

PART II
DEFINITIONS

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3 NEW SECTION. **Sec. 201.** INTRODUCTORY. Unless the context clearly
4 requires otherwise, the definitions in sections 202 through 212 of this
5 act apply throughout this title.

6 NEW SECTION. **Sec. 202.** ADJUSTED GROSS INCOME. "Adjusted gross
7 income" means adjusted gross income as determined under the internal
8 revenue code.

9 NEW SECTION. **Sec. 203.** DEPARTMENT. "Department" means the state
10 department of revenue.

11 NEW SECTION. **Sec. 204.** FEDERAL BASE INCOME. "Federal base
12 income" means:

- 13 (1) For individuals, adjusted gross income;
- 14 (2) For estates and trusts, taxable income as determined for
15 estates and trusts consistent with subtitle A, chapter I, subchapter J
16 of the internal revenue code.

17 NEW SECTION. **Sec. 205.** INDIVIDUAL. "Individual" means a natural
18 person.

19 NEW SECTION. **Sec. 206.** INTERNAL REVENUE CODE. "Internal revenue
20 code" means the United States internal revenue code of 1986 and
21 amendments thereto, as existing and in effect on January 1, 2004.

22 NEW SECTION. **Sec. 207.** PERSON. "Person" includes individuals,
23 partnerships, firms, companies, fiduciaries, estates, trusts, and any
24 other group or combination acting as a unit, but does not include
25 corporations.

26 NEW SECTION. **Sec. 208.** RESIDENT. (1) "Resident" includes an
27 individual who:

- 28 (a) Has resided in this state for the entire tax year; or
29 (b) Is domiciled in this state unless the individual:
30 (i) Maintains no permanent place of abode in this state; and
31 (ii) Does not maintain a permanent place of abode elsewhere; and

1 (iii) Spends in the aggregate not more than thirty days in the tax
2 year in this state; or

3 (c) Is not domiciled in this state, but maintains a permanent place
4 of abode in this state and spends in the aggregate more than one
5 hundred eighty-three days of the tax year in this state unless the
6 individual establishes to the satisfaction of the director of revenue
7 that the individual is in the state only for temporary or transitory
8 purposes; or

9 (d) Claims the state of Washington as the individual's tax home for
10 federal income tax purposes.

11 (2) A resident estate means an estate of which a personal
12 representative was appointed by a Washington court or an estate
13 administration of which is carried on in this state.

14 (3) A resident trust means a trust whose situs as determined by RCW
15 11.96A.030 is within the state of Washington.

16 NEW SECTION. **Sec. 209.** S CORPORATION. "S corporation" means an
17 S corporation as defined in section 1361 of the internal revenue code.

18 NEW SECTION. **Sec. 210.** TAXABLE INCOME. "Taxable income" means
19 federal base income as modified under sections 401 through 503 of this
20 act.

21 NEW SECTION. **Sec. 211.** TAXABLE YEAR. "Taxable year" means the
22 taxpayer's taxable year as defined under the internal revenue code.

23 NEW SECTION. **Sec. 212.** TAXPAYER. "Taxpayer" means a person
24 receiving income subject to tax under this title.

25 NEW SECTION. **Sec. 213.** DEFINITION OF TERMS GENERALLY. Except as
26 provided in sections 201 through 212 of this act, any term used in this
27 title has the same meaning as when used in a comparable context in the
28 internal revenue code.

29 **PART III**
30 **DETERMINATION OF TAX**

1 NEW SECTION. Sec. 301. TAX IMPOSED--RATES. (1) A tax is imposed
2 on all taxable income of resident individuals, estates, and trusts and
3 on all individuals, estates, and trusts deriving income from sources in
4 Washington for each taxable year based on the type of return filed and
5 the amount of income in accordance with this section.

6 (2) For every married individual who makes a single return jointly
7 with his or her spouse and for every surviving spouse, the tax shall be
8 determined in accordance with the following table:

9 If taxable income is:	10 The tax is:
11 Not over \$49,900	2.2% of taxable income
12 Over \$49,900 but not over \$120,650	\$1,098 plus 3.5% of the excess over \$49,900
13 Over \$120,650	\$3,574 plus 6.0% of the excess over \$120,650

14 (3) For every head of a household, the tax shall be determined in
15 accordance with the following table:

15 If taxable income is:	16 The tax is:
17 Not over \$37,425	2.2% of taxable income
18 Over \$37,425 but not over \$90,488	\$823 plus 3.5% of the excess over \$37,425
19 Over \$90,488	\$2,681 plus 6.0% of the excess over \$90,488

20 (4) For every individual, other than a surviving spouse or the head
21 of a household, who is not a married individual and for every married
22 individual who does not make a single return jointly with his or her
23 spouse and for every estate and trust, the tax shall be determined in
24 accordance with the following table:

24 If taxable income is:	25 The tax is:
26 Not over \$24,950	2.2% of taxable income
27 Over \$24,950 but not over \$60,325	\$549 plus 3.5% of the excess over \$24,950
28 Over \$60,325	\$1,787 plus 6.0% of the excess over \$60,325

29 (5) Taxable income of a taxpayer exempt from taxation by internal
30 revenue code section 501 is exempt from taxation by this title.

31 NEW SECTION. Sec. 302. CREDIT FOR INCOME TAXES DUE ANOTHER
JURISDICTION. (1) A resident individual, estate, or trust is allowed

1 a credit against the tax imposed under this title for the amount of any
2 income tax imposed by another state or foreign country, or political
3 subdivision of the state or foreign country, on income taxed under this
4 title, subject to the following conditions, which shall be imposed
5 separately with respect to each taxing jurisdiction:

6 (a) The credit is allowed only for taxes imposed by the other
7 jurisdiction on net income from sources within that jurisdiction; and

8 (b) The amount of the credit shall not exceed the smaller of:

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

11 (ii) The amount of tax due under this title before application of
12 credits allowable by this title, multiplied by a fraction. The
13 numerator of the fraction is the amount of the taxpayer's adjusted
14 gross income subject to tax in the other jurisdiction. The denominator
15 of the fraction is the taxpayer's total adjusted gross income as
16 modified by this title. The fraction shall never be greater than one.

17 (2) If, in lieu of a credit similar to the credit allowed under
18 subsection (1) of this section, the laws of the other taxing
19 jurisdiction contain a provision exempting a resident of this state
20 from liability for the payment of income taxes on income earned for
21 personal services performed in such jurisdiction, then the director is
22 authorized to enter into a reciprocal agreement with such jurisdiction
23 providing a similar tax exemption on income earned for personal
24 services performed in this state.

25 NEW SECTION. **Sec. 303.** DUAL RESIDENCE. If an individual is
26 regarded as a resident both of this state and another jurisdiction for
27 state personal income tax purposes, the department shall reduce the tax
28 on that portion of the taxpayer's income which is subjected to tax in
29 both jurisdictions solely by virtue of dual residence, if the other
30 taxing jurisdiction allows a similar reduction. The reduction shall
31 equal the lower of the two taxes applicable to the income taxed twice,
32 multiplied by a fraction. The numerator of the fraction is the tax
33 imposed by this state on the income taxed twice. The denominator of
34 the fraction is the tax imposed by both jurisdictions on the income
35 taxed twice. The fraction shall never be greater than one.

1 **TAXABLE INCOME MODIFICATIONS**

2 NEW SECTION. **Sec. 401.** INTRODUCTORY. In computing taxable
3 income, modifications shall be made to the taxpayer's federal base
4 income as required under sections 301 through 410 of this act, unless
5 the modification has the effect of duplicating an item of income or
6 deduction.

7 NEW SECTION. **Sec. 402.** STATE AND LOCAL OBLIGATIONS. To federal
8 base income, add income which has been excluded under section 103 of
9 the internal revenue code in computing federal base income, except
10 interest on obligations of the state of Washington or political
11 subdivisions of the state of Washington.

12 NEW SECTION. **Sec. 403.** STATE AND LOCAL INCOME TAXES--BUSINESS AND
13 OCCUPATION, PUBLIC UTILITY TAXES. To federal base income, add:

14 (1) Taxes on or measured by net income which have been deducted
15 under the internal revenue code in computing federal base income;

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

19 NEW SECTION. **Sec. 404.** NET OPERATING LOSS. There shall be
20 allowed as a deduction from federal base income the amount of net
21 operating loss as allowed in section 172 of the internal revenue code.
22 The calculation of the loss amount shall reflect the modifications to
23 federal base income as provided in this title and a net operating loss
24 deduction may include a loss carried forward to the tax year but shall
25 not include a loss carried back from a future year.

26 NEW SECTION. **Sec. 405.** CARRYOVERS. To federal base income, add
27 amounts which have been deducted in computing federal base income to
28 the extent the amounts have been carried over from taxable years ending
29 before the effective date of this title.

30 NEW SECTION. **Sec. 406.** FEDERAL OBLIGATIONS. From federal base
31 income, deduct, to the extent included in federal base income, income
32 derived from obligations of the United States which this state is
33 prohibited by federal law from subjecting to a net income tax.

1 However, the amount deducted under this section shall be reduced by any
2 expense, including amortizable bond premiums, incurred in the
3 production of such income to the extent the expense has been deducted
4 in calculating federal base income.

5 NEW SECTION. **Sec. 407.** STANDARD DEDUCTION--PERSONAL EXEMPTION.

6 There shall be allowed from federal base income the following standard
7 deductions and personal exemption deduction:

8 (1) The standard deduction for an individual shall be:

9 (a) In the case of a joint return or a surviving spouse, seven
10 thousand dollars if only one spouse has earned income and seven
11 thousand dollars plus the earned income of the spouse with the lesser
12 income, not to exceed ten thousand dollars in total, if both spouses
13 have earned income;

14 (b) In the case of the head of a household, seven thousand dollars;

15 (c) In the case of an individual who is not married and who is not
16 a surviving spouse or head of a household and in the case of a married
17 individual filing a separate return, five thousand dollars.

18 (2) A personal exemption deduction in the amount of two thousand
19 nine hundred dollars shall be allowed for each individual for whom a
20 personal exemption deduction is allowed for federal income tax
21 purposes.

22 (3) An additional exemption deduction in the amount of one thousand
23 dollars shall be allowed:

24 (a) For the individual if the individual has attained age sixty-
25 five before the close of the taxable year; and

26 (b) For the spouse of the individual if the spouse has attained age
27 sixty-five before the close of the taxable year if a joint return is
28 not made by the individual and the individual's spouse and the spouse,
29 for the calendar year in which the taxable year of the individual
30 begins, has no gross income and is not the dependent of another
31 individual.

32 (4) An additional exemption deduction in the amount of one thousand
33 dollars shall be allowed:

34 (a) For the individual if the individual is blind at the close of
35 the taxable year; and

36 (b) For the spouse of the individual if the spouse is blind at the
37 close of the taxable year if a joint return is not made by the

1 individual and the individual's spouse and the spouse, for the calendar
2 year in which the taxable year of the individual begins, has no gross
3 income and is not the dependent of another individual.

4 NEW SECTION. **Sec. 408.** ADJUSTMENT OF DEDUCTIONS AND EXEMPTIONS
5 FOR NONRESIDENTS. The deductions from federal base income allowed
6 under section 407 of this act for individual taxpayers who are not
7 residents of this state for the entire taxable year shall be reduced by
8 multiplying the amount of the deductions by a fraction. The numerator
9 of the fraction is the individual's adjusted gross income attributable
10 to sources within the state of Washington. The denominator of the
11 fraction is the individual's gross income from all sources. The
12 fraction shall never be greater than one.

13 NEW SECTION. **Sec. 409.** TAX RETURNS FOR FRACTIONAL YEAR. (1) If
14 the first taxable year of any taxpayer with respect to which a tax is
15 imposed by this title ends before December 31st of the calendar year in
16 which this title becomes effective, the taxable income for the
17 fractional taxable year shall be the taxpayer's taxable income for the
18 entire taxable year, adjusted by one of the following methods, at the
19 taxpayer's election:

20 (a) The taxable income shall be multiplied by a fraction. The
21 numerator of the fraction is the number of days in the fractional
22 taxable year. The denominator of the fraction is the number of days in
23 the entire taxable year.

24 (b) The taxable income shall be adjusted, in accordance with rules
25 of the department, so as to include only such income and be reduced
26 only by such deductions as can be clearly determined from the permanent
27 records of the taxpayer to be attributable to the fractional taxable
28 year.

29 (2) If an individual taxpayer's taxable income is adjusted under
30 subsection (1) of this section, the deduction amounts allowed under
31 section 407 of this act for the taxpayer shall be reduced by
32 multiplying the amount of the exemption by a fraction. The numerator
33 of the fraction is the number of days in the taxpayer's fractional
34 taxable year. The denominator of the fraction is the number of days in
35 the entire taxable year.

1 deductions derived from or connected with sources in this state but
2 shall otherwise be determined in the same manner as the corresponding
3 federal deduction except as provided in this title.

4 (d) Income from intangible personal property, including annuities,
5 dividends, interest, and gains from the disposition of intangible
6 personal property, constitutes income derived from sources within the
7 state of Washington only to the extent that such income is from
8 property employed in a business, trade, profession, or occupation
9 carried on within this state: PROVIDED, That distributed and
10 undistributed income of an electing S corporation for federal tax
11 purposes derived from or connected with sources within this state is
12 income derived from sources within this state for a nonresident
13 shareholder. A net operating loss of such corporation does constitute
14 a loss or deduction connected with sources within this state for a
15 nonresident shareholder.

16 (e) Compensation paid by the United States for service in the armed
17 forces of the United States performed in this state by a nonresident
18 does not constitute income derived from sources within this state.

19 (f) If a business, trade, profession, or occupation is carried on
20 partly within and partly without this state, the determination of net
21 income derived or connected with sources within this state as provided
22 in this section shall be made by apportionment and allocation of
23 chapter 82.56 RCW.

24 NEW SECTION. **Sec. 502.** PARTNERSHIPS AND S CORPORATIONS. (1)

25 Partnerships are not subject to tax under this title. Partners are
26 subject to tax in their separate or individual capacities.

27 (2) S corporations are not subject to tax under this title.
28 Shareholders of S corporations are subject to tax in their separate or
29 individual capacities.

30 (3) The taxable incomes of partners shall be computed by including
31 a pro rata share of the modifications under sections 401 through 503 of
32 this act and the credits allowed under sections 302, 304, and 305 of
33 this act, if the modification or credit relates to the income of the
34 partnership. Each partner's pro rata share of a modification or credit
35 is the amount of modification or credit multiplied by a fraction. The
36 numerator of the fraction is the partner's distributive share of

1 partnership income. The denominator of the fraction is the total
2 partnership income. The fraction shall never be greater than one.

3 (4) The taxable incomes of shareholders of S corporations shall be
4 computed by including a share of the modifications under sections 401
5 through 503 of this act and the credits allowed under sections 302,
6 304, and 305 of this act, if the modification or credit relates to the
7 income of the S corporation. Each shareholder's share of a
8 modification or credit is the amount of modification or credit
9 multiplied by a fraction. The numerator of the fraction is the
10 shareholder's pro rata share of S corporation income. The denominator
11 of the fraction is the total S corporation income. The fraction shall
12 never be greater than one.

13 (5) As used in this section:

14 (a) "S corporation income" includes both distributed and
15 undistributed federal taxable income of the S corporation.

16 (b) "Pro rata share" means pro rata share as determined under
17 section 1366(a) of the internal revenue code.

18 NEW SECTION. **Sec. 503.** ESTATES, TRUSTS, AND BENEFICIARIES. (1)
19 The taxable incomes of estates, trusts, and beneficiaries thereof shall
20 be computed by including a share of the modifications under sections
21 401 through 503 of this act and the credits allowed under sections 302,
22 304, and 305 of this act.

23 Each taxpayer's share of a modification or credit is the amount of
24 modification or credit multiplied by a fraction. The numerator of the
25 fraction is the taxpayer's share of the distributable net income of the
26 estate or trust. The denominator of the fraction is the total
27 distributable net income of the estate or trust. The fraction shall
28 never be greater than one.

29 (2) As used in this section, "distributable net income" means
30 distributable net income as defined in the internal revenue code. If
31 an estate or trust has no federal distributable net income, the term
32 means the income of the estate or trust which is distributed or is
33 required to be distributed during the taxable year under local law or
34 the terms of the estate or trust instrument.

35 (3) Any portion of a modification which is not included in
36 calculating the taxable incomes of the beneficiaries shall be included
37 in calculating the taxable income of the trust or estate.

1 by this title to file a return, a refund may be obtained in the amount
2 of the credit by filing a return, with applicable sections completed,
3 to claim the refund. No credit or refund is allowed under this section
4 unless the credit or refund is claimed on a return filed for the
5 taxable year for which the amount was deducted and withheld.

6 NEW SECTION. **Sec. 604.** WITHHOLDING--EXEMPTION DECLARATIONS. An
7 employee shall be entitled to use and an employer shall use the
8 withholding exemption declaration on file with the employer for federal
9 income tax purposes. The department may redetermine the number of
10 withholding exemptions to which any employee is entitled, and the
11 department may require an additional withholding exemption declaration
12 to be filed on a form prescribed by the department where the department
13 finds that the exemption declaration filed for federal income tax
14 purposes does not properly reflect the number of withholding exemptions
15 to which the employee is entitled.

16 NEW SECTION. **Sec. 605.** WITHHOLDING--FAILURE TO PAY OR COLLECT--
17 PENALTIES. (1) The tax required by this title to be collected by the
18 employer shall be deemed to be held in trust by the employer until paid
19 to the department.

20 (2) In case any employer, or a responsible person within the
21 meaning of internal revenue code section 6672, fails to collect the tax
22 herein imposed or having collected the tax, fails to pay it to the
23 department, the employer or responsible person shall, nevertheless, be
24 personally liable to the state for the amount of the tax. The interest
25 and penalty provisions of chapter 82.32 RCW shall apply to this
26 section.

27 NEW SECTION. **Sec. 606.** ESTIMATED TAX IMPOSED--DUE DATE OF
28 ESTIMATED TAXES--AMOUNT OF ESTIMATED TAX--UNDERPAYMENT PENALTY. (1)
29 Each individual, estate, or trust subject to taxation by this title
30 which is required by the internal revenue code to make payment of
31 estimated taxes shall pay to the department on forms prescribed by the
32 department the estimated taxes due under this title.

33 (2) The provisions of the internal revenue code relating to the
34 determination of reporting periods and due dates of payments of

1 estimated tax applies to the estimated tax payments due under this
2 section.

3 (3) The amount of the estimated tax shall be the annualized tax
4 divided by the number of months in the reporting period. No estimated
5 tax shall be due if the annualized tax is less than five hundred
6 dollars. The provisions of RCW 82.32.050 and 82.32.090 shall apply to
7 underpayments of estimated tax but shall not apply to underpayments, as
8 defined by the internal revenue code, if the tax remitted to the
9 department is either ninety percent of the tax shown on the return or
10 one hundred percent of the tax shown on the previous year's tax return.

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

15 **PART VII**
16 **CRIMES**

17 NEW SECTION. **Sec. 701.** CRIMES. (1) Any person who knowingly
18 attempts to evade the tax imposed under this title or payment thereof
19 is guilty of a class C felony as provided in chapter 9A.20 RCW.

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

23 (3) Any person who knowingly fails to pay tax, pay estimated tax,
24 make returns, keep records, or supply information, as required under
25 this title, is guilty of a gross misdemeanor as provided in chapter
26 9A.20 RCW.

27 **PART VIII**
28 **ADMINISTRATIVE PROVISIONS**

29 NEW SECTION. **Sec. 801.** METHOD OF ACCOUNTING. (1) A taxpayer's
30 method of accounting for purposes of the tax imposed under this title
31 shall be the same as the taxpayer's method of accounting for federal
32 income tax purposes. If no method of accounting has been regularly
33 used by a taxpayer for federal income tax purposes or if the method

1 used does not clearly reflect income, tax due under this title shall be
2 computed by a method of accounting which in the opinion of the
3 department fairly reflects income.

4 (2) If a person's method of accounting is changed for federal
5 income tax purposes, it shall be similarly changed for purposes of this
6 title.

7 NEW SECTION. **Sec. 802.** PERSONS REQUIRED TO FILE RETURNS. (1) All
8 taxpayers shall file with the department, on forms prescribed by the
9 department, an income tax return for each tax year. Each person
10 required to file a return under this title shall, without assessment,
11 notice, or demand, pay any tax due thereon to the department on or
12 before the date fixed for the filing of the return.

13 (2) The department may by rule require that certain taxpayers file,
14 on forms prescribed by the department, informational returns for any
15 period. Each person required by rule to file an informational return
16 shall, without assessment, notice, or demand, pay any tax due thereon
17 to the department on or before the date fixed for the filing of the
18 informational return.

19 (3) If an adjustment to a taxpayer's federal return is made by the
20 taxpayer or the internal revenue service, the taxpayer shall, within
21 ninety days of the final determination of the adjustment by the
22 internal revenue service or within thirty days of the filing of a
23 federal return adjusted by the taxpayer, file with the department on
24 forms prescribed by the department a corrected return reflecting the
25 adjustments as finally determined. The taxpayer shall pay any
26 additional tax due resulting from the finally determined internal
27 revenue service adjustment or a taxpayer adjustment without notice and
28 assessment. Notwithstanding any provision of this title or any other
29 title to the contrary, the period of limitation for the collection of
30 the additional tax, interest, and penalty due as a result of an
31 adjustment by the taxpayer or a finally determined internal revenue
32 service adjustment shall begin at the later of thirty days following
33 the final determination of the adjustment or the date of the filing of
34 the corrected return.

35 NEW SECTION. **Sec. 803.** DUE DATE FOR FILING A RETURN--EXTENSIONS--
36 INTEREST AND PENALTIES. The due date of a return required to be filed

1 with the department shall be the due date of the federal income tax
2 return or informational return for federal income tax purposes. The
3 department shall have the authority to grant extensions of times by
4 which returns required to be filed by this title may be submitted. The
5 department shall also have the authority to grant extensions of time to
6 pay tax with regard to taxes imposed by this title. Interest at the
7 rate as specified in RCW 82.32.050 shall accrue during any extension
8 period and the interest and penalty provisions of chapter 82.32 RCW
9 shall apply to late payments and deficiencies. Notwithstanding the
10 limitation of RCW 82.32.090, in the case of the late filing of an
11 informational return, there shall be imposed a penalty the amount of
12 which shall be established by the department by rule. The penalty
13 shall not exceed fifty dollars per month for a maximum of ten months.
14 RCW 82.32.105 shall apply to this section.

15 NEW SECTION. **Sec. 804.** JOINT RETURN. (1) If the federal income
16 tax liabilities of both spouses are determined on a joint federal
17 return for the taxable year, they shall file a joint return under this
18 title unless one spouse is a resident and the other is a nonresident.

19 (2) If neither spouse is required to file a federal income tax
20 return for the taxable year, a joint return may be filed under this
21 title under the same conditions under which a joint return may be filed
22 for purposes of the federal income tax.

23 (3) If the federal income tax liability of either spouse is
24 determined on a separate federal return for the taxable year, they
25 shall file separate returns under this title.

26 (4) If one spouse is a resident and the other is a nonresident,
27 they shall file separate returns under this title, unless they elect to
28 determine their tax liabilities under this title on a joint return as
29 if they were both residents, and:

30 (a) Their federal tax liability for the taxable year was determined
31 on a joint federal return; or

32 (b) Neither spouse has filed a federal income tax return for the
33 taxable year and they would be permitted to file a joint federal return
34 for the taxable year.

35 (5) In any case in which a joint return is filed under this
36 section, the liability of the husband and wife is joint and several,

1 unless the spouse is relieved of liability under section 6013 of the
2 internal revenue code.

3 NEW SECTION. **Sec. 805.** RECORDS--RETURNS. (1) Every taxpayer and
4 every person required to deduct and withhold the tax imposed under this
5 title shall keep records, render statements, make returns, file
6 reports, and perform other acts as the department requires by rule.
7 Each return shall be made under penalty of perjury and on forms
8 prescribed by the department. The department may require other
9 statements and reports be made under penalty of perjury and on forms
10 prescribed by the department. The department may require any taxpayer
11 and any person required to deduct and withhold the tax imposed under
12 this title to furnish to the department a correct copy of any return or
13 document which the taxpayer has filed with the internal revenue service
14 or received from the internal revenue service.

15 (2) All books and records and other papers and documents required
16 to be kept under this title are subject to inspection by the department
17 at all times during business hours of the day.

18 NEW SECTION. **Sec. 806.** ESTIMATION AGREEMENTS. The department may
19 reasonably estimate the items of business or nonbusiness income of a
20 taxpayer having an office within the state and one or more other states
21 or foreign countries which may be apportioned or allocated to the state
22 and may enter into estimation agreements with such taxpayers for the
23 determination of their liability for the tax imposed by this title.

24 NEW SECTION. **Sec. 807.** PROVISIONS OF INTERNAL REVENUE CODE
25 CONTROL. (1) To the extent possible without being inconsistent with
26 this title, all of the provisions of the internal revenue code relating
27 to the following subjects apply to the taxes imposed under this title:

28 (a) Time of payment of tax deducted and withheld under sections 301
29 through 306 of this act;

30 (b) Liability of transferees;

31 (c) Time and manner of making returns, extensions of time for
32 filing returns, verification of returns, and the time when a return is
33 deemed filed.

34 (2) The department by rule may provide modifications and exceptions

1 to the provisions listed in subsection (1) of this section, if
2 reasonably necessary to facilitate the prompt, efficient, and equitable
3 collection of tax under this title.

4 NEW SECTION. **Sec. 808.** REFUNDS OF OVERPAYMENTS--OTHER
5 ADMINISTRATIVE PROVISIONS. (1) The department shall refund all taxes
6 improperly paid or collected.

7 (2) The following sections shall apply to the administration of
8 taxes imposed under this title: 82.32.020, 82.32.050, 82.32.060,
9 82.32.070, 82.32.090, 82.32.100, 82.32.105, 82.32.110, 82.32.120,
10 82.32.130, 82.32.140, 82.32.150, 82.32.160, 82.32.170, 82.32.180,
11 82.32.190, 82.32.200, 82.32.210, 82.32.220, 82.32.230, 82.32.235,
12 82.32.237, 82.32.240, 82.32.245, 82.32.265, 82.32.300, 82.32.310,
13 82.32.320, 82.32.330, 82.32.340, 82.32.350, 82.32.360, and 82.32.380.

14 NEW SECTION. **Sec. 809.** RULES. The department may adopt rules
15 under chapter 34.05 RCW for the administration and enforcement of this
16 title. The rules, to the extent possible without being inconsistent
17 with this title, shall follow the internal revenue code and the
18 regulations and rulings of the United States treasury department with
19 respect to the federal income tax. The department may adopt as a part
20 of these rules any portions of the internal revenue code and treasury
21 department regulations and rulings, in whole or in part.

22 **PART IX**

23 **APPEALS**

24 **Sec. 901.** RCW 82.03.130 and 1998 c 54 s 1 are each amended to read
25 as follows:

26 BOARD OF TAX APPEALS--JURISDICTION. (1) The board shall have
27 jurisdiction to decide the following types of appeals:

28 (a) Appeals taken pursuant to RCW 82.03.190.

29 (b) Appeals from a county board of equalization pursuant to RCW
30 84.08.130.

31 (c) Appeals by an assessor or landowner from an order of the
32 director of revenue made pursuant to RCW 84.08.010 and 84.08.060, if
33 filed with the board of tax appeals within thirty days after the

1 mailing of the order, the right to such an appeal being hereby
2 established.

3 (d) Appeals by an assessor or owner of an intercounty public
4 utility or private car company from determinations by the director of
5 revenue of equalized assessed valuation of property and the
6 apportionment thereof to a county made pursuant to chapter 84.12 and
7 84.16 RCW, if filed with the board of tax appeals within thirty days
8 after mailing of the determination, the right to such appeal being
9 hereby established.

10 (e) Appeals by an assessor, landowner, or owner of an intercounty
11 public utility or private car company from a determination of any
12 county indicated ratio for such county compiled by the department of
13 revenue pursuant to RCW 84.48.075: PROVIDED, That

14 (i) Said appeal be filed after review of the ratio under RCW
15 84.48.075(3) and not later than fifteen days after the mailing of the
16 certification; and

17 (ii) The hearing before the board shall be expeditiously held in
18 accordance with rules prescribed by the board and shall take precedence
19 over all matters of the same character.

20 (f) Appeals from the decisions of sale price of second class
21 shorelands on navigable lakes by the department of natural resources
22 pursuant to RCW 79.94.210.

23 (g) Appeals from urban redevelopment property tax apportionment
24 district proposals established by governmental ordinances pursuant to
25 RCW 39.88.060.

26 (h) Appeals from interest rates as determined by the department of
27 revenue for use in valuing farmland under current use assessment
28 pursuant to RCW 84.34.065.

29 (i) Appeals from revisions to stumpage value tables used to
30 determine value by the department of revenue pursuant to RCW 84.33.091.

31 (j) Appeals from denial of tax exemption application by the
32 department of revenue pursuant to RCW 84.36.850.

33 (k) Appeals pursuant to RCW 84.40.038(3).

34 (l) Appeals relating to income tax deficiencies and refunds,
35 including penalties and interest, under Title 82A RCW (sections 101
36 through 809 of this act).

37 (2) Except as otherwise specifically provided by law hereafter, the

1 provisions of RCW 1.12.070 shall apply to all notices of appeal filed
2 with the board of tax appeals.

3 **Sec. 902.** RCW 82.03.140 and 2000 c 103 s 1 are each amended to
4 read as follows:

5 ELECTION OF FORMAL OR INFORMAL HEARING. In all appeals over which
6 the board has jurisdiction under RCW 82.03.130, a party taking an
7 appeal may elect either a formal or an informal hearing, such election
8 to be made according to rules of practice and procedure to be
9 promulgated by the board: PROVIDED, That nothing shall prevent the
10 assessor or taxpayer, as a party to an appeal pursuant to RCW
11 84.08.130, within twenty days from the date of the receipt of the
12 notice of appeal, from filing with the clerk of the board notice of
13 intention that the hearing be a formal one: PROVIDED, HOWEVER, That
14 nothing herein shall be construed to modify the provisions of RCW
15 82.03.190: AND PROVIDED FURTHER, That upon an appeal under RCW
16 82.03.130(1) (e) or (1), the director of revenue may, within ten days
17 from the date of its receipt of the notice of appeal, file with the
18 clerk of the board notice of its (~~intention that the hearing be held~~
19 ~~pursuant to chapter 34.05 RCW~~) election of a formal hearing. In the
20 event that appeals are taken from the same decision, order, or
21 determination, as the case may be, by different parties and only one of
22 such parties elects a formal hearing, a formal hearing shall be
23 granted.

24 **PART X**
25 **APPLICATION OF TAX TO PUBLIC PENSIONS**

26 **Sec. 1001.** RCW 2.10.180 and 1991 c 365 s 18 are each amended to
27 read as follows:

28 JUDICIAL RETIREMENT SYSTEM. (1) Except as provided in subsections
29 (2), (3), (~~and~~) (4), and (5) of this section, the right of a person
30 to a retirement allowance, disability allowance, or death benefit, the
31 retirement, disability or death allowance itself, any optional benefit,
32 any other right accrued or accruing to any person under the provisions
33 of this chapter, and the moneys in the fund created under this chapter,
34 are hereby exempt from any state, county, municipal, or other local tax

1 and shall not be subject to execution, garnishment, or any other
2 process of law whatsoever.

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

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

11 (4) Subsection (1) of this section shall not prohibit the
12 department of retirement systems from complying with (a) a wage
13 assignment order for child support issued pursuant to chapter 26.18
14 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW,
15 (c) an order to withhold and deliver issued pursuant to chapter 74.20A
16 RCW, (d) a mandatory benefits assignment order issued pursuant to
17 chapter 41.50 RCW, (e) a court order directing the department of
18 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 (5) Subsection (1) of this section does not exempt any pension or
23 other benefit received under this chapter from tax under Title 82A RCW
24 (sections 101 through 809 of this act), nor does it prohibit the
25 department of retirement systems from complying with the tax
26 withholding requirements of that title.

27 **Sec. 1002.** RCW 2.12.090 and 1991 c 365 s 19 are each amended to
28 read as follows:

29 JUDGES' RETIREMENT. (1) Except as provided in subsections (2),
30 (3), ~~((and))~~ (4), and (5) of this section, the right of any person to
31 a retirement allowance or optional retirement allowance under the
32 provisions of this chapter and all moneys and investments and income
33 thereof are exempt from any state, county, municipal, or other local
34 tax and shall not be subject to execution, garnishment, attachment, the
35 operation of bankruptcy or the insolvency laws, or other processes of
36 law whatsoever and shall be unassignable except as herein specifically
37 provided.

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

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

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

20 (5) Subsection (1) of this section does not exempt any pension or
21 other benefit received under this chapter from tax under Title 82A RCW
22 (sections 101 through 809 of this act), nor does it prohibit the
23 department of retirement systems from complying with the tax
24 withholding requirements of that title.

25 **Sec. 1003.** RCW 6.13.030 and 1999 c 403 s 4 are each amended to
26 read as follows:

27 HOMESTEADS. A homestead may consist of lands, as described in RCW
28 6.13.010, regardless of area, but the homestead exemption amount shall
29 not exceed the lesser of (1) the total net value of the lands, mobile
30 home, improvements, and other personal property, as described in RCW
31 6.13.010, or (2) the sum of forty thousand dollars in the case of
32 lands, mobile home, and improvements, or the sum of fifteen thousand
33 dollars in the case of other personal property described in RCW
34 6.13.010(~~(, except where the homestead is subject to execution,~~
35 ~~attachment, or seizure by or under any legal process whatever to~~
36 ~~satisfy a judgment in favor of any state for failure to pay that~~

1 ~~state's income tax on benefits received while a resident of the state~~
2 ~~of Washington from a pension or other retirement plan, in which event~~
3 ~~there shall be no dollar limit on the value of the exemption)).~~

4 **Sec. 1004.** RCW 6.15.020 and 1999 c 81 s 1 and 1999 c 42 s 603 are
5 each reenacted and amended to read as follows:

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

12 (2) Unless otherwise provided by federal law, any money received by
13 any citizen of the state of Washington as a pension from the government
14 of the United States, whether the same be in the actual possession of
15 such person or be deposited or loaned, shall be exempt from execution,
16 attachment, garnishment, or seizure by or under any legal process
17 whatever, and when a debtor dies, or absconds, and leaves his or her
18 family any money exempted by this subsection, the same shall be exempt
19 to the family as provided in this subsection. This subsection shall
20 not apply to child support collection actions issued under chapter
21 26.18, 26.23, or 74.20A RCW, if otherwise permitted by federal law, or
22 to collection actions for taxes imposed under Title 82A RCW (sections
23 101 through 809 of this act).

24 (3) The right of a person to a pension, annuity, or retirement
25 allowance or disability allowance, or death benefits, or any optional
26 benefit, or any other right accrued or accruing to any citizen of the
27 state of Washington under any employee benefit plan, and any fund
28 created by such a plan or arrangement, shall be exempt from execution,
29 attachment, garnishment, or seizure by or under any legal process
30 whatever. This subsection shall not apply to child support collection
31 actions issued under chapter 26.18, 26.23, or 74.20A RCW if otherwise
32 permitted by federal law, or to collection actions for taxes imposed
33 under Title 82A RCW (sections 101 through 809 of this act). This
34 subsection shall permit benefits under any such plan or arrangement to
35 be payable to a spouse, former spouse, child, or other dependent of a
36 participant in such plan to the extent expressly provided for in a
37 qualified domestic relations order that meets the requirements for such

1 orders under the plan, or, in the case of benefits payable under a plan
2 described in sections 403(b) or 408 of the internal revenue code of
3 1986, as amended, or section 409 of such code as in effect before
4 January 1, 1984, to the extent provided in any order issued by a court
5 of competent jurisdiction that provides for maintenance or support.
6 This subsection shall not prohibit actions against an employee benefit
7 plan, or fund for valid obligations incurred by the plan or fund for
8 the benefit of the plan or fund.

9 (4) For the purposes of this section, the term "employee benefit
10 plan" means any plan or arrangement that is described in RCW 49.64.020,
11 including any Keogh plan, whether funded by a trust or by an annuity
12 contract, and in sections 401(a) or 403(a) of the internal revenue code
13 of 1986, as amended; or that is a tax-sheltered annuity described in
14 section 403(b) of such code or an individual retirement account
15 described in section 408 of such code; or a Roth individual retirement
16 account described in section 408A of such code; or a medical savings
17 account described in section 220 of such code; or an education
18 individual retirement account described in section 530 of such code; or
19 a retirement bond described in section 409 of such code as in effect
20 before January 1, 1984. The term "employee benefit plan" also means
21 any rights accruing on account of money paid currently or in advance
22 for purchase of tuition units under the advanced college tuition
23 payment program in chapter 28B.95 RCW. The term "employee benefit
24 plan" shall not include any employee benefit plan that is established
25 or maintained for its employees by the government of the United States,
26 by the state of Washington under chapter 2.10, 2.12, 41.26, 41.32,
27 41.34, 41.35, 41.40 or 43.43 RCW or RCW 41.50.770, or by any agency or
28 instrumentality of the government of the United States.

29 (5) An employee benefit plan shall be deemed to be a spendthrift
30 trust, regardless of the source of funds, the relationship between the
31 trustee or custodian of the plan and the beneficiary, or the ability of
32 the debtor to withdraw or borrow or otherwise become entitled to
33 benefits from the plan before retirement. This subsection shall not
34 apply to child support collection actions issued under chapter 26.18,
35 26.23, or 74.20A RCW, if otherwise permitted by federal law, or to
36 collection actions for taxes imposed under Title 82A RCW (sections 101
37 through 809 of this act). This subsection shall permit benefits under
38 any 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 case
4 of benefits payable under a plan described in sections 403(b) or 408 of
5 the internal revenue code of 1986, as amended, or section 409 of such
6 code as in effect before January 1, 1984, to the extent provided in any
7 order issued by a court of competent jurisdiction that provides for
8 maintenance or support.

9 (6) Unless contrary to applicable 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 in
12 an individual retirement account held in the name of or on account of
13 the other spouse, the account holder spouse. At the death of the
14 nonaccount holder spouse, the nonaccount holder spouse may transfer or
15 distribute the community property interest of the nonaccount holder
16 spouse in the account holder spouse's individual retirement account to
17 the nonaccount holder spouse's estate, testamentary trust, inter vivos
18 trust, or other successor or successors pursuant to the last will of
19 the nonaccount holder spouse or the law of intestate succession, and
20 that distributee may, but shall not be required to, obtain an order of
21 a court of competent jurisdiction, including a nonjudicial dispute
22 resolution agreement entered into pursuant to RCW 11.96.170 or other
23 order entered under chapter 11.96A RCW, to confirm the distribution.
24 For purposes of subsection (3) of this section, the distributee of the
25 nonaccount holder spouse's community property interest in an individual
26 retirement account shall be considered a person entitled to the full
27 protection of subsection (3) of this section. The nonaccount holder
28 spouse's consent to a beneficiary designation by the account holder
29 spouse with respect to an individual retirement account shall not,
30 absent clear and convincing evidence to the contrary, be deemed a
31 release, gift, relinquishment, termination, limitation, or transfer of
32 the nonaccount holder spouse's community property interest in an
33 individual retirement account. For purposes of this subsection, the
34 term "nonaccount holder spouse" means the spouse of the person in whose
35 name the individual retirement account is maintained. The term
36 "individual retirement account" includes an individual retirement
37 account and an individual retirement annuity both as described in
38 section 408 of the internal revenue code of 1986, as amended, a Roth

1 individual retirement account as described in section 408A of the
2 internal revenue code of 1986, as amended, and an individual retirement
3 bond as described in section 409 of the internal revenue code as in
4 effect before January 1, 1984. As used in this subsection, an order of
5 a court of competent jurisdiction includes an agreement, as that term
6 is used under RCW 11.96A.220.

7 **Sec. 1005.** RCW 41.24.240 and 1995 c 11 s 13 are each amended to
8 read as follows:

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

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

26 (3) Subsection (1) of this section does not exempt any pension or
27 other benefit received under this chapter from tax under Title 82A RCW
28 (sections 101 through 809 of this act), nor does it prohibit the
29 department of retirement systems from complying with the tax
30 withholding requirements of that title.

31 **Sec. 1006.** RCW 41.32.052 and 1991 c 365 s 21 and 1991 c 35 s 63
32 are each reenacted and amended to read as follows:

33 TEACHERS' RETIREMENT SYSTEM. (1) Subject to subsections (2)
34 ~~((and)),~~ (3), and (4) of this section, the right of a person to a
35 pension, an annuity, a retirement allowance, or disability allowance,
36 to the return of contributions, any optional benefit or death benefit,

1 any other right accrued or accruing to any person under the provisions
2 of this chapter and the moneys in the various funds created by this
3 chapter shall be unassignable, and are hereby exempt from any state,
4 county, municipal or other local tax, and shall not be subject to
5 execution, garnishment, attachment, the operation of bankruptcy or
6 insolvency laws, or other process of law whatsoever.

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

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

13 (b) Under a group health care benefit plan approved pursuant to RCW
14 28A.400.350 or 41.05.065 from authorizing monthly deductions therefrom,
15 of the amount or amounts of subscription payments, premiums, or
16 contributions to any person, firm, or corporation furnishing or
17 providing medical, surgical, and hospital care or other health care
18 insurance; or

19 (c) Under this system from authorizing monthly deductions therefrom
20 for payment of dues and other membership fees to any retirement
21 association composed of retired teachers and/or public employees
22 pursuant to a written agreement between the director and the retirement
23 association.

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

26 (3) Subsection (1) of this section shall 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 withhold
29 and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of
30 payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory
31 benefits assignment order issued by the department, (e) a court order
32 directing the department of retirement systems to pay benefits directly
33 to an obligee under a dissolution order as defined in RCW 41.50.500(3)
34 which fully complies with RCW 41.50.670 and 41.50.700, or (f) any
35 administrative or court order expressly authorized by federal law.

36 (4) Subsection (1) of this section does not exempt any pension or
37 other benefit received under this chapter from tax under Title 82A RCW

1 (sections 101 through 809 of this act), nor does it prohibit the
2 department of retirement systems from complying with the tax
3 withholding requirements of that title.

4 **Sec. 1007.** RCW 41.35.100 and 1998 c 341 s 11 are each amended to
5 read as follows:

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

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

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

1 fully complies with RCW 41.50.670 and 41.50.700, or (f) any
2 administrative or court 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 RCW
5 (sections 101 through 809 of this act), nor does it prohibit the
6 department of retirement systems from complying with the tax
7 withholding requirements of that title.

8 **Sec. 1008.** RCW 41.40.052 and 1999 c 83 s 1 are each amended to
9 read as follows:

10 PUBLIC EMPLOYEES' RETIREMENT SYSTEM. (1) Subject to subsections
11 (2) (~~and~~), (3), and (4) of this section, the right of a person to a
12 pension, an annuity, or retirement allowance, any optional benefit, any
13 other right accrued or accruing to any person under the provisions of
14 this chapter, the various funds created by this chapter, and all moneys
15 and investments and income thereof, are hereby exempt from any state,
16 county, municipal, or other local tax, and shall not be subject to
17 execution, garnishment, attachment, the operation of bankruptcy or
18 insolvency laws, or other process of law whatsoever, and shall be
19 unassignable.

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

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

1 (3) Subsection (1) of this section shall not prohibit the
2 department from complying with (a) a wage assignment order for child
3 support issued pursuant to chapter 26.18 RCW, (b) an order to withhold
4 and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of
5 payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory
6 benefits assignment order issued by the department, (e) a court order
7 directing the department of retirement systems to pay benefits directly
8 to an obligee under a dissolution order as defined in RCW 41.50.500(3)
9 which fully complies with RCW 41.50.670 and 41.50.700, or (f) any
10 administrative or court order expressly authorized by federal law.

11 (4) Subsection (1) of this section does not exempt any pension or
12 other benefit received under this chapter from tax under Title 82A RCW
13 (sections 101 through 809 of this act), nor does it prohibit the
14 department of retirement systems from complying with the tax
15 withholding requirements of that title.

16 **Sec. 1009.** RCW 41.44.240 and 1989 c 360 s 28 are each amended to
17 read as follows:

18 STATEWIDE CITY EMPLOYEES' RETIREMENT. (1) The right of a person to
19 a pension, annuity or a retirement allowance, to the return of
20 contribution, the pension, annuity or retirement allowance itself, any
21 optional benefit, any other right accrued or accruing to any person
22 under the provisions of this chapter, and the moneys in the fund
23 created under this chapter shall not be subject to execution,
24 garnishment, or any other process whatsoever.

25 (2) This section shall not apply to child support collection
26 actions taken under chapter 26.18, 26.23, or 74.20A RCW against
27 benefits payable under any such plan or arrangement. Benefits under
28 this chapter shall be payable to a spouse or ex-spouse to the extent
29 expressly provided for in any court decree of dissolution or legal
30 separation or in any court order or court-approved property settlement
31 agreement incident to any court decree of dissolution or legal
32 separation.

33 (3) Subsection (1) of this section does not exempt any pension or
34 other benefit received under this chapter from tax under Title 82A RCW
35 (sections 101 through 809 of this act), nor does it prohibit the
36 department of retirement systems from complying with the tax
37 withholding requirements of that title.

1 **Sec. 1010.** RCW 41.26.053 and 1991 c 365 s 20 and 1991 c 35 s 25
2 are each reenacted and amended to read as follows:

3 LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM.

4 (1) Subject to subsections (2) (~~and~~), (3), and (4) of this section,
5 the right of a person to a retirement allowance, disability allowance,
6 or death benefit, to the return of accumulated contributions, the
7 retirement, disability or death allowance itself, any optional benefit,
8 any other right accrued or accruing to any person under the provisions
9 of this chapter, and the moneys in the fund created under this chapter,
10 are hereby exempt from any state, county, municipal, or other local tax
11 and shall not be subject to execution, garnishment, attachment, the
12 operation of bankruptcy or insolvency laws, or any other process of law
13 whatsoever, and shall be unassignable.

14 (2) On the written request of any person eligible to receive
15 benefits under this section, the department may deduct from such
16 payments the premiums for life, health, or other insurance. The
17 request on behalf of any child or children shall be made by the legal
18 guardian of such child or children. The department may provide for
19 such persons one or more plans of group insurance, through contracts
20 with regularly constituted insurance carriers or health care service
21 contractors.

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

32 (4) Subsection (1) of this section does not exempt any pension or
33 other benefit received under this chapter from tax under Title 82A RCW
34 (sections 101 through 809 of this act), nor does it prohibit the
35 department of retirement systems from complying with the tax
36 withholding requirements of that title.

1 **Sec. 1011.** RCW 43.43.310 and 1991 c 365 s 23 are each amended to
2 read as follows:

3 WASHINGTON STATE PATROL RETIREMENT. (1) Except as provided in
4 subsections (2) (~~and~~), (3), and (4) of this section, the right of any
5 person to a retirement allowance or optional retirement allowance under
6 the provisions hereof and all moneys and investments and income thereof
7 are exempt from any state, county, municipal, or other local tax and
8 shall not be subject to execution, garnishment, attachment, the
9 operation of bankruptcy or the insolvency laws, or other processes of
10 law whatsoever and shall be unassignable except as herein specifically
11 provided.

12 (2) Subsection (1) of this section shall not prohibit the
13 department of retirement systems from complying with (a) a wage
14 assignment order for child support issued pursuant to chapter 26.18
15 RCW, (b) an order to withhold and deliver issued pursuant to chapter
16 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW
17 26.23.060, (d) a mandatory benefits assignment order issued pursuant to
18 chapter 41.50 RCW, (e) a court order directing the department of
19 retirement systems to pay benefits directly to an obligee under a
20 dissolution order as defined in RCW 41.50.500(3) which fully complies
21 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
22 order expressly authorized by federal law.

23 (3) Subsection (1) of this section shall not be deemed to prohibit
24 a beneficiary of a retirement allowance from authorizing deductions
25 therefrom for payment of premiums due on any group insurance policy or
26 plan issued for the benefit of a group comprised of members of the
27 Washington state patrol or other public employees of the state of
28 Washington, or for contributions to the Washington state patrol
29 memorial foundation.

30 (4) Subsection (1) of this section does not exempt any pension or
31 other benefit received under this chapter from tax under Title 82A RCW
32 (sections 101 through 809 of this act), nor does it prohibit the
33 department of retirement systems from complying with the tax
34 withholding requirements of that title.

35 NEW SECTION. **Sec. 1012.** RCW 6.15.025 (Exemption of pension or
36 retirement plan benefits from execution for judgment for out-of-state
37 income tax) and 1991 c 123 s 3 are each repealed.

1 **PART XI**

2 **REDUCING THE STATE SALES TAX**

3 **Sec. 1101.** RCW 82.08.020 and 2003 c 361 s 301 are each amended to
4 read as follows:

5 (1) There is levied and there shall be collected a tax on each
6 retail sale in this state equal to (~~six~~) three and five-tenths
7 percent of the selling price.

8 (2) There is levied and there shall be collected an additional tax
9 on each retail car rental, regardless of whether the vehicle is
10 licensed in this state, equal to five and nine-tenths percent of the
11 selling price. The revenue collected under this subsection shall be
12 deposited in the multimodal transportation account created in RCW
13 47.66.070.

14 (3) Beginning July 1, 2003, there is levied and collected an
15 additional tax of three-tenths of one percent of the selling price on
16 each retail sale of a motor vehicle in this state, other than retail
17 car rentals taxed under subsection (2) of this section. The revenue
18 collected under this subsection shall be deposited in the multimodal
19 transportation account created in RCW 47.66.070.

20 (4) For purposes of subsection (3) of this section, "motor vehicle"
21 has the meaning provided in RCW 46.04.320, but does not include farm
22 tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181,
23 off-road and nonhighway vehicles as defined in RCW 46.09.020, and
24 snowmobiles as defined in RCW 46.10.010.

25 (5) The taxes imposed under this chapter shall apply to successive
26 retail sales of the same property.

27 (6) The rates provided in this section apply to taxes imposed under
28 chapter 82.12 RCW as provided in RCW 82.12.020.

29 **PART XII**

30 **ELIMINATING THE STATE PROPERTY TAX**

31 **Sec. 1201.** RCW 84.52.065 and 1991 sp.s. c 31 s 16 are each amended
32 to read as follows:

33 Subject to the limitations in RCW 84.55.010, in each year through
34 calendar year 2004 the state shall levy for collection in the following
35 year for the support of common schools of the state a tax of three
36 dollars and sixty cents per thousand dollars of assessed value upon the

1 assessed valuation of all taxable property within the state adjusted to
2 the state equalized value in accordance with the indicated ratio fixed
3 by the state department of revenue. The state shall not levy a tax for
4 collection in calendar year 2006 and thereafter.

5 As used in this section, "the support of common schools" includes
6 the payment of the principal and interest on bonds issued for capital
7 construction projects for the common schools.

8 **Sec. 1202.** RCW 84.52.068 and 2003 1st sp.s. c 19 s 1 are each
9 amended to read as follows:

10 (1) A portion of the proceeds of the state property tax levy
11 through calendar year 2005 and the state income tax beginning in
12 calendar year 2006 shall be distributed to school districts in the
13 amounts and in the manner provided in this section.

14 (2) The amount of the distribution to each school district shall be
15 based upon the average number of full-time equivalent students in the
16 school district during the previous school year, and shall be
17 calculated as follows:

18 (a) Out of taxes collected in calendar years 2001 through and
19 including 2003, an annual amount equal to one hundred forty dollars per
20 each full-time equivalent student in all school districts shall be
21 deposited in the student achievement fund to be distributed to each
22 school district based on one hundred forty dollars per full-time
23 equivalent student in the school district for each year beginning with
24 the school year 2001-2002 and through the end of the 2003-2004 school
25 year.

26 (b) For the 2004-2005 school year, an annual amount equal to two
27 hundred fifty-four dollars per full-time equivalent student in all
28 school districts shall be deposited in the student achievement fund to
29 be distributed to each school district based on two hundred fifty-four
30 dollars per full-time equivalent student.

31 (c) For the 2005-2006 school year, an amount equal to three hundred
32 dollars per full-time equivalent student in all school districts shall
33 be deposited in the student achievement fund to be distributed to each
34 school district based on three hundred dollars per full-time equivalent
35 student.

36 (d) For the 2006-2007 school year, an amount equal to three hundred
37 seventy-five dollars per full-time equivalent student in all school

1 districts shall be deposited in the student achievement fund to be
2 distributed to each school district based on three hundred seventy-five
3 dollars per full-time equivalent student.

4 (e) For the 2007-2008 school year, an amount equal to four hundred
5 fifty dollars per full-time equivalent student in all school districts
6 shall be deposited in the student achievement fund to be distributed to
7 each school district based on four hundred fifty dollars per full-time
8 equivalent student.

9 (f) Each subsequent year following the 2007-2008 school year, the
10 amount deposited and distributed shall be adjusted for inflation as
11 defined in RCW 43.135.025(8).

12 (3) For the 2001-2002 through 2003-2004 school years, the office of
13 the superintendent of public instruction shall verify the average
14 number of full-time equivalent students in each school district from
15 the previous school year to the state treasurer by August 1st of each
16 year.

17 (4) Beginning with the 2004-2005 school year:

18 (a) The annual distributions to each school district shall be based
19 on the average number of full-time equivalent students in the school
20 district from the previous school year as reported to the office of the
21 superintendent of public instruction by August 31st of the previous
22 school year; and

23 (b) The school district annual amounts as defined in subsection (2)
24 of this section shall be distributed on the monthly apportionment
25 schedule as defined in RCW 28A.510.250. The office of the
26 superintendent of public instruction shall notify the department of the
27 monthly amounts to be deposited into the student achievement fund to
28 meet the apportionment schedule distributions.

29 **Sec. 1203.** RCW 84.52.043 and 2003 c 83 s 311 are each amended to
30 read as follows:

31 Within and subject to the limitations imposed by RCW 84.52.050 as
32 amended, the regular ad valorem tax levies upon real and personal
33 property by the taxing districts hereafter named shall be as follows:

34 (1) Levies of the senior taxing districts shall be as follows: (a)
35 ~~((The levy by the state shall not exceed three dollars and sixty cents~~
36 ~~per thousand dollars of assessed value adjusted to the state equalized~~
37 ~~value in accordance with the indicated ratio fixed by the state~~

1 ~~department of revenue to be used exclusively for the support of the~~
2 ~~common schools; (b))~~ The levy by any county shall not exceed one
3 dollar and eighty cents per thousand dollars of assessed value; ~~((e))~~
4 (b) the levy by any road district shall not exceed two dollars and
5 twenty-five cents per thousand dollars of assessed value; and ~~((d))~~
6 (c) the levy by any city or town shall not exceed three dollars and
7 thirty-seven and one-half cents per thousand dollars of assessed value.
8 However any county is hereby authorized to increase its levy from one
9 dollar and eighty cents to a rate not to exceed two dollars and forty-
10 seven and one-half cents per thousand dollars of assessed value for
11 general county purposes if the total levies for both the county and any
12 road district within the county do not exceed four dollars and five
13 cents per thousand dollars of assessed value, and no other taxing
14 district has its levy reduced as a result of the increased county levy.

15 (2) The aggregate levies of junior taxing districts and senior
16 taxing districts ~~((, other than the state,))~~ shall not exceed five
17 dollars and ninety cents per thousand dollars of assessed valuation.
18 The term "junior taxing districts" includes all taxing districts other
19 than the state, counties, road districts, cities, towns, port
20 districts, and public utility districts. The limitations provided in
21 this subsection shall not apply to: (a) Levies at the rates provided
22 by existing law by or for any port or public utility district; (b)
23 excess property tax levies authorized in Article VII, section 2 of the
24 state Constitution; (c) levies for acquiring conservation futures as
25 authorized under RCW 84.34.230; (d) levies for emergency medical care
26 or emergency medical services imposed under RCW 84.52.069; (e) levies
27 to finance affordable housing for very low-income housing imposed under
28 RCW 84.52.105; (f) the portions of levies by metropolitan park
29 districts that are protected under RCW 84.52.120; and (g) levies
30 imposed by ferry districts under RCW 36.54.130.

31 **Sec. 1204.** RCW 84.52.050 and 1973 1st ex.s. c 194 s 1 are each
32 amended to read as follows:

33 (1) Except as hereinafter provided, the aggregate of all tax levies
34 upon real and personal property by the state and all taxing districts,
35 now existing or hereafter created, shall not in any year exceed ~~((one~~
36 ~~percentum))~~ sixty-four one-hundredths of one percent of the true and
37 fair value of such property in money ~~((: PROVIDED, HOWEVER, That))~~.

1 (2) Nothing herein shall prevent levies at the rates now provided
2 by law by or for any port or public utility district. The term "taxing
3 district" for the purposes of this section shall mean any political
4 subdivision, municipal corporation, district, or other governmental
5 agency authorized by law to levy, or have levied for it, ad valorem
6 taxes on property, other than a port or public utility district. Such
7 aggregate limitation or any specific limitation imposed by law in
8 conformity therewith may be exceeded only as authorized by law and in
9 conformity with the provisions of Article VII, section 2(a), (b), or
10 (c) of the Constitution of the state of Washington.

11 (3) Nothing herein contained shall prohibit the legislature from
12 allocating or reallocating the authority to levy taxes between the
13 taxing districts of the state and its political subdivisions in a
14 manner which complies with the aggregate tax limitation set forth in
15 this section.

16 **Sec. 1205.** RCW 36.58.150 and 1984 c 186 s 25 are each amended to
17 read as follows:

18 (1) A solid waste disposal district shall not have the power to
19 levy an annual levy without voter approval, but it shall have the power
20 to levy a tax, in excess of the (~~one percent~~) limitation in RCW
21 84.52.050, upon the property within the district for a one year period
22 to be used for operating or capital purposes whenever authorized by the
23 electors of the district pursuant to RCW 84.52.052 and Article VII,
24 section 2(a) of the state Constitution.

25 A solid waste disposal district may issue general obligation bonds
26 for capital purposes only, subject to the limitations prescribed in RCW
27 39.36.020(1), and may provide for the retirement of the bonds by voter-
28 approved bond retirement tax levies pursuant to Article VII, section
29 2(b) of the state Constitution and RCW 84.52.056. Such general
30 obligation bonds shall be issued and sold in accordance with chapter
31 39.46 RCW.

32 A solid waste disposal district may issue revenue bonds to fund its
33 activities. Such revenue bonds may be in any form, including bearer
34 bonds or registered bonds as provided in RCW 39.46.030.

35 (2) Notwithstanding subsection (1) of this section, such revenue
36 bonds may be issued and sold in accordance with chapter 39.46 RCW.

1 **Sec. 1206.** RCW 36.60.040 and 1983 c 303 s 11 are each amended to
2 read as follows:

3 A county rail district is not authorized to impose a regular ad
4 valorem property tax levy but may:

5 (1) Levy an ad valorem property tax, in excess of the (~~one~~
6 ~~percent~~) limitation in RCW 84.52.050, upon the property within the
7 district for a one-year period to be used for operating or capital
8 purposes whenever authorized by the voters of the district pursuant to
9 RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

10 (2) Provide for the retirement of voter approved general obligation
11 bonds, issued for capital purposes only, by levying bond retirement ad
12 valorem property tax levies, in excess of the one percent limitation,
13 whenever authorized by the voters of the district pursuant to Article
14 VII, section 2(b) of the state Constitution and RCW 84.52.056.

15 **Sec. 1207.** RCW 36.69.145 and 1994 c 156 s 3 are each amended to
16 read as follows:

17 (1) A park and recreation district may impose regular property tax
18 levies in an amount equal to sixty cents or less per thousand dollars
19 of assessed value of property in the district in each year for six
20 consecutive years when specifically authorized so to do by a majority
21 of at least three-fifths of the voters thereof approving a proposition
22 authorizing the levies submitted at a special election or at the
23 regular election of the district, at which election the number of
24 voters voting "yes" on the proposition shall constitute three-fifths of
25 a number equal to forty per centum of the number of voters voting in
26 such district at the last preceding general election when the number of
27 voters voting on the proposition does not exceed forty per centum of
28 the number of voters voting in such taxing district in the last
29 preceding general election; or by a majority of at least three-fifths
30 of the voters thereof voting on the proposition if the number of voters
31 voting on the proposition exceeds forty per centum of the number of
32 voters voting in such taxing district in the last preceding general
33 election. A proposition authorizing the tax levies shall not be
34 submitted by a park and recreation district more than twice in any
35 twelve-month period. Ballot propositions shall conform with RCW
36 (~~29.30.111~~) 29A.36.210. In the event a park and recreation district
37 is levying property taxes, which in combination with property taxes

1 levied by other taxing districts subject to the ((~~one percent~~))
2 limitation provided for in ((~~Article 7, section 2, of our state~~
3 ~~Constitution~~)) RCW 84.52.050 result in taxes in excess of the
4 limitation provided for in RCW 84.52.043, the park and recreation
5 district property tax levy shall be reduced or eliminated before the
6 property tax levies of other taxing districts are reduced.

7 (2) The limitation in RCW 84.55.010 shall not apply to the first
8 levy imposed under this section following the approval of the levies by
9 the voters under subsection (1) of this section.

10 **Sec. 1208.** RCW 36.73.060 and 1987 c 327 s 6 are each amended to
11 read as follows:

12 (1) A transportation benefit district may levy an ad valorem
13 property tax in excess of the ((~~one percent~~)) limitation in RCW
14 84.52.050 upon the property within the district for a one-year period
15 whenever authorized by the voters of the district pursuant to RCW
16 84.52.052 and Article VII, section 2(a) of the state Constitution.

17 (2) A district may provide for the retirement of voter-approved
18 general obligation bonds, issued for capital purposes only, by levying
19 bond retirement ad valorem property tax levies in excess of the one
20 percent limitation whenever authorized by the voters of the district
21 pursuant to Article VII, section 2(b) of the state Constitution and RCW
22 84.52.056.

23 **Sec. 1209.** RCW 36.83.030 and 1983 c 130 s 3 are each amended to
24 read as follows:

25 (1) A service district may levy an ad valorem property tax, in
26 excess of the ((~~one percent~~)) limitation in RCW 84.52.050, upon the
27 property within the district for a one-year period whenever authorized
28 by the voters of the district pursuant to RCW 84.52.052 and Article
29 VII, section 2(a) of the state Constitution.

30 (2) A service district may provide for the retirement of voter
31 approved general obligation bonds, issued for capital purposes only, by
32 levying bond retirement ad valorem property tax levies, in excess of
33 the one percent limitation, whenever authorized by the voters of the
34 district pursuant to Article VII, section 2(b) of the state
35 Constitution and RCW 84.52.056.

1 **Sec. 1210.** RCW 36.100.050 and 1988 ex.s. c 1 s 15 are each amended
2 to read as follows:

3 (1) A public facilities district may levy an ad valorem property
4 tax, in excess of the (~~one percent~~) limitation in RCW 84.52.050, upon
5 the property within the district for a one-year period to be used for
6 operating or capital purposes whenever authorized by the voters of the
7 district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the
8 state Constitution.

9 (2) A public facilities district may provide for the retirement of
10 voter-approved general obligation bonds, issued for capital purposes
11 only, by levying bond retirement ad valorem property tax levies, in
12 excess of the one percent limitation, whenever authorized by the voters
13 of the district pursuant to Article VII, section 2(b) of the state
14 Constitution and RCW 84.52.056.

15 **Sec. 1211.** RCW 67.38.130 and 1984 c 131 s 4 are each amended to
16 read as follows:

17 The governing body of a cultural arts, stadium and convention
18 district may levy or cause to levy the following ad valorem taxes:

19 (1) Regular ad valorem property tax levies in an amount equal to
20 twenty-five cents or less per thousand dollars of the assessed value of
21 property in the district in each year for six consecutive years when
22 specifically authorized so to do by a majority of at least three-fifths
23 of the electors thereof approving a proposition authorizing the levies
24 submitted at a general or special election, at which election the
25 number of persons voting "yes" on the proposition shall constitute
26 three-fifths of a number equal to forty percentum of the total votes
27 cast in such taxing district at the last preceding general election; or
28 by a majority of at least three-fifths of the electors thereof voting
29 on the proposition when the number of electors voting yes on the
30 proposition exceeds forty percentum of the total votes cast in such
31 taxing district in the last preceding general election. Ballot
32 propositions shall conform with RCW (~~29.30.111~~) 29A.36.210.

33 In the event a cultural arts, stadium and convention district is
34 levying property taxes, which in combination with property taxes levied
35 by other taxing districts subject to the (~~one percent~~) limitation
36 provided for in (~~Article VII, section 2, of our state Constitution~~)
37 RCW 84.52.050 result in taxes in excess of the limitation provided for

1 in RCW 84.52.043, the cultural arts, stadium and convention district
2 property tax levy shall be reduced or eliminated before the property
3 tax levies of other taxing districts are reduced: PROVIDED, That no
4 cultural arts, stadium, and convention district may pledge anticipated
5 revenues derived from the property tax herein authorized as security
6 for payments of bonds issued pursuant to subsection (1) of this
7 section: PROVIDED, FURTHER, That such limitation shall not apply to
8 property taxes approved pursuant to subsections (2) and (3) of this
9 section.

10 The limitation in RCW 84.55.010 shall apply to levies after the
11 first levy authorized under this section following the approval of such
12 levy by voters pursuant to this section.

13 (2) An annual excess ad valorem property tax for general district
14 purposes when authorized by the district voters in the manner
15 prescribed by (~~section 27~~) Article VII, section 2 of the state
16 Constitution and by RCW 84.52.052.

17 (3) Multi-year excess ad valorem property tax levies used to retire
18 general obligation bond issues when authorized by the district voters
19 in the manner prescribed by (~~section 27~~) Article VII, section 2 of
20 the state Constitution and by RCW 84.52.056.

21 The district shall include in its regular property tax levy for
22 each year a sum sufficient to pay the interest and principal on all
23 outstanding general obligation bonds issued without voter approval
24 pursuant to RCW 67.38.110 and may include a sum sufficient to create a
25 sinking fund for the redemption of all outstanding bonds.

26 **Sec. 1212.** RCW 84.52.010 and 2003 c 83 s 310 are each amended to
27 read as follows:

28 Except as is permitted under RCW 84.55.050, all taxes shall be
29 levied or voted in specific amounts.

30 The rate percent of all taxes for state and county purposes, and
31 purposes of taxing districts coextensive with the county, shall be
32 determined, calculated and fixed by the county assessors of the
33 respective counties, within the limitations provided by law, upon the
34 assessed valuation of the property of the county, as shown by the
35 completed tax rolls of the county, and the rate percent of all taxes
36 levied for purposes of taxing districts within any county shall be
37 determined, calculated and fixed by the county assessors of the

1 respective counties, within the limitations provided by law, upon the
2 assessed valuation of the property of the taxing districts
3 respectively.

4 When a county assessor finds that the aggregate rate of tax levy on
5 any property, that is subject to the limitations set forth in RCW
6 84.52.043 or 84.52.050, exceeds the limitations provided in either of
7 these sections, the assessor shall recompute and establish a
8 consolidated levy in the following manner:

9 (1) The full certified rates of tax levy for state, county, county
10 road district, and city or town purposes shall be extended on the tax
11 rolls in amounts not exceeding the limitations established by law;
12 however any state levy shall take precedence over all other levies and
13 shall not be reduced for any purpose other than that required by RCW
14 84.55.010. If, as a result of the levies imposed under RCW 36.54.130,
15 84.52.069, 84.34.230, the portion of the levy by a metropolitan park
16 district that was protected under RCW 84.52.120, and 84.52.105, the
17 combined rate of regular property tax levies that are subject to the
18 ~~((one percent))~~ limitation under RCW 84.52.050 exceeds ~~((one percent of~~
19 ~~the true and fair value of any property))~~ the limitation under RCW
20 84.52.050, then these levies shall be reduced as follows: (a) The levy
21 imposed by a ferry district under RCW 36.54.130 must be reduced until
22 the combined rate no longer exceeds ~~((one percent of the true and fair~~
23 ~~value of any property))~~ the limitation under RCW 84.52.050 or must be
24 eliminated; (b) if the combined rate of regular property tax levies
25 that are subject to the ~~((one percent))~~ limitation under RCW 84.52.050
26 still exceeds ~~((one percent of the true and fair value of any~~
27 ~~property))~~ the limitation under RCW 84.52.050, the portion of the levy
28 by a metropolitan park district that is protected under RCW 84.52.120
29 shall be reduced until the combined rate no longer exceeds ~~((one~~
30 ~~percent of the true and fair value of any property))~~ the limitation
31 under RCW 84.52.050 or shall be eliminated; (c) if the combined rate of
32 regular property tax levies that are subject to the ~~((one percent))~~
33 limitation under RCW 84.52.050 still exceeds ~~((one percent of the true~~
34 ~~and fair value of any property))~~ the limitation under RCW 84.52.050,
35 then the levies imposed under RCW 84.34.230, 84.52.105, and any portion
36 of the levy imposed under RCW 84.52.069 that is in excess of thirty
37 cents per thousand dollars of assessed value, shall be reduced on a pro
38 rata basis until the combined rate no longer exceeds ~~((one percent of~~

1 ~~the true and fair value of any property))~~ the limitation under RCW
2 84.52.050 or shall be eliminated; and (d) if the combined rate of
3 regular property tax levies that are subject to the (~~one percent~~)
4 limitation under RCW 84.52.050 still exceeds (~~one percent of the true~~
5 ~~and fair value of any property))~~ the limitation under RCW 84.52.050,
6 then the thirty cents per thousand dollars of assessed value of tax
7 levy imposed under RCW 84.52.069 shall be reduced until the combined
8 rate no longer exceeds (~~one percent of the true and fair value of any~~
9 ~~property))~~ the limitation under RCW 84.52.050 or eliminated.

10 (2) The certified rates of tax levy subject to these limitations by
11 all junior taxing districts imposing taxes on such property shall be
12 reduced or eliminated as follows to bring the consolidated levy of
13 taxes on such property within the provisions of these limitations:

14 (a) First, the certified property tax levy rates of those junior
15 taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100,
16 and 67.38.130 shall be reduced on a pro rata basis or eliminated;

17 (b) Second, if the consolidated tax levy rate still exceeds these
18 limitations, the certified property tax levy rates of flood control
19 zone districts shall be reduced on a pro rata basis or eliminated;

20 (c) Third, if the consolidated tax levy rate still exceeds these
21 limitations, the certified property tax levy rates of all other junior
22 taxing districts, other than fire protection districts, library
23 districts, the first fifty cent per thousand dollars of assessed
24 valuation levies for metropolitan park districts, and the first fifty
25 cent per thousand dollars of assessed valuation levies for public
26 hospital districts, shall be reduced on a pro rata basis or eliminated;

27 (d) Fourth, if the consolidated tax levy rate still exceeds these
28 limitations, the first fifty cent per thousand dollars of assessed
29 valuation levies for metropolitan park districts created on or after
30 January 1, 2002, shall be reduced on a pro rata basis or eliminated;

31 (e) Fifth, if the consolidated tax levy rate still exceeds these
32 limitations, the certified property tax levy rates authorized to fire
33 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced
34 on a pro rata basis or eliminated; and

35 (f) Sixth, if the consolidated tax levy rate still exceeds these
36 limitations, the certified property tax levy rates authorized for fire
37 protection districts under RCW 52.16.130, library districts,
38 metropolitan park districts created before January 1, 2002, under their

1 first fifty cent per thousand dollars of assessed valuation levy, and
2 public hospital districts under their first fifty cent per thousand
3 dollars of assessed valuation levy, shall be reduced on a pro rata
4 basis or eliminated.

5 In determining whether the aggregate rate of tax levy on any
6 property, that is subject to the limitations set forth in RCW
7 84.52.050, exceeds the limitations provided in that section, the
8 assessor shall use the hypothetical state levy, as apportioned to the
9 county under RCW 84.48.080, that was computed under RCW 84.48.080
10 without regard to the reduction under RCW 84.55.012.

11 **Sec. 1213.** RCW 84.69.020 and 2002 c 168 s 11 are each amended to
12 read as follows:

13 On the order of the county treasurer, ad valorem taxes paid before
14 or after delinquency shall be refunded if they were:

- 15 (1) Paid more than once;
- 16 (2) Paid as a result of manifest error in description;
- 17 (3) Paid as a result of a clerical error in extending the tax
18 rolls;
- 19 (4) Paid as a result of other clerical errors in listing property;
- 20 (5) Paid with respect to improvements which did not exist on
21 assessment date;
- 22 (6) Paid under levies or statutes adjudicated to be illegal or
23 unconstitutional;
- 24 (7) Paid as a result of mistake, inadvertence, or lack of knowledge
25 by any person exempted from paying real property taxes or a portion
26 thereof pursuant to RCW 84.36.381 through 84.36.389, as now or
27 hereafter amended;
- 28 (8) Paid as a result of mistake, inadvertence, or lack of knowledge
29 by either a public official or employee or by any person with respect
30 to real property in which the person paying the same has no legal
31 interest;
- 32 (9) Paid on the basis of an assessed valuation which was appealed
33 to the county board of equalization and ordered reduced by the board;
- 34 (10) Paid on the basis of an assessed valuation which was appealed
35 to the state board of tax appeals and ordered reduced by the board:
36 PROVIDED, That the amount refunded under subsections (9) and (10) of

1 this section shall only be for the difference between the tax paid on
2 the basis of the appealed valuation and the tax payable on the
3 valuation adjusted in accordance with the board's order;

4 (11) Paid as a state property tax levied upon property, the
5 assessed value of which has been established by the state board of tax
6 appeals for the year of such levy: PROVIDED, HOWEVER, That the amount
7 refunded shall only be for the difference between the state property
8 tax paid and the amount of state property tax which would, when added
9 to all other property taxes within the (~~one percent~~) limitation of
10 Article VII, section 2 of the state Constitution equal (~~one percent~~)
11 the percentage under RCW 84.52.050 of the assessed value established by
12 the board;

13 (12) Paid on the basis of an assessed valuation which was
14 adjudicated to be unlawful or excessive: PROVIDED, That the amount
15 refunded shall be for the difference between the amount of tax which
16 was paid on the basis of the valuation adjudged unlawful or excessive
17 and the amount of tax payable on the basis of the assessed valuation
18 determined as a result of the proceeding;

19 (13) Paid on property acquired under RCW 84.60.050, and canceled
20 under RCW 84.60.050(2);

21 (14) Paid on the basis of an assessed valuation that was reduced
22 under RCW 84.48.065;

23 (15) Paid on the basis of an assessed valuation that was reduced
24 under RCW 84.40.039; or

25 (16) Abated under RCW 84.70.010.

26 No refunds under the provisions of this section shall be made
27 because of any error in determining the valuation of property, except
28 as authorized in subsections (9), (10), (11), and (12) of this section
29 nor may any refunds be made if a bona fide purchaser has acquired
30 rights that would preclude the assessment and collection of the
31 refunded tax from the property that should properly have been charged
32 with the tax. Any refunds made on delinquent taxes shall include the
33 proportionate amount of interest and penalties paid. However, refunds
34 as a result of an incorrect payment authorized under subsection (8) of
35 this section made by a third party payee shall not include refund
36 interest. The county treasurer may deduct from moneys collected for
37 the benefit of the state's levy, refunds of the state levy including
38 interest on the levy as provided by this section and chapter 84.68 RCW.

1 The county treasurer of each county shall make all refunds
2 determined to be authorized by this section, and by the first Monday in
3 February of each year, report to the county legislative authority a
4 list of all refunds made under this section during the previous year.
5 The list is to include the name of the person receiving the refund, the
6 amount of the refund, and the reason for the refund.

7 **Sec. 1214.** RCW 39.89.020 and 2001 c 212 s 2 are each amended to
8 read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Assessed value of real property" means the valuation of real
12 property as placed on the last completed assessment roll.

13 (2) "Local government" means any city, town, county, port district,
14 or any combination thereof.

15 (3) "Ordinance" means any appropriate method of taking legislative
16 action by a local government.

17 (4) "Public improvements" means:

18 (a) Infrastructure improvements within the increment area that
19 include:

- 20 (i) Street and road construction and maintenance;
- 21 (ii) Water and sewer system construction and improvements;
- 22 (iii) Sidewalks and streetlights;
- 23 (iv) Parking, terminal, and dock facilities;
- 24 (v) Park and ride facilities of a transit authority;
- 25 (vi) Park facilities and recreational areas; and
- 26 (vii) Storm water and drainage management systems; and

27 (b) Expenditures for any of the following purposes:

28 (i) Providing environmental analysis, professional management,
29 planning, and promotion within the increment area, including the
30 management and promotion of retail trade activities in the increment
31 area;

32 (ii) Providing maintenance and security for common or public areas
33 in the increment area; or

34 (iii) Historic preservation activities authorized under RCW
35 35.21.395.

36 (5) "Public improvement costs" means the costs of: (a) Design,
37 planning, acquisition, site preparation, construction, reconstruction,

1 rehabilitation, improvement, and installation of public improvements;
2 (b) relocating, maintaining, and operating property pending
3 construction of public improvements; (c) relocating utilities as a
4 result of public improvements; (d) financing public improvements,
5 including interest during construction, legal and other professional
6 services, taxes, insurance, principal and interest costs on general
7 indebtedness issued to finance public improvements, and any necessary
8 reserves for general indebtedness; (e) assessments incurred in
9 revaluing real property for the purpose of determining the tax
10 allocation base value that are in excess of costs incurred by the
11 assessor in accordance with the revaluation plan under chapter 84.41
12 RCW, and the costs of apportioning the taxes and complying with this
13 chapter and other applicable law; and (f) administrative expenses and
14 feasibility studies reasonably necessary and related to these costs,
15 including related costs that may have been incurred before adoption of
16 the ordinance authorizing the public improvements and the use of
17 community revitalization financing to fund the costs of the public
18 improvements.

19 (6) "Regular property taxes" means regular property taxes as
20 defined in RCW 84.04.140, except(~~(a)~~) regular property taxes
21 levied by port districts or public utility districts specifically for
22 the purpose of making required payments of principal and interest on
23 general indebtedness(~~(a) and (b) regular property taxes levied by the~~
24 ~~state for the support of the common schools under RCW 84.52.065~~)).
25 Regular property taxes do not include excess property tax levies that
26 are exempt from the aggregate limits for junior and senior taxing
27 districts as provided in RCW 84.52.043.

28 (7) "Tax allocation base value" means the true and fair value of
29 real property located within an increment area for taxes imposed in the
30 year in which the increment area is created, plus twenty-five percent
31 of any increase in the true and fair value of real property located
32 within an increment area that is placed on the assessment rolls after
33 the increment area is created.

34 (8) "Tax allocation revenues" means those tax revenues derived from
35 the imposition of regular property taxes on the increment value and
36 distributed to finance public improvements.

37 (9) "Increment area" means the geographic area from which taxes are

1 to be appropriated to finance public improvements authorized under this
2 chapter.

3 (10) "Increment value" means seventy-five percent of any increase
4 in the true and fair value of real property in an increment area that
5 is placed on the tax rolls after the increment area is created.

6 (11) "Taxing districts" means a governmental entity that levies or
7 has levied for it regular property taxes upon real property located
8 within a proposed or approved increment area.

9 (12) "Value of taxable property" means the value of the taxable
10 property as defined in RCW 39.36.015.

11 **Sec. 1215.** RCW 43.99H.060 and 1991 sp.s. c 31 s 15 are each
12 amended to read as follows:

13 (1) For bonds issued for the purposes of RCW 43.99H.020(16), on
14 each date on which any interest or principal and interest payment is
15 due, the board of regents or the board of trustees of Washington State
16 University shall cause the amount computed in RCW 43.99H.040(1) to be
17 paid out of the appropriate building account or capital projects
18 account to the state treasurer for deposit into the general fund of the
19 state treasury.

20 (2) For bonds issued for the purposes of RCW 43.99H.020(15), on
21 each date on which any interest or principal and interest payment is
22 due, the state treasurer shall transfer the amount computed in RCW
23 43.99H.040(2) from the capitol campus reserve account, hereby created
24 in the state treasury, to the general fund of the state treasury. At
25 the time of sale of the bonds issued for the purposes of RCW
26 43.99H.020(15), and on or before June 30th of each succeeding year
27 while such bonds remain outstanding, the state finance committee shall
28 determine, based on current balances and estimated receipts and
29 expenditures from the capitol campus reserve account, that portion of
30 principal and interest on such RCW 43.99H.020(15) bonds which will, by
31 virtue of payments from the capitol campus reserve account, be
32 reimbursed from sources other than "general state revenues" as that
33 term is defined in Article VIII, section 1 of the state Constitution.
34 The amount so determined by the state finance committee, as from time
35 to time adjusted in accordance with this subsection, shall not
36 constitute indebtedness for purposes of the limitations set forth in
37 RCW 39.42.060.

1 (3) For bonds issued for the purposes of RCW 43.99H.020(17), on
2 each date on which any interest or principal and interest payment is
3 due, the director of the department of labor and industries shall cause
4 fifty percent of the amount computed in RCW 43.99H.040(3) to be
5 transferred from the accident fund created in RCW 51.44.010 and fifty
6 percent of the amount computed in RCW 43.99H.040(3) to be transferred
7 from the medical aid fund created in RCW 51.44.020, to the general fund
8 of the state treasury.

9 (4) For bonds issued for the purposes of RCW 43.99H.020(18), on
10 each date on which any interest or principal and interest payment is
11 due, the board of regents of the University of Washington shall cause
12 the amount computed in RCW 43.99H.040(4) to be paid out of University
13 of Washington nonappropriated local funds to the state treasurer for
14 deposit into the general fund of the state treasury.

15 (5) For bonds issued for the purposes of RCW 43.99H.020(20), on
16 each date on which any interest or principal and interest payment is
17 due, the state treasurer shall transfer the amount computed in RCW
18 43.99H.040(5) from the public safety and education account created in
19 RCW 43.08.250 to the general fund of the state treasury.

20 ~~((6) For bonds issued for the purposes of RCW 43.99H.020(4), on
21 each date on which any interest or principal and interest payment is
22 due, the state treasurer shall transfer from property taxes in the
23 state general fund levied for the support of the common schools under
24 RCW 84.52.065 to the general fund of the state treasury for
25 unrestricted use the amount computed in RCW 43.99H.040(6).))~~

26 **Sec. 1216.** RCW 43.99I.040 and 1997 c 456 s 39 are each amended to
27 read as follows:

28 ~~(1) ((On each date on which any interest or principal and interest
29 payment is due on bonds issued for the purposes of RCW 43.99I.020(4),
30 the state treasurer shall transfer from property taxes in the state
31 general fund levied for this support of the common schools under RCW
32 84.52.065 to the general fund of the state treasury for unrestricted
33 use the amount computed in RCW 43.99I.030 for the bonds issued for the
34 purposes of RCW 43.99I.020(4)).~~

35 ~~(2))~~ On each date on which any interest or principal and interest
36 payment is due on bonds issued for the purposes of RCW 43.99I.020(5),
37 the state treasurer shall transfer from higher education operating fees

1 deposited in the general fund to the general fund of the state treasury
2 for unrestricted use, or if chapter 231, Laws of 1992 (Senate Bill No.
3 6285) becomes law and changes the disposition of higher education
4 operating fees from the general fund to another account, the state
5 treasurer shall transfer the proportional share from the University of
6 Washington operating fees account, the Washington State University
7 operating fees account, and the Central Washington University operating
8 fees account the amount computed in RCW 43.99I.030 for the bonds issued
9 for the purposes of RCW 43.99I.020(6).

10 ~~((+3))~~ (2) On each date on which any interest or principal and
11 interest payment is due on bonds issued for the purposes of RCW
12 43.99I.020(6), the state treasurer shall transfer from the data
13 processing revolving fund created in RCW 43.105.080 to the general fund
14 of the state treasury the amount computed in RCW 43.99I.030 for the
15 bonds issued for the purposes of RCW 43.99I.020(6).

16 ~~((+4))~~ (3) On each date on which any interest or principal and
17 interest payment is due on bonds issued for the purpose of RCW
18 43.99I.020(7), the Washington state dairy products commission shall
19 cause the amount computed in RCW 43.99I.030 for the bonds issued for
20 the purposes of RCW 43.99I.020(7) to be paid out of the commission's
21 general operating fund to the state treasurer for deposit into the
22 general fund of the state treasury.

23 ~~((+5))~~ (4) The higher education operating fee accounts for the
24 University of Washington, Washington State University, and Central
25 Washington University established by chapter 231, Laws of 1992 and
26 repealed by chapter 18, Laws of 1993 1st sp. sess. are reestablished in
27 the state treasury for purposes of fulfilling debt service
28 reimbursement transfers to the general fund required by bond
29 resolutions and covenants for bonds issued for purposes of RCW
30 43.99I.020(5).

31 ~~((+6))~~ (5) For bonds issued for purposes of RCW 43.99I.020(5), on
32 each date on which any interest or principal and interest payment is
33 due, the board of regents or board of trustees of the University of
34 Washington, Washington State University, or Central Washington
35 University shall cause the amount as determined by the state treasurer
36 to be paid out of the local operating fee account for deposit by the
37 universities into the state treasury higher education operating fee
38 accounts. The state treasurer shall transfer the proportional share

1 from the University of Washington operating fees account, the
2 Washington State University operating fees account, and the Central
3 Washington University operating fees account the amount computed in RCW
4 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(6)
5 to reimburse the general fund.

6 **PART XIII**
7 **MISCELLANEOUS**

8 NEW SECTION. **Sec. 1301.** SEVERABILITY. If any provision of this
9 act or its application to any person or circumstance is held invalid,
10 the remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 1302.** CAPTIONS AND PART HEADINGS. Captions and
13 part headings as used in this act constitute no part of the law.

14 NEW SECTION. **Sec. 1303.** CODIFICATION. Sections 101 through 809
15 of this act constitute a new title in the Revised Code of Washington,
16 to be codified as Title 82A RCW.

17 NEW SECTION. **Sec. 1304.** CONTINGENT EFFECTIVE DATE. If the
18 proposed amendment to Article VII of the state Constitution authorizing
19 income taxes (SJR) is validly submitted and is approved and
20 ratified by the voters at a general election held in November 2004,
21 then section 1201 of this act takes effect January 1, 2005, and the
22 remainder of this act takes effect January 1, 2006. If the proposed
23 amendment is not approved and ratified, this entire act shall be null
24 and void in its entirety.

25 NEW SECTION. **Sec. 1305.** Sections 1201 through 1216 of this act
26 apply to taxes levied for collection in 2006.

27 NEW SECTION. **Sec. 1306.** RCW 84.52.068 is recodified as a section
28 in Title 82A RCW, created in section 1303 of this act.

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