) of this subsection is
23 reached.

24 (iii) For eligible persons with two qualifying children,
25 beginning at \$5,000 of income below the federal phase-out income for
26 the prior federal tax year, by 15 percent per additional dollar of
27 income until the minimum credit amount as specified in (c) of this
28 subsection is reached.

29 (iv) For eligible persons with three or more qualifying children,
30 beginning at \$5,000 of income below the federal phase-out income for
31 the prior federal tax year, by 18 percent per additional dollar of
32 income until the minimum credit amount as specified in (c) of this
33 subsection is reached.

34 (c) If the refund for an eligible person as calculated in this
35 section is greater than zero cents, but less than \$50, the refund
36 amount is \$50.

37 (d) The refund amounts in this section shall be adjusted for
38 inflation every year beginning January 1, 2024, based upon changes in
39 the consumer price index that are published by November 15th of the

1 previous year for the most recent 12-month period. The adjusted
2 refund amounts must be rounded to the nearest \$5.

3 (e) For purposes of this section, "consumer price index" means,
4 for any 12-month period, the average consumer price index for that
5 12-month period for the Seattle, Washington area for urban wage
6 earners and clerical workers, all items, compiled by the bureau of
7 labor statistics, United States department of labor.

8 (f) The percentage rate of remittance reductions in (b) of this
9 subsection must be adjusted every year beginning January 1, 2023,
10 based on calculations by the department that result in the minimum
11 credit being received at the maximum qualifying income level.

12 (4) The working families' tax credit shall be administered as
13 provided in this subsection.

14 (a) The refund paid under this section will be paid to eligible
15 filers who apply pursuant to this subsection.

16 (i) Application must be made to the department in a form and
17 manner determined by the department. If the application process is
18 initially done electronically, the department must provide a paper
19 application upon request. The application must include any
20 information and documentation as required by the department. The
21 department may use the information provided by the individual to
22 calculate the refund amount. Income reported on the application may
23 be rounded to the nearest dollar.

24 (ii) An individual applying for the credit under this section
25 must keep records necessary for the department to verify eligibility
26 under this section. Any information provided by the individual is
27 subject to audit verification by the department.

28 (iii) In addition to information provided on the application, the
29 department may verify that an individual qualifies as a Washington
30 resident through the use of automated verification tools or other
31 reasonable means.

32 (iv) (A) Except as provided in (a)(iv)(B) of this subsection (4),
33 application for a refund under this section must be made in the year
34 following the year for which the federal tax return was filed, but in
35 no case may any refund be provided for any period before January 1,
36 2022.

37 (B) (I) A person may apply for any refund for which they were
38 eligible but did not claim under (a)(iv)(A) of this subsection (4)
39 for up to three additional years. A person must complete an
40 application to claim this refund within the three calendar years

1 after the end of the calendar year in which the federal income tax
2 return for that tax year was legally due for federal income tax
3 purposes, without regard to any federal extension.

4 (II) If a person seeks to increase the amount of a refund that
5 has been made under this subsection (4), the person must apply for
6 the amended refund within the nonclaims period established under RCW
7 82.32.060(1).

8 (v) A person may not claim a credit on behalf of a deceased
9 individual. No individual may claim a credit under this section for
10 any year in a disallowance period under Title 26 U.S.C. Sec. 32(k)(1)
11 of the internal revenue code or for any year for which the individual
12 is ineligible to claim the credit in Title 26 U.S.C. Sec. 32 of the
13 internal revenue code by reason of Title 26 U.S.C. Sec. 32(k)(2) of
14 the internal revenue code.

15 (b) The department shall protect the privacy and confidentiality
16 of personal data of refund recipients in accordance with chapter
17 82.32 RCW.

18 (c) The department shall, in conjunction with other agencies or
19 organizations, design and implement a public information campaign to
20 inform potentially eligible persons of the existence of, and
21 requirements for, the credit provided in this section.

22 (d) The department must work with the internal revenue service of
23 the United States to administer the credit on an automatic basis as
24 soon as practicable.

25 (5) Receipt of a refund under this section may not be used in
26 eligibility determinations for any state income support programs or
27 in making public charge determinations.

28 (6) The department may adopt rules necessary to implement this
29 section. This includes establishing a date by which applications will
30 be accepted, with the aim of accepting applications as soon as
31 possible.

32 (7) The department must review the application and determine
33 eligibility for the working families' tax credit based on information
34 provided by the applicant and through audit and other administrative
35 records, including, when it deems it necessary, verification through
36 information from the internal revenue service of the United States,
37 other federal agencies, Washington state agencies, third-party
38 entities, or other persons. The department may accept a signed
39 attestation in a form and manner determined by the department from an
40 individual to presumptively validate that an individual meets all the

1 eligibility requirements as provided in this section. The signed
2 attestation is subject to audit verification by the department to
3 validate an individual's eligibility for the working families' tax
4 credit.

5 (8) If, upon review of internal revenue service data or other
6 information obtained by the department, it appears that an individual
7 received a refund that the individual was not entitled to, or
8 received a larger refund than the individual was entitled to, the
9 department may assess against the individual the overpaid amount. The
10 department may also assess such overpaid amount against the
11 individual's spouse if the refund in question was based on both
12 spouses filing a joint federal income tax return for the year for
13 which the refund was claimed.

14 (a) Interest as provided under RCW 82.32.050 applies to
15 assessments authorized under this subsection (8) starting six months
16 after the date the department issued the assessment until the amount
17 due under this subsection (8) is paid in full to the department.
18 Except as otherwise provided in this subsection, penalties may not be
19 assessed on amounts due under this subsection.

20 (b) If an amount due under this subsection is not paid in full by
21 the date due, or the department issues a warrant for the collection
22 of amounts due under this subsection, the department may assess the
23 applicable penalties under RCW 82.32.090. Penalties under this
24 subsection (8)(b) may not be made due until six months after the
25 department's issuance of the assessment.

26 (c) If the department finds by clear, cogent, and convincing
27 evidence that an individual knowingly submitted, caused to be
28 submitted, or consented to the submission of, a fraudulent claim for
29 refund under this section, the department must assess a penalty of 50
30 percent of the overpaid amount. This penalty is in addition to any
31 other applicable penalties assessed in accordance with (b) of this
32 subsection (8).

33 (9) If, within the period allowed for refunds under RCW
34 82.32.060, the department finds that an individual received a lesser
35 refund than the individual was entitled to, the department must remit
36 the additional amount due under this section to the individual.

37 (10) Interest does not apply to refunds provided under this
38 section.

39 (11) Chapter 82.32 RCW applies to the administration of this
40 section.

1 **Sec. 902.** 2023 c 456 s 3 (uncodified) is amended to read as
2 follows:

3 (1) This section is the tax preference performance statement for
4 the tax preference contained in section 2, chapter 195, Laws of 2021
5 ~~((and))~~, section 1, chapter 456, Laws of 2023, and section 901,
6 chapter . . ., Laws of 2026 (section 901 of this act). This
7 performance statement is only intended to be used for subsequent
8 evaluation of the tax preference. It is not intended to create a
9 private right of action by any party or be used to determine
10 eligibility for the preferential tax treatment.

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

14 (3) It is the legislature's specific public policy objective to
15 allow low-income and middle-income workers to recover some or all of
16 the sales tax they pay to support state and local government as a way
17 to increase their economic security and to decrease the regressivity
18 of our state tax code. It is the legislature's intent to provide a
19 sales and use tax credit, in the form of a remittance, to low-income
20 and middle-income working families.

21 (4) The joint legislative audit and review committee shall review
22 this preference in 2028 and every 10 years thereafter. If a review
23 finds that the working families' tax credit does not provide
24 meaningful financial relief to low-income and middle-income
25 households, RCW 82.08.0206 expires at the end of the calendar year
26 two years after the adoption of the final report containing that
27 finding. The joint legislative audit and review committee shall
28 provide written notice of the expiration date of RCW 82.08.0206 to
29 the department of revenue, the chief clerk of the house of
30 representatives, the secretary of the senate, the office of the code
31 reviser, and others as deemed appropriate by the joint legislative
32 audit and review committee. In its review of the program, the joint
33 legislative audit and review committee should use at least the
34 following metrics: Size of the benefit per household, number of
35 household beneficiaries statewide, and demographic information of
36 beneficiaries to include family size, income level, race and
37 ethnicity, and geographic location. (5) In order to obtain the data
38 necessary to perform the review in subsection (4) of this section,
39 the joint legislative audit and review committee may refer to the
40 remittance data prepared by the department of revenue.

1 NEW SECTION. **Sec. 903.** A new section is added to chapter 82.08

2 RCW to read as follows:

3 (1) Beginning January 1, 2029, the tax levied by RCW 82.08.020
4 does not apply to the sales of grooming and hygiene products.

5 (2) For the purpose of this section, "grooming and hygiene
6 products" means soaps and cleaning solutions, shampoo, toothpaste,
7 mouthwash, antiperspirants, and sun tan lotions and screens,
8 regardless of whether the item meets the definition of "over-the-
9 counter drug," as defined in RCW 82.08.0281.

10 NEW SECTION. **Sec. 904.** A new section is added to chapter 82.12

11 RCW to read as follows:

12 (1) Beginning January 1, 2029, the tax levied by RCW 82.12.020
13 does not apply to the use of grooming and hygiene products.

14 (2) For purposes of this section, "grooming and hygiene products"
15 has the same meaning as provided in section 903 of this act.

16 **Sec. 905.** RCW 82.04.4451 and 2022 c 295 s 1 are each amended to

17 read as follows:

18 (1) In computing the tax imposed under this chapter, a credit is
19 allowed against the amount of tax otherwise due under this chapter,
20 as provided in this section. Except for taxpayers that report at
21 least 50 percent of their taxable amount under RCW 82.04.255,
22 82.04.290(2)(a), and 82.04.285, the maximum credit for a taxpayer for
23 a reporting period is ~~(((\$55))~~ \$125 multiplied by the number of months
24 in the reporting period, as determined under RCW 82.32.045. For a
25 taxpayer that reports at least 50 percent of its taxable amount under
26 RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for
27 a reporting period is ~~(((\$160))~~ \$375 multiplied by the number of
28 months in the reporting period, as determined under RCW 82.32.045.

29 (2) When the amount of tax otherwise due under this chapter is
30 equal to or less than the maximum credit, a credit is allowed equal
31 to the amount of tax otherwise due under this chapter.

32 (3) When the amount of tax otherwise due under this chapter
33 exceeds the maximum credit, a reduced credit is allowed equal to
34 twice the maximum credit, minus the tax otherwise due under this
35 chapter, but not less than zero.

36 (4) The department may prepare a tax credit table consisting of
37 tax ranges using increments of no more than five dollars and a
38 corresponding tax credit to be applied to those tax ranges. The table

1 shall be prepared in such a manner that no taxpayer will owe a
2 greater amount of tax by using the table than would be owed by
3 performing the calculation under subsections (1) through (3) of this
4 section. A table prepared by the department under this subsection
5 must be used by all taxpayers in taking the credit provided in this
6 section.

7 **Sec. 906.** RCW 82.32.045 and 2023 c 374 s 12 are each amended to
8 read as follows:

9 (1) Except as otherwise provided in this chapter and subsection
10 (6) of this section, payments of the taxes imposed under chapters
11 82.04, 82.08, 82.12, 82.14, 82.16, and 82.27 RCW, along with reports
12 and returns on forms prescribed by the department, are due monthly
13 within 25 days after the end of the month in which the taxable
14 activities occur.

15 (2) The department of revenue may relieve any taxpayer or class
16 of taxpayers from the obligation of remitting monthly and may require
17 the return to cover other longer reporting periods, but in no event
18 may returns be filed for a period greater than one year. Except as
19 provided in subsection (3) of this section, for these taxpayers, tax
20 payments are due on or before the last day of the month next
21 succeeding the end of the period covered by the return.

22 (3) For annual filers, tax payments, along with reports and
23 returns on forms prescribed by the department, are due on or before
24 April 15th of the year immediately following the end of the period
25 covered by the return.

26 (4) The department of revenue may also require verified annual
27 returns from any taxpayer, setting forth such additional information
28 as it may deem necessary to correctly determine tax liability.

29 (5) Notwithstanding subsections (1) and (2) of this section, the
30 department may relieve any person of the requirement to file returns
31 if the following conditions are met:

32 (a) The person's value of products, gross proceeds of sales, or
33 gross income of the business, from all business activities taxable
34 under chapter 82.04 RCW, is less than ~~((125,000))~~ \$250,000 per year;

35 (b) The person's gross income of the business from all activities
36 taxable under chapter 82.16 RCW is less than \$24,000 per year; and

37 (c) The person is not required to collect or pay to the
38 department of revenue any other tax or fee which the department is
39 authorized to collect.

1 (6) (a) Taxes imposed under chapter 82.08 or 82.12 RCW on taxable
2 events that occur beginning January 1, 2019, through June 30, 2019,
3 and payable by a consumer directly to the department are due, on
4 returns prescribed by the department, by July 25, 2019.

5 (b) This subsection (6) does not apply to the reporting and
6 payment of taxes imposed under chapters 82.08 and 82.12 RCW:

7 (i) On the retail sale or use of motor vehicles, vessels, or
8 aircraft; or

9 (ii) By consumers who are engaged in business, unless the
10 department has relieved the consumer of the requirement to file
11 returns pursuant to subsection (5) of this section.

12 **Sec. 907.** RCW 82.04.288 and 2025 c 420 s 201 are each amended to
13 read as follows:

14 (1) Beginning January 1, 2026, in addition to all other taxes
15 imposed under this chapter, persons must pay a surcharge on
16 Washington taxable income over \$250,000,000 in a calendar year.

17 (2) The rate of the tax is 0.5 percent of the amount of
18 Washington taxable income over \$250,000,000.

19 (3) (a) Any Washington taxable income subject to the tax in RCW
20 82.04.29004 is exempt from the surcharge imposed in this section.

21 (b) (i) Any Washington taxable income subject to the manufacturing
22 tax rates in RCW 82.04.240, 82.04.2404, 82.04.241, 82.04.260,
23 82.04.2602, 82.04.287, 82.04.2909, or 82.04.294(1) is exempt from the
24 surcharge imposed in this section.

25 (ii) Any Washington taxable income attributable to the wholesale
26 or retail sale of products so manufactured by a person subject to the
27 manufacturing tax rates specified in (b) (i) of this subsection (3) is
28 exempt from the surcharge imposed in this section.

29 (iii) Any Washington taxable income attributable to retail sales
30 that are exempt from the imposition of sales tax in RCW 82.08.0293,
31 82.08.0297, and 82.08.0281 is exempt from the surcharge imposed in
32 this section.

33 (iv) Any Washington taxable income subject to the tax rates in
34 RCW 82.04.260(12) is exempt from the surcharge imposed in this
35 section.

36 (v) Any Washington taxable income attributable to the wholesale
37 or retail sale of petroleum products by a person who is both located
38 in a state other than Washington and the owner of such materials
39 processed for it in Washington by an affiliated processor for hire

1 subject to the rate in RCW 82.04.280(1)(c), is exempt from the
2 surcharge imposed in this section. For the purposes of this
3 subsection (3)(b)(v), the following definitions apply:

4 (A) "Affiliated" means a person that directly or indirectly,
5 through one or more intermediaries, controls, is controlled by, or is
6 under common control with another person;

7 (B) "Control" means the possession, directly or indirectly, of
8 more than 50 percent of the power to direct or cause the direction of
9 the management and policies of a person, whether through the
10 ownership of voting shares, by contract, or otherwise; and

11 (C) "Petroleum product" has the same meaning as in RCW 82.21.020.

12 (4)(a) The surcharge imposed under this section does not apply to
13 taxable income for which a credit is allowed under RCW 82.04.440.

14 (b) The surcharge imposed under this section does not apply to a
15 person engaged in business primarily as a farmer or eligible apiarist
16 as defined in RCW 82.04.213.

17 (c) The surcharge imposed under this section does not apply to a
18 person subject to the tax imposed pursuant to RCW 82.04.299.

19 (d) The surcharge imposed under this section does not apply to
20 taxable income for wholesale and retail transactions of fuel as
21 defined in RCW 82.38.020.

22 (5) Any income that is exempt from the surcharge imposed under
23 this section is not included in the calculation of Washington taxable
24 income in subsection (1) of this section.

25 (6) This section expires December 31, ((2029)) 2028.

26 **NEW SECTION.** **Sec. 908.** Sections 905 and 906 of this act apply
27 to taxes initially due and payable on or after January 1, 2029.

28
29 **PART X**
MISCELLANEOUS

30 **Sec. 1001.** RCW 1.90.100 and 2024 c 5 s 1 (Initiative Measure No.
31 2111) are each amended to read as follows:

32 (1) Neither the state nor any county, city, or other local
33 jurisdiction in the state of Washington may tax any individual person
34 on any form of personal income. For the purposes of this chapter,
35 "income" has the same meaning as "gross income" in 26 U.S.C. Sec. 61.

1 (2) Subsection (1) of this section does not apply to the tax
2 authorized in chapter 82A.--- RCW (the new chapter created in section
3 1003 of this act).

4 NEW SECTION. **Sec. 1002.** NULL AND VOID. If a court of final
5 jurisdiction invalidates section 201 of this act, this act is null
6 and void in its entirety.

7 NEW SECTION. **Sec. 1003.** CODIFICATION. Sections 101 through 704
8 and 708 through 711 of this act constitute a new chapter in a new
9 title in the Revised Code of Washington, to be codified as Title 82A
10 RCW.

11 NEW SECTION. **Sec. 1004.** CONFORMING AMENDMENTS. If any
12 amendments in this act, or any sections enacted or affected by
13 chapter . . ., Laws of 2026 (this act), are enacted in a 2026
14 legislative session that do not take cognizance of chapter . . .,
15 Laws of 2026 (this act), the code reviser must prepare a bill for
16 introduction in the 2027 or 2028 legislative session that
17 incorporates any such amendments into the reorganization adopted by
18 chapter . . ., Laws of 2026 (this act) and corrects any incorrect
19 cross-references.

20 NEW SECTION. **Sec. 1005.** (1) Section 901 of this act takes
21 effect January 1, 2029.

22 (2) Refunds may not be provided under section 901 of this act for
23 any period before January 1, 2028.

24 NEW SECTION. **Sec. 1006.** Except as provided in section 902 of
25 this act, RCW 82.32.805 and 82.32.808 do not apply to this act.

26 NEW SECTION. **Sec. 1007.** The tax imposed in this act is
27 necessary for the support of the state government and its existing
28 public institutions.

29 NEW SECTION. **Sec. 1008.** It is the intent of the legislature for
30 the department of revenue to spend appropriated amounts to implement
31 this act regardless of litigation.

--- END ---