

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2967

Chapter 80, Laws of 1992

52nd Legislature
1992 Regular Session

INTERMEDIATE CARE FACILITIES FOR THE
MENTALLY RETARDED--MEDICAID TAX

EFFECTIVE DATE: 4/1/92

Passed by the House March 11, 1992
Yeas 63 Nays 34

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 10, 1992
Yeas 38 Nays 5

JOEL PRITCHARD
President of the Senate

Approved March 26, 1992

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2967 as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

March 26, 1992 - 12:35 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2967

AS AMENDED BY THE SENATE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Revenue (originally sponsored by Representatives Wang, Locke, Braddock and Paris)

Read first time 02/05/92.

1 AN ACT Relating to medicaid funding of intermediate care
2 facilities; adding a new chapter to Title 82 RCW; creating a new
3 section; providing an expiration date; providing an effective date; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** As used in this act, "expiration date"
7 means the earliest of:

8 (1) The effective date that federal medicaid matching funds for the
9 purposes specified in section 7 of this act become unavailable or are
10 substantially reduced, as such date is certified by the secretary of
11 social and health services;

12 (2) The effective date that federal medicaid matching funds for the
13 purposes specified in section 7 of this act become unavailable or are

1 substantially reduced, as determined by a permanent injunction, court
2 order, or final court decision; or

3 (3) The effective date of a permanent injunction, court order, or
4 final court decision that prohibits in whole or in part the collection
5 of taxes under section 3 of this act.

6 NEW SECTION. **Sec. 2.** Unless the context clearly requires
7 otherwise, the definitions in this section apply throughout this
8 chapter.

9 (1) "Gross income" means all income from whatever source derived,
10 including but not limited to gross income of the business as defined in
11 RCW 82.04.080 and moneys received from state appropriations.

12 (2) "Intermediate care facility for the mentally retarded" means an
13 intermediate care facility certified by the department of social and
14 health services and the federal department of health and human services
15 to provide residential care under 42 U.S.C. Sec. 1396d(d).

16 NEW SECTION. **Sec. 3.** In addition to any other tax, a tax is
17 imposed on every intermediate care facility for the mentally retarded
18 for the act or privilege of engaging in business within this state.
19 The tax is equal to the gross income attributable to services for the
20 mentally retarded, multiplied by the rate of fifteen percent.

21 NEW SECTION. **Sec. 4.** Chapter 82.32 RCW applies to the tax
22 imposed in this chapter. The tax due dates, reporting periods, and
23 return requirements applicable to chapter 82.04 RCW apply equally to
24 the tax imposed in this chapter, except the department may not permit
25 returns for taxes under this chapter to cover periods longer than one
26 month. The appropriations in section 7 of this act shall not be
27 construed as modifying in any manner the obligation of the taxpayer to

1 pay taxes on an accrual basis as ordinarily required under chapter
2 82.04 RCW.

3 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act shall
4 constitute a new chapter in Title 82 RCW.

5 NEW SECTION. **Sec. 6.** (1) Sections 2 through 4 of this act
6 shall expire on the expiration date determined under section 1 of this
7 act.

8 (2) The expiration of sections 2 through 4 of this act shall not be
9 construed as affecting any existing right acquired or liability or
10 obligation incurred under those sections or under any rule or order
11 adopted under those sections, nor as affecting any proceeding
12 instituted under those sections.

13 (3) Taxes that have been paid under sections 2 through 4 of this
14 act, but are properly attributable to taxable events occurring after
15 the expiration of those sections, shall be credited or refunded as
16 provided in RCW 82.32.060.

17 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and shall take
20 effect April 1, 1992.

Passed the House March 11, 1992.
Passed the Senate March 10, 1992.
Approved by the Governor March 26, 1992.
Filed in Office of Secretary of State March 26, 1992.