

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5256

60th Legislature
2008 Regular Session

Passed by the Senate February 19, 2008
YEAS 48 NAYS 0

President of the Senate

Passed by the House March 5, 2008
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5256** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5256

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senate Ways & Means (originally sponsored by Senators Prentice, Roach, Fairley, Kastama, Eide, Hobbs, Fraser, Rockefeller, Kohl-Welles, Rasmussen, Franklin, Kilmer, Honeyford, and Keiser)

READ FIRST TIME 01/31/08.

1 AN ACT Relating to excluding veterans benefits from the income
2 calculation for the retired person property tax relief program;
3 amending RCW 84.36.383; and creating a new section.

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

5 **Sec. 1.** RCW 84.36.383 and 2006 c 62 s 1 are each amended to read
6 as follows:

7 As used in RCW 84.36.381 through 84.36.389, except where the
8 context clearly indicates a different meaning:

9 (1) The term "residence" means a single family dwelling unit
10 whether such unit be separate or part of a multiunit dwelling,
11 including the land on which such dwelling stands not to exceed one
12 acre, except that a residence includes any additional property up to a
13 total of five acres that comprises the residential parcel if this
14 larger parcel size is required under land use regulations. The term
15 shall also include a share ownership in a cooperative housing
16 association, corporation, or partnership if the person claiming
17 exemption can establish that his or her share represents the specific
18 unit or portion of such structure in which he or she resides. The term
19 shall also include a single family dwelling situated upon lands the fee

1 of which is vested in the United States or any instrumentality thereof
2 including an Indian tribe or in the state of Washington, and
3 notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a
4 residence shall be deemed real property.

5 (2) The term "real property" shall also include a mobile home which
6 has substantially lost its identity as a mobile unit by virtue of its
7 being fixed in location upon land owned or leased by the owner of the
8 mobile home and placed on a foundation (posts or blocks) with fixed
9 pipe, connections with sewer, water, or other utilities. A mobile home
10 located on land leased by the owner of the mobile home is subject, for
11 tax billing, payment, and collection purposes, only to the personal
12 property provisions of chapter 84.56 RCW and RCW 84.60.040.

13 (3) "Department" means the state department of revenue.

14 (4) "Combined disposable income" means the disposable income of the
15 person claiming the exemption, plus the disposable income of his or her
16 spouse, and the disposable income of each cotenant occupying the
17 residence for the assessment year, less amounts paid by the person
18 claiming the exemption or his or her spouse during the assessment year
19 for:

20 (a) Drugs supplied by prescription of a medical practitioner
21 authorized by the laws of this state or another jurisdiction to issue
22 prescriptions;

23 (b) The treatment or care of either person received in the home or
24 in a nursing home, boarding home, or adult family home; and

25 (c) Health care insurance premiums for medicare under Title XVIII
26 of the social security act.

27 (5) "Disposable income" means adjusted gross income as defined in
28 the federal internal revenue code, as amended prior to January 1, 1989,
29 or such subsequent date as the director may provide by rule consistent
30 with the purpose of this section, plus all of the following items to
31 the extent they are not included in or have been deducted from adjusted
32 gross income:

33 (a) Capital gains, other than gain excluded from income under
34 section 121 of the federal internal revenue code to the extent it is
35 reinvested in a new principal residence;

36 (b) Amounts deducted for loss;

37 (c) Amounts deducted for depreciation;

38 (d) Pension and annuity receipts;

1 (e) Military pay and benefits other than attendant-care and
2 medical-aid payments;
3 (f) Veterans benefits, other than:
4 (i) Attendant-care ((and)) payments;
5 (ii) Medical-aid payments;
6 (iii) Disability compensation, as defined in Title 38, part 3,
7 section 3.4 of the code of federal regulations, as of January 1, 2008;
8 and
9 (iv) Dependency and indemnity compensation, as defined in Title 38,
10 part 3, section 3.5 of the code of federal regulations, as of January
11 1, 2008;
12 (g) Federal social security act and railroad retirement benefits;
13 (h) Dividend receipts; and
14 (i) Interest received on state and municipal bonds.
15 (6) "Cotenant" means a person who resides with the person claiming
16 the exemption and who has an ownership interest in the residence.
17 (7) "Disability" has the same meaning as provided in 42 U.S.C. Sec.
18 423(d)(1)(A) as amended prior to January 1, 2004, or such subsequent
19 date as the director may provide by rule consistent with the purpose of
20 this section.

21 NEW SECTION. Sec. 2. This act applies to taxes levied for
22 collection in 2009 and thereafter.

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