

SSB 6438 - S AMD 647  
By Senator Hargrove

1 On page 49, after line 16, insert the following:

2 "PART XII  
3 Providing reasonable tools for the effective administration of the  
4 public utility district privilege tax

5 NEW SECTION. **Sec. 1201.** A new section is added to chapter 54.28  
6 RCW to read as follows:

7 The following provisions of chapter 82.32 RCW apply with respect  
8 to the taxes imposed under this chapter and collected by the  
9 department of revenue, unless the context clearly requires otherwise:  
10 RCW 82.32.050, 82.32.060, 82.32.070, 82.32.100, 82.32.105, 82.32.135,  
11 82.32.150, 82.32.160, 82.32.170, 82.32.180, 82.32.240, 82.32.330,  
12 82.32.340, 82.32.350, 82.32.360, 82.32.410, and any other provision  
13 of chapter 82.32 RCW specifically referenced in the statutes listed  
14 in this section. The definitions in this chapter have full force and  
15 application with respect to the application of chapter 82.32 RCW to  
16 this chapter unless the context clearly requires otherwise.

17 **Sec. 1202.** RCW 54.28.030 and 1977 ex.s. c 366 s 3 are each  
18 amended to read as follows:

19 (1) On or before the fifteenth day of March of each year, each  
20 district subject to this tax (~~shall~~) must file with the department  
21 of revenue a report verified by the affidavit of its manager or  
22 secretary on forms prescribed by the department of revenue. Such  
23 report (~~shall~~) must state (~~(1)~~) (a) the gross revenues derived by  
24 the district from the sale of all distributed energy to consumers and  
25 the respective amounts derived from such sales within each county;  
26 (~~(2)~~) (b) the gross revenues derived by the district from the sale  
27 of self-generated energy for resale; (~~(3)~~) (c) the amount of all  
28 generated energy distributed from each of the facilities subject to  
29 taxation by a district from its own generating facilities, the  
30 wholesale value thereof, and the basis on which the value is

1 computed; ~~((4))~~ (d) the total cost of all generating facilities and  
2 the cost of acquisition of land and land rights for such facilities  
3 or for reservoir purposes in each county; and ~~((5))~~ (e) such other  
4 and further information as the department of revenue reasonably may  
5 require in order to administer the provisions of this chapter.

6 (2) In case of failure by a district to file such report, the  
7 department may proceed to determine the information, which  
8 determination ~~((shall be))~~ is contestable by the district ~~((only for~~  
9 ~~actual fraud))~~ as provided under RCW 82.32.100(2).

10 (3)(a) Beginning January 1, 2017, reports due under this section  
11 must be filed electronically in a form or manner provided or  
12 authorized by the department. However, the department, upon request  
13 or its own initiative, may relieve any district from the electronic  
14 filing requirement under this subsection for good cause as determined  
15 by the department.

16 (b) For purposes of this subsection, "good cause" means:

17 (i) A circumstance or condition exists that, in the department's  
18 judgment, prevents the district from electronically filing the report  
19 due under this section; or

20 (ii) The department determines that relief from the electronic  
21 filing requirement under this subsection supports the efficient or  
22 effective administration of this chapter.

23 **Sec. 1203.** RCW 54.28.040 and 1996 c 149 s 16 are each amended to  
24 read as follows:

25 (1)(a) Before May 1st, the department of revenue ~~((shall))~~ must  
26 compute the tax imposed by this chapter for the last preceding  
27 calendar year and notify the district of the amount thereof, which  
28 ~~((shall be))~~ is payable on or before the following June 1st.

29 (b) Beginning January 1, 2017, districts must remit payments due  
30 under this section by electronic funds transfer or other form of  
31 electronic payment acceptable to the department. However, the  
32 department, upon request or its own initiative, may relieve any  
33 district from the electronic payment requirement under this  
34 subsection for good cause as determined by the department.

35 (c) For purposes of this subsection, "good cause" means:

36 (i) A circumstance or condition exists that, in the department's  
37 judgment, prevents the district from remitting payments due under  
38 this section electronically; or

1 (ii) The department determines that relief from the electronic  
2 payment requirement under this subsection supports the efficient or  
3 effective administration of this chapter.

4 (2)(a) If payment of any tax is not received by the department on  
5 or before the due date, (~~there shall be assessed~~) a penalty of five  
6 percent of the amount of the tax is assessed; if the tax is not  
7 received within one month of the due date, (~~there shall be~~  
8 ~~assessed~~) a total penalty of ten percent of the amount of the tax is  
9 assessed; and if the tax is not received within two months of the due  
10 date, (~~there shall be assessed~~) a total penalty of twenty percent  
11 of the amount of the tax is assessed.

12 (b) If a district fails to file any report electronically or  
13 fails to pay electronically any taxes due under a report, the  
14 department must assess a penalty equal to five percent of the amount  
15 of the tax payable under the report, unless the department has  
16 granted a waiver of the electronic filing and payment requirements.  
17 Total penalties assessed under this subsection (2)(b) may not exceed  
18 five percent of the tax payable under the report and are in addition  
19 to any applicable penalties assessed under (a) of this subsection  
20 (2).

21 (3) Upon receipt of the amount of each tax imposed the department  
22 of revenue (~~shall~~) must deposit the same with the state treasurer,  
23 who (~~shall~~) must deposit four percent of the revenues received  
24 under RCW 54.28.020(1) and 54.28.025(1) and all revenues received  
25 under RCW 54.28.020(2) and 54.28.025(2) in the general fund of the  
26 state and (~~shall~~) must distribute the remainder in the manner  
27 hereinafter set forth. The state treasurer (~~shall~~) must send a  
28 duplicate copy of each transmittal to the department of revenue.

29 **Sec. 1204.** RCW 54.28.050 and 1982 1st ex.s. c 35 s 21 are each  
30 amended to read as follows:

31 (1) Except as provided in subsection (2) of this section, after  
32 computing the tax imposed by RCW 54.28.020(1), the department of  
33 revenue (~~shall~~) must instruct the state treasurer, after placing  
34 thirty-seven and six-tenths percent in the state general fund to be  
35 dedicated for the benefit of the public schools, to distribute the  
36 balance collected under RCW 54.28.020(1)(a) to each county in  
37 proportion to the gross revenue from sales made within each county;  
38 and to distribute the balance collected under RCW 54.28.020(1) (b)  
39 and (c) as follows(~~+~~).

1       (a) If the entire generating facility, including reservoir, if  
2 any, is in a single county then all of the balance to the county  
3 where such generating facility is located.

4       (b) If any reservoir is in more than one county, then to each  
5 county in which the reservoir or any portion thereof is located a  
6 percentage equal to the percentage determined by dividing the total  
7 cost of the generating facilities, including adjacent switching  
8 facilities, into twice the cost of land and land rights acquired for  
9 any reservoir within each county, land and land rights to be defined  
10 the same as used by the federal power commission.

11       (c) If the powerhouse and dam, if any, in connection with such  
12 reservoir are in more than one county, the balance (~~shall~~) must be  
13 divided sixty percent to the county in which the owning district is  
14 located and forty percent to the other county or counties or if  
15 (~~said~~) the powerhouse and dam, if any, are owned by a joint  
16 operating agency organized under chapter 43.52 RCW, or by more than  
17 one district or are outside the county of the owning district, then  
18 to be divided equally between the counties in which such facilities  
19 are located. If all of the powerhouse and dam, if any, are in one  
20 county, then the balance (~~shall~~) must be distributed to the county  
21 in which the facilities are located.

22       (2) The department of revenue must instruct the state treasurer  
23 to adjust distributions under this section, in whole or in part, to  
24 account for each county's proportionate share of amounts previously  
25 distributed under this section and subsequently refunded to a public  
26 utility district under RCW 82.32.060.

27       (3) The provisions of this section (~~shall~~) do not apply to the  
28 distribution of taxes collected under RCW 54.28.025.

29       **Sec. 1205.** RCW 54.28.055 and 1986 c 189 s 1 are each amended to  
30 read as follows:

31       (1) Except as provided in subsection (3) of this section, after  
32 computing the tax imposed by RCW 54.28.025(1), the department of  
33 revenue (~~shall~~) must instruct the state treasurer to distribute the  
34 amount collected as follows:

35       (a) Fifty percent to the state general fund for the support of  
36 schools; and

37       (b) Twenty-two percent to the counties, twenty-three percent to  
38 the cities, three percent to the fire protection districts, and two  
39 percent to the library districts.

1 (2) Each county, city, fire protection district, and library  
2 district (~~shall~~) must receive a percentage of the amount for  
3 distribution to counties, cities, fire protection districts, and  
4 library districts, respectively, in the proportion that the  
5 population of such district residing within the impacted area bears  
6 to the total population of all such districts residing within the  
7 impacted area. For the purposes of this chapter, the term "library  
8 district" includes only regional libraries (~~as defined in RCW~~  
9 ~~27.12.010(4)~~), rural county library districts (~~as defined in RCW~~  
10 ~~27.12.010(5)~~), intercounty rural library districts (~~as defined in~~  
11 ~~RCW 27.12.010(6)~~), and island library districts as those terms are  
12 defined in RCW 27.12.010(~~(7)~~). The population of a library  
13 district, for purposes of such a distribution, (~~shall~~) may not  
14 include any population within the library district and the impact  
15 area that also is located within a city or town.

16 (3) Distributions under this section must be adjusted as follows:

17 (a) If any distribution pursuant to subsection (1)(b) of this  
18 section cannot be made, then that share (~~shall~~) must be prorated  
19 among the state and remaining local districts.

20 (b) The department of revenue must instruct the state treasurer  
21 to adjust distributions under this section, in whole or in part, to  
22 account for each county's, city's, fire protection district's, and  
23 library district's proportionate share of amounts previously  
24 distributed under this section and subsequently refunded to a public  
25 utility district under RCW 82.32.060.

26 (4) All distributions directed by this section to be made on the  
27 basis of population (~~shall~~) must be calculated in accordance with  
28 data to be provided by the office of financial management.

29 **Sec. 1206.** RCW 82.32.050 and 2008 c 181 s 501 are each amended  
30 to read as follows:

31 (1) If upon examination of any returns or from other information  
32 obtained by the department it appears that a tax or penalty has been  
33 paid less than that properly due, the department (~~shall~~) must  
34 assess against the taxpayer such additional amount found to be due  
35 and (~~shall~~) must add thereto interest on the tax only. The  
36 department (~~shall~~) must notify the taxpayer by mail, or  
37 electronically as provided in RCW 82.32.135, of the additional amount  
38 and the additional amount (~~shall~~) becomes due and (~~shall~~) must be

1 paid within thirty days from the date of the notice, or within such  
2 further time as the department may provide.

3 (a) For tax liabilities arising before January 1, 1992, interest  
4 (~~shall be~~) is computed at the rate of nine percent per annum from  
5 the last day of the year in which the deficiency is incurred until  
6 the earlier of December 31, 1998, or the date of payment. After  
7 December 31, 1998, the rate of interest (~~shall be~~) is variable and  
8 computed as provided in subsection (2) of this section. The rate so  
9 computed (~~shall~~) must be adjusted on the first day of January of  
10 each year for use in computing interest for that calendar year.

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

17 (c) Interest imposed after December 31, 1998, (~~shall~~) must be  
18 computed from the last day of the month following each calendar year  
19 included in a notice, and the last day of the month following the  
20 final month included in a notice if not the end of a calendar year,  
21 until the due date of the notice. If payment in full is not made by  
22 the due date of the notice, additional interest (~~shall~~) must be  
23 computed until the date of payment. The rate of interest (~~shall be~~)  
24 is variable and computed as provided in subsection (2) of this  
25 section. The rate so computed (~~shall~~) must be adjusted on the first  
26 day of January of each year for use in computing interest for that  
27 calendar year.

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

37 (3) During a state of emergency declared under RCW 43.06.010(12),  
38 the department, on its own motion or at the request of any taxpayer  
39 affected by the emergency, may extend the due date of any assessment

1 or correction of an assessment for additional taxes, penalties, or  
2 interest as the department deems proper.

3 (4) No assessment or correction of an assessment for additional  
4 taxes, penalties, or interest due may be made by the department more  
5 than four years after the close of the tax year, or three years after  
6 June 1st of the year in which the report is due for taxes imposed  
7 under chapter 54.28 RCW, except (a) against a taxpayer who has not  
8 registered as required by this chapter, (b) upon a showing of fraud  
9 or of misrepresentation of a material fact by the taxpayer, or (c)  
10 where a taxpayer has executed a written waiver of such limitation.  
11 The execution of a written waiver (~~shall~~) also extends the period  
12 for making a refund or credit as provided in RCW 82.32.060(2).

13 (5) For the purposes of this section, "return" means any document  
14 a person is required by the state of Washington to file to satisfy or  
15 establish a tax or fee obligation that is administered or collected  
16 by the department of revenue and that has a statutorily defined due  
17 date, including reports required under RCW 54.28.030.

18 **Sec. 1207.** RCW 82.32.060 and 2009 c 176 s 4 are each amended to  
19 read as follows:

20 (1) If, upon receipt of an application by a taxpayer for a refund  
21 or for an audit of the taxpayer's records, or upon an examination of  
22 the returns or records of any taxpayer, it is determined by the  
23 department that within the statutory period for assessment of taxes,  
24 penalties, or interest prescribed by RCW 82.32.050 any amount of tax,  
25 penalty, or interest has been paid in excess of that properly due,  
26 the excess amount paid within, or attributable to, such period must  
27 be credited to the taxpayer's account or must be refunded to the  
28 taxpayer, at the taxpayer's option. Except as provided in subsection  
29 (2) of this section, no refund or credit may be made for taxes,  
30 penalties, or interest paid more than four years prior to the  
31 beginning of the calendar year in which the refund application is  
32 made or examination of records is completed, or three years after  
33 June 1st of the year in which the report is due for taxes imposed  
34 under chapter 54.28 RCW.

35 (2)(a) The execution of a written waiver under RCW 82.32.050 or  
36 82.32.100 will extend the time for making a refund or credit of any  
37 taxes paid during, or attributable to, the years covered by the  
38 waiver if, prior to the expiration of the waiver period, an

1 application for refund of such taxes is made by the taxpayer or the  
2 department discovers a refund or credit is due.

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

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

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

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

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



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

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

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

10 (ii) Interest must be computed from the last day of the month  
11 following the final month included in a notice or refund.

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

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

29 **Sec. 1208.** RCW 82.32.100 and 2007 c 111 s 107 are each amended  
30 to read as follows:

31 (1) If any person fails or refuses to make any return or to make  
32 available for examination the records required by this chapter, the  
33 department (~~shall~~) will proceed, in (~~such~~) the manner (~~as~~) it  
34 (~~may~~) deems best, to obtain facts and information on which to base  
35 its estimate of the tax; and to this end the department may examine  
36 the records of any such person as provided in RCW 82.32.110.

37 (2) As soon as the department procures such facts and information  
38 as it is able to obtain upon which to base the assessment of any tax  
39 payable by any person who has failed or refused to make a return, it

1 (~~shall~~) must proceed to determine and assess against such person  
2 the tax and any applicable penalties or interest due, but such action  
3 (~~shall~~) may not deprive (~~such~~) the person from appealing the  
4 assessment as provided in this chapter. The department (~~shall~~) must  
5 notify the taxpayer by mail, or electronically as provided in RCW  
6 82.32.135, of the total amount of such tax, penalties, and interest,  
7 and the total amount (~~shall~~) becomes due and (~~shall~~) must be paid  
8 within thirty days from the date of such notice.

9 (3) No assessment or correction of an assessment may be made by  
10 the department more than four years after the close of the tax year,  
11 or three years after June 1st of the year in which the report is due  
12 for taxes imposed under chapter 54.28 RCW, except (a) against a  
13 taxpayer who has not registered as required by this chapter, (b) upon  
14 a showing of fraud or of misrepresentation of a material fact by the  
15 taxpayer, or (c) where a taxpayer has executed a written waiver of  
16 such limitation. The execution of a written waiver (~~shall~~) also  
17 extends the period for making a refund or credit as provided in RCW  
18 82.32.060(2).

19 **Sec. 1209.** RCW 82.32.105 and 1998 c 304 s 13 are each amended to  
20 read as follows:

21 (1) If the department (~~of revenue~~) finds that the payment by a  
22 taxpayer of a tax less than that properly due or the failure of a  
23 taxpayer to pay any tax by the due date was the result of  
24 circumstances beyond the control of the taxpayer, the department (~~of~~  
25 ~~revenue shall~~) must waive or cancel any penalties imposed under this  
26 chapter, or under the chapter in which the tax is imposed, with  
27 respect to such tax.

28 (2) The department (~~shall~~) must waive or cancel the penalty  
29 imposed under RCW 82.32.090(1) or 54.28.040(2)(a) when the  
30 circumstances under which the delinquency occurred do not qualify for  
31 waiver or cancellation under subsection (1) of this section if:

32 (a) The taxpayer requests the waiver for a tax return required to  
33 be filed under RCW 82.32.045, 82.14B.061, 82.23B.020, 82.27.060,  
34 82.29A.050, or 84.33.086, or for the report due under chapter 54.28  
35 RCW; and

36 (b)(i) The taxpayer has timely filed and remitted payment on all  
37 tax returns due for that tax program for a period of twenty-four  
38 months immediately preceding the period covered by the return for  
39 which the waiver is being requested.

1 (ii) For purposes of the state taxes imposed under chapter 54.28  
2 RCW, a taxpayer will be deemed to have met the requirements for a  
3 penalty waiver in this subsection (2)(b) if:

4 (A) By the due dates, the taxpayer has filed the reports required  
5 under RCW 54.28.030 and paid the full amount of taxes as computed by  
6 the department for the two tax years immediately preceding the tax  
7 year for which a penalty waiver is requested; and

8 (B) The taxpayer has complied with the electronic filing and  
9 payment requirements in RCW 54.28.040 for the tax year for which a  
10 penalty waiver is requested and the two tax years immediately  
11 preceding that tax year, absent a waiver granted by the department.

12 (3) The department (~~shall~~) must waive or cancel interest  
13 imposed under this chapter, or under the chapter in which the tax is  
14 imposed, if:

15 (a) The failure to timely pay the tax was the direct result of  
16 written instructions given the taxpayer by the department; or

17 (b) The extension of a due date for payment of an assessment of  
18 deficiency was not at the request of the taxpayer and was for the  
19 sole convenience of the department.

20 (4) The department (~~of revenue shall~~) must adopt rules for the  
21 waiver or cancellation of penalties and interest imposed by this  
22 chapter.

23 **Sec. 1210.** RCW 82.32.160 and 2007 c 111 s 110 are each amended  
24 to read as follows:

25 (1) Any person having been issued a notice of additional taxes,  
26 delinquent taxes, interest, or penalties assessed by the department,  
27 or notice of state taxes due under chapter 54.28 RCW, may within  
28 thirty days after the issuance of the original notice of the amount  
29 thereof or within the period covered by any extension of the due date  
30 thereof granted by the department petition the department in writing  
31 for a correction of the amount of the assessment, and a conference  
32 for examination and review of the assessment. The petition (~~shall~~)  
33 must set forth the reasons why the correction should be granted and  
34 the amount of the tax, interest, or penalties, which the petitioner  
35 believes to be due. The department (~~shall~~) must promptly consider  
36 the petition and may grant or deny it. If denied, the petitioner  
37 (~~shall~~) must be notified by mail, or electronically as provided in  
38 RCW 82.32.135(~~, thereof forthwith~~). If a conference is granted, the  
39 department (~~shall~~) must fix the time and place therefor and notify

1 the petitioner thereof by mail or electronically as provided in RCW  
2 82.32.135. After the conference the department may make such  
3 determination as may appear to it to be just and lawful and (~~shall~~)  
4 must mail a copy of its determination to the petitioner, or provide a  
5 copy of its determination electronically as provided in RCW  
6 82.32.135. If no such petition is filed within the thirty-day period  
7 the assessment covered by the notice (~~shall~~) becomes final.

8 (2) The procedures provided (~~for herein shall~~) in this section  
9 apply also to a notice denying, in whole or in part, an application  
10 for a pollution control tax exemption and credit certificate, with  
11 such modifications to such procedures established by departmental  
12 rules and regulations as may be necessary to accommodate a claim for  
13 exemption or credit.

14 **Sec. 1211.** RCW 82.32.350 and 1971 ex.s. c 299 s 23 are each  
15 amended to read as follows:

16 The department may enter into an agreement in writing with any  
17 person relating to the liability of such person in respect of any tax  
18 imposed by any of the preceding chapters of this title, or any tax in  
19 respect to which this section is specifically made applicable, for  
20 any taxable period or periods."

21 Renumber the remaining part and sections consecutively and  
22 correct any internal references accordingly.

**SSB 6438 - S AMD 647**  
By Senator Hargrove

23 On page 1, line 2 of the title, after "revenue;" strike the  
24 remainder of the title and insert "amending RCW 82.45.197, 82.04.040,  
25 82.04.190, 82.70.040, 82.08.809, 82.12.809, 82.04.220, 82.32.670,  
26 82.32.534, 82.32.585, 82.04.261, 82.04.334, 82.04.43391, 82.32.030,  
27 82.16.010, 83.100.050, 19.02.115, 82.01.060, 84.33.089, 54.28.030,  
28 54.28.040, 54.28.050, 54.28.055, 82.32.050, 82.32.060, 82.32.100,  
29 82.32.105, 82.32.160, and 82.32.350; amending 2015 3rd sp.s. c 6 ss  
30 2303, 801 and 2301 (uncodified); amending 2015 3rd sp.s. c 30 s 1  
31 (uncodified); reenacting and amending RCW 84.34.108 and 82.32.790;  
32 reenacting RCW 82.04.280; adding a new section to chapter 54.28 RCW;  
33 creating new sections; repealing RCW 82.04.4483; repealing 2010 c 106

1 s 206 (uncodified); repealing 2009 c 461 s 3 (uncodified); repealing  
2 2006 c 300 s 7 (uncodified); repealing 2003 c 149 s 4 (uncodified);  
3 providing a contingent effective date; and providing expiration  
4 dates."

EFFECT: Adds the provisions of SB 5542 relating to the administration of the PUD privilege tax:

(1) Beginning January 1, 2017, PUDs must file reports and pay taxes electronically.

(2) An administrative mechanism is provided for obtaining refunds of overpaid taxes and applying interest to refund amounts.

(3) Assessments of additional taxes, penalties, and interest are limited to three years after June 1st of the year the PUD privilege tax report is due.

(4) The department may waive or cancel delinquent penalties and interest under certain circumstances.

(5) Tax refund lawsuits may be brought to the Thurston County Superior Court.

(6) The department may enter into settlement agreements without the need to resort to litigation.

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