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SENATE BILL 5309

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State of Washington                      52nd Legislature                      1991 Regular Session

By Senators L. Smith, Bauer, Barr, Sutherland, Saling, McMullen, Craswell, McCaslin and Johnson.

Read first time January 28, 1991.                      Referred to Committee on Governmental Operations.

1            AN ACT Relating to exemptions and enforcement of judgments for  
2 state income taxes on pension and retirement income; amending RCW  
3 6.13.030 and 4.24.141; and adding a new section to chapter 6.15 RCW.

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

5            **Sec. 1.** RCW 6.13.030 and 1987 c 442 s 203 are each amended to read  
6 as follows:

7            A homestead may consist of lands, as described in RCW 6.13.010,  
8 regardless of area, but the homestead exemption amount shall not exceed  
9 the lesser of ((+i)) (1) the total net value of the lands, mobile  
10 home, and improvements as described in RCW 6.13.010, or ((+ii)) (2)  
11 the sum of thirty thousand dollars, except where the homestead is  
12 subject to execution, attachment, or seizure by or under any legal  
13 process whatever to satisfy a judgment in favor of any other state for  
14 failure to pay that state's income tax on benefits received while a  
15 resident of the state of Washington from a pension or other retirement

1 plan, in which event there shall be no dollar limit on the value of the  
2 exemption.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 6.15 RCW  
4 to read as follows:

5 Where a judgment is in favor of any other state for failure to pay  
6 that state's income tax on benefits received while a resident of the  
7 state of Washington from a pension or other retirement plan, all  
8 property in this state, real or personal, tangible or intangible, of a  
9 judgment debtor shall be exempt from execution, attachment,  
10 garnishment, or seizure by or under any legal process whatever, and  
11 when a debtor dies, or absconds, and leaves his or her spouse and  
12 dependents any property exempted by this section, the same shall be  
13 exempt to the surviving spouse and dependents.

14 **Sec. 3.** RCW 4.24.141 and 1951 c 166 s 2 are each amended to read  
15 as follows:

16 The term "taxes" as used in RCW 4.24.140 shall include:

17 (1) Any and all tax assessments lawfully made whether they be based  
18 upon a return or other disclosure of the taxpayer, upon information and  
19 belief of the taxing authority, or otherwise;

20 (2) Any and all penalties lawfully imposed pursuant to a tax  
21 statute;

22 (3) Interest charges lawfully added to the tax liability which  
23 constitutes the subject of the action.

24 "Taxes" as used in RCW 4.24.140 does not include income taxes and  
25 any related interest or penalties on benefits received from a pension  
26 or other retirement plan.