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**SENATE BILL 6346**

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**State of Washington****69th Legislature****2026 Regular Session**

**By** Senators Pedersen, Chapman, Frame, Bateman, Orwall, Slatter, Alvarado, Hunt, Lovelett, Riccelli, Shewmake, Valdez, Wellman, Hasegawa, Robinson, Lovick, Conway, Trudeau, Cleveland, Kauffman, Wilson, C., Dhingra, Stanford, Nobles, Saldaña, and Salomon

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1       AN ACT Relating to investing in Washington families and  
2 businesses to fund K-12 education, health care, higher education,  
3 other essential governmental services, and the working families' tax  
4 credit, and to reduce certain sales and use taxes and certain  
5 business and occupation taxes by establishing a tax on millionaires;  
6 amending RCW 82.32.050, 82.32.060, 82.32.090, 2.10.180, 2.12.090,  
7 6.15.020, 41.24.240, 41.32.052, 41.34.080, 41.35.100, 41.40.052,  
8 41.44.240, 41.26.053, 43.43.310, 82.08.0206, 82.04.4451, 82.32.045,  
9 82.04.288, and 1.90.100; amending 2023 c 456 s 3 (uncodified); adding  
10 a new section to chapter 82.08 RCW; adding a new section to chapter  
11 82.12 RCW; adding a new Title to the Revised Code of Washington to be  
12 codified as Title 82A RCW; creating new sections; prescribing  
13 penalties; providing an effective date; and providing an expiration  
14 date.

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

16       NEW SECTION. **Sec. 1.** **INTENT.** (1) The legislature finds that the  
17 state, through the state's general fund, invests in K-12 education,  
18 health care, higher education, other essential governmental services,  
19 and the working families' tax credit, all of which help  
20 Washingtonians succeed and thrive.

1       (2) These general fund dollars help the state meet its paramount  
2 duty to make ample provision for the education of all children in the  
3 state, including children who qualify for special education services,  
4 creating the opportunity for each child to succeed in school and  
5 achieve success in life.

6       (3) The general fund supports health care programs that deliver  
7 critical, life-saving medical care, provide support for those with  
8 developmental and other disabilities, offers long-term care for the  
9 elderly, and protects the long-term health and well-being of the  
10 public.

11      (4) Further, the general fund invests in higher education,  
12 including two and four-year colleges, apprenticeships, and other  
13 postsecondary education and training programs, ensuring Washington  
14 students remain competitive in the workforce and broader economy.

15      (5) The general fund also invests in human services that provide  
16 vital basic-needs assistance to the state's lowest-income households  
17 and educate the youngest learners.

18      (6) Therefore, the intent of this act is to maintain and preserve  
19 essential governmental services for Washingtonians, particularly  
20 within K-12 education, health care, higher education, and human  
21 services, and support working families by ensuring continued  
22 investment in the working families' tax credit by depositing revenues  
23 from this act into the general fund.

24      (7) The legislature further recognizes that reforming our tax  
25 code to be common sense, balanced, and sustainable is essential to  
26 the long-term economic success of Washington. The Washington tax  
27 structure, developed during the Great Depression, relies heavily on  
28 excise and consumption taxes, with consequences for equity, adequacy,  
29 and long-term fiscal stability that persist today. The legislature  
30 recognizes that more progress is needed for the state to have a fair  
31 and balanced tax system that can provide sustainable, ample funding  
32 for K-12 education, health care, higher education, human services,  
33 and other essential governmental services. Washington's tax system  
34 remains the second most regressive in the nation as it asks those  
35 with the least to pay the most as a percentage of their income. Low-  
36 income Washingtonians pay at least three times more in state and  
37 local taxes as a percentage of their income than the state's highest  
38 income households.

39      (8) Further, due to the action of the federal government through  
40 the passage of HR 1, Washington's highest-income households are set  
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1 to receive an average federal tax break of \$90,850 while Washington's  
2 lowest-income households are set to receive a mere \$200. These tax  
3 breaks were largely funded through cuts to federal funding in health  
4 care and food security programs, negatively impacting Washington's  
5 working families.

6 (9) Thus, the legislature intends to limit the tax established by  
7 this act to only individuals with annual adjusted gross income of  
8 \$1,000,000 or more. Washingtonians with an annual adjusted gross  
9 income of less than \$1,000,000 will not owe this tax. As a result,  
10 the millionaires' tax is estimated to affect only the wealthiest one-  
11 half of one percent of the households in this state, taking a  
12 significant step toward reducing the disproportionate reliance on  
13 working people to fund K-12 education, health care, higher education,  
14 human services, the working families' tax credit, and other essential  
15 governmental services to benefit Washingtonians.

16 (10) The legislature further intends to exempt certain sources of  
17 income from the tax including, but not limited to, the sale of  
18 qualified family owned small businesses and the sale of all  
19 residential and other real property.

20 (11) It is also the intent of the legislature to rebalance the  
21 tax system by reducing taxes on consumers and businesses through  
22 small business and other business and occupation tax credits, as well  
23 as by exempting from the retail sales tax essential household items  
24 such as personal care products.

25 (12) Thus, to help meet the state's paramount duty of amply  
26 providing every child in the state with an education and supporting  
27 the health and well-being of Washingtonians, it is the intent of the  
28 legislature, by adopting this act, insofar as possible, to:

29 (a) Impose a tax on those individuals with the greatest ability  
30 to pay, specifically those earning Washington adjusted gross income  
31 during the taxable year of at least \$1,000,000;

32 (b) Make the Washington millionaires' tax law identical in effect  
33 to the provisions of the internal revenue code relating to the  
34 measurement of adjusted gross income of individuals, modified as  
35 necessary to achieve the goals and purpose of this act;

36 (c) Achieve this result by the application of the various  
37 provisions of the internal revenue code relating to the definition of  
38 income, exemptions and exclusions therefrom, accounting methods,  
39 basis, depreciation, and other pertinent provisions, subject to  
40 additional exemptions and modifications as provided in this act,

1 resulting in a final amount called "Washington adjusted taxable  
2 income"; and

3 (d) Impose a tax on residents of this state measured by  
4 Washington adjusted taxable income wherever derived and to impose a  
5 tax on nonresidents measured by Washington adjusted taxable income  
6 from sources within this state.

7 **PART I**  
8 **DEFINITIONS**

9 NEW SECTION. **Sec. 101. DEFINITIONS.** The definitions in this  
10 section apply throughout this chapter unless the context clearly  
11 requires otherwise.

12 (1) "Capital asset" has the same meaning as provided in chapter  
13 82.87 RCW.

14 (2) "Department" means the department of revenue of the state of  
15 Washington.

16 (3) "Federal adjusted gross income" means adjusted gross income  
17 as determined under section 62 of the internal revenue code.

18 (4) "Individual" means a natural person.

19 (5) "Internal revenue code" means the United States internal  
20 revenue code of 1986, as amended and in effect on January 1, 2026, or  
21 such subsequent date as the department may provide by rule consistent  
22 with the purpose of this chapter.

23 (6) "Long-term capital asset," "long-term capital gain," and  
24 "long-term capital loss" have the same meanings as provided in  
25 chapter 82.87 RCW.

26 (7) "Pass-through entity" means a disregarded entity for federal  
27 tax purposes, such as a partnership, limited liability company, or S  
28 corporation.

29 (8) (a) "Resident" means an individual:

30 (i) Who is domiciled in this state during the taxable year,  
31 unless the individual (A) maintained no permanent place of abode in  
32 this state during the entire taxable year, (B) maintained a permanent  
33 place of abode outside of this state during the entire taxable year,  
34 and (C) spent in the aggregate not more than 30 days of the taxable  
35 year in this state; or

36 (ii) Who is not domiciled in this state during the taxable year,  
37 but maintained a place of abode and was physically present in this  
38 state for more than 183 days during the taxable year.

(b) For purposes of this subsection, "day" means a calendar day or any portion of a calendar day.

(c) An individual who is a resident under (a) of this subsection is a resident for that portion of a taxable year in which the individual was domiciled in this state or maintained a place of abode in this state.

(9) "Taxable year" means the taxpayer's taxable year as defined under section 7701(a)(23) of the internal revenue code.

(10) "Taxpayer" means an individual receiving income subject to tax under this chapter.

(11) "Washington base income" means federal adjusted gross income as modified under sections 302 through 306 and 401 through 406 of this act.

(12) "Washington taxable income" means Washington base income as further modified by sections 307 through 309 of this act.

NEW SECTION. **Sec. 102.** UNDEFINED TERMS—CONFORMITY WITH FEDERAL INTERNAL REVENUE CODE. Any term used in this chapter has the same meaning as when used in a comparable context in the internal revenue code, unless a different meaning is clearly required or the term is specifically defined in this chapter.

PART II  
DETERMINATION OF TAX

NEW SECTION. **Sec. 201. TAX IMPOSED—RATES.** (1) Beginning January 1, 2028, a tax is imposed on the receipt of Washington taxable income. Only individuals are subject to payment of the tax, which equals 9.90 percent multiplied by an individual's Washington taxable income.

(2) If an individual's Washington taxable income is less than zero for a taxable year, no tax is due under this section and no amount is allowed as a carryover for use in the calculation of that individual's Washington taxable income, for any taxable year. To the extent that a loss carryforward is included in an individual's adjusted gross income and the loss carryforward is derived from or connected with sources in this state, the loss carryforward is included in the calculation of that individual's Washington taxable income.

1        NEW SECTION. **Sec. 202.** DISTRIBUTION OF TAX REVENUES. (1) Taxes  
2 collected under this chapter must be deposited as follows:

3        (a) Five percent to the county public defense funding  
4 stabilization account created in section 711 of this act; and

5        (b) The remainder to the state general fund to fund the sales and  
6 use tax relief in sections 903 and 904 of this act, the working  
7 families' tax credit program, including its expansion in section 901  
8 of this act, and the business and occupation tax relief in sections  
9 905 and 906 of this act.

10        (2) All interest and penalties collected under this chapter must  
11 be deposited in the state general fund.

12        NEW SECTION. **Sec. 203.** CREDIT FOR INCOME TAXES DUE ANOTHER  
13 JURISDICTION. (1) A resident individual is allowed a credit against  
14 the tax imposed under this chapter for the amount of any income tax  
15 paid to another state, or political subdivision of the state, on  
16 income taxed under this chapter, subject to the following conditions,  
17 which must be imposed separately with respect to each taxing  
18 jurisdiction:

19        (a) The credit is allowed only for taxes paid to the other  
20 jurisdiction on net income from sources within that jurisdiction that  
21 is included in the individual's Washington base income; and

22        (b) The amount of the credit may not exceed the smaller of:

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

25            (ii) The amount of tax due under this chapter before application  
26 of credits allowable by this chapter, multiplied by a fraction. The  
27 numerator of the fraction is the amount of the taxpayer's federal  
28 adjusted gross income subject to tax in the other jurisdiction. The  
29 denominator of the fraction is the taxpayer's total Washington base  
30 income. The fraction may never be greater than one.

31        (2) If, instead of a credit similar to the credit allowed under  
32 subsection (1) of this section, the laws of the other taxing  
33 jurisdiction contain a provision exempting a resident of this state  
34 from liability for the payment of income taxes on income earned for  
35 personal services performed in such jurisdiction, then the department  
36 may enter into a reciprocal agreement with such jurisdiction  
37 providing a similar tax exemption on income earned for personal  
38 services performed in this state.

1        NEW SECTION.    **Sec. 204.** CREDIT FOR BUSINESS AND OCCUPATION AND  
2    PUBLIC UTILITY TAXES. (1) Beginning in tax year 2028 with taxes due  
3    in 2029, to avoid taxing the same Washington taxable income under the  
4    business and occupation tax or public utility tax and the tax imposed  
5    under this chapter, a nonrefundable credit is allowed against taxes  
6    due under this chapter on income that is also subject to the tax  
7    imposed under chapter 82.04 or 82.16 RCW. The credit is equal to the  
8    amount of tax paid under chapter 82.04 or 82.16 RCW for income  
9    included in both the calculation of the tax paid under chapter 82.04  
10   or 82.16 RCW and the tax imposed under this chapter.

11        (2) The credit under this section is earned in regard to income  
12    reportable for federal income tax purposes and may be claimed against  
13    taxes due under this chapter, for the tax reporting period in which  
14    the income is reportable for federal income tax purposes. The credit  
15    claimed for a tax reporting period may not exceed the tax otherwise  
16    due under this chapter for that tax reporting period. Unused credit  
17    may not be carried forward or backward to another tax reporting  
18    period. No refunds may be granted for unused credit under this  
19    section.

20        NEW SECTION.    **Sec. 205.** CREDIT FOR WASHINGTON CAPITAL GAINS  
21    TAXES. Beginning in tax year 2028 with taxes due in 2029, a  
22    nonrefundable credit is allowed against taxes due under this chapter  
23    for the amount of tax imposed on Washington capital gains for the  
24    same tax year. "Washington capital gains" has the same meaning as  
25    provided in RCW 82.87.020.

26        NEW SECTION.    **Sec. 206.** CREDIT FOR PASS-THROUGH ENTITY TAX  
27    PAYMENTS. Beginning in tax year 2028 for taxes due in 2029, a credit  
28    is allowed against taxes due under this chapter for the amount of the  
29    tax expense incurred by a pass-through entity under section 502 of  
30    this act attributable to the owner as provided in section 502(3) of  
31    this act. For a resident, the credit under this section must be  
32    reduced by the amount of any credit claimed under section 203 of this  
33    act based on the same Washington taxable income.

34        NEW SECTION.    **Sec. 207.** CARRYFORWARDS AND CARRYBACKS. The amount  
35    of tax credits received by any taxpayer under sections 203 through  
36    206 of this act may not exceed the total amount of tax due for that

1 reporting period, and no carryback or carryforward of any unused  
2 excess credits is allowed.

**PART III**  
**ADJUSTED GROSS INCOME MODIFICATIONS**

5        NEW SECTION.    **Sec. 301.**    INTRODUCTORY. In computing Washington  
6 base income for a taxable year, modifications must be made to the  
7 taxpayer's federal adjusted gross income as required under sections  
8 302 through 306 and 401 through 406 of this act, unless the  
9 modification has the effect of duplicating an item of income or  
10 deduction.

11        NEW SECTION.    Sec. 302. LONG-TERM CAPITAL GAINS AND LOSSES. (1)  
12    In computing a taxpayer's Washington base income, the taxpayer must  
13    deduct from the taxpayer's federal adjusted gross income any long-  
14    term capital gains that have been included in computing federal  
15    adjusted gross income.

15 adjusted gross income.  
16 (2) In computing a taxpayer's Washington base income, a taxpayer  
17 must add to the taxpayer's federal adjusted gross income any long-  
18 term capital losses that have been included in computing federal  
19 adjusted gross income.

(3) After making the modifications required under subsections (1) and (2) of this section, in computing a taxpayer's Washington base income, a taxpayer must add to the taxpayer's federal adjusted gross income the amount of Washington capital gains subject to tax under chapter 82.87 RCW for the same taxable year, plus the amounts deducted under RCW 82.87.060 (1) and (4). This subsection (3) applies only to taxpayers owing tax under chapter 82.87 RCW for that taxable year. "Washington capital gains" has the same meaning as provided in RCW 82.87.020.

29        NEW SECTION.    Sec. 303.    STATE AND LOCAL OBLIGATIONS. In  
30    computing a taxpayer's Washington base income, the taxpayer must add  
31    to the taxpayer's federal adjusted gross income any income that has  
32    been excluded under section 103 of the internal revenue code in  
33    computing federal adjusted gross income, except interest on  
34    obligations of the state of Washington or political subdivisions of  
35    the state of Washington.

NEW SECTION. Sec. 304. STATE AND LOCAL INCOME TAXES—BUSINESS AND OCCUPATION AND PUBLIC UTILITY TAXES. In computing a taxpayer's Washington base income, the taxpayer must add to the taxpayer's federal adjusted gross income:

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

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

NEW SECTION. Sec. 305. CARRYOVERS. In computing a taxpayer's Washington base income, the taxpayer must add to the taxpayer's federal adjusted gross income, any amounts that have been deducted in computing federal adjusted gross income to the extent the amounts have been carried over from taxable years ending before the effective date of this section.

NEW SECTION. Sec. 306. FEDERAL OBLIGATIONS. In computing a taxpayer's Washington base income, the taxpayer must deduct, to the extent included, from the taxpayer's federal adjusted gross income, any income derived from obligations of the United States that this state is prohibited by federal law from subjecting to a net income tax. However, the amount deducted under this section must be reduced by any expense, including amortizable bond premiums, incurred in the production of such income to the extent the expense has been deducted in calculating federal adjusted gross income.

NEW SECTION. **Sec. 307. CHARITABLE CONTRIBUTIONS.** In determining a taxpayer's Washington taxable income, the taxpayer may deduct from their Washington base income the amount of charitable contributions they claimed for the taxable year under section 170 of the internal revenue code, up to a maximum deduction of \$50,000 per individual, or in the case of spouses or domestic partners, their combined charitable deduction is limited to \$50,000, regardless of whether they file joint or separate returns.

NEW SECTION. Sec. 308. PASS-THROUGH ENTITY TAX PAYMENTS. In computing a taxpayer's Washington taxable income, the taxpayer must add to the taxpayer's Washington base income the taxpayer's

1 distributive share of the tax expense incurred by a pass-through  
2 entity under section 502 of this act to the extent the expense has  
3 been deducted in calculating the taxpayer's federal adjusted gross  
4 income.

5        NEW SECTION.    **Sec. 309.**    ONE MILLION DOLLAR STANDARD DEDUCTION.  
6        In computing a taxpayer's Washington taxable income, a taxpayer may  
7 deduct from the taxpayer's Washington base income a standard  
8 deduction of \$1,000,000 per individual, or in the case of spouses or  
9 domestic partners, their combined standard deduction is limited to  
10 \$1,000,000, regardless of whether they file joint or separate  
11 returns. The amount of the standard deduction must be annually  
12 adjusted pursuant to section 311 of this act. The standard deduction  
13 must be adjusted for nonresidents as provided in section 310 of this  
14 act.

15        NEW SECTION.    **Sec. 310.**    ADJUSTMENT OF DEDUCTIONS FOR  
16 NONRESIDENTS. The deduction from Washington base income allowed under  
17 section 309 of this act for individual taxpayers who are not  
18 residents of this state for the entire taxable year must be reduced  
19 by multiplying the amount of the deduction by a fraction. The  
20 numerator of the fraction is the individual's Washington base income.  
21 The denominator of the fraction is the individual's federal adjusted  
22 gross income from all sources. The fraction may never be greater than  
23 one.

24        NEW SECTION.    **Sec. 311.**    INDEX FOR INFLATION. (1) Beginning  
25 October 2029 and each October thereafter, the department must adjust  
26 the standard deduction under section 309 of this act by multiplying  
27 the current standard deduction amount by one plus the percentage by  
28 which the most current consumer price index available on October 1st  
29 of the current year exceeds the consumer price index for the prior  
30 12-month period, and rounding the result to the nearest \$1,000. If an  
31 adjustment under this subsection (1) would reduce the standard  
32 deduction amount, the department must not adjust the amounts for use  
33 in the following year. The department must publish the adjusted  
34 standard deduction amount on its public website by October 31st of  
35 each year. The adjusted standard deduction amount calculated under  
36 this subsection (1) takes effect for taxes due in the following  
37 calendar year.

(2) For purposes of this section, the following definitions apply:

(a) "Consumer price index" means the consumer price index for all urban consumers, all items, for the Seattle area as calculated by the United States bureau of labor statistics or its successor agency.

(b) "Seattle area" means the geographic area sample that includes Seattle and surrounding areas.

PART IV  
DIVISION OF INCOME

NEW SECTION Sec. 401. ALLOCATION AND APPORTIONMENT OF INCOME.

NEW SECTION. See 100. RELATIONSHIP

(1) For resident individuals, all income must be allocated to this state.

(2) For nonresident individuals, income derived from sources within this state must be allocated to this state. Income derived from sources within this state means:

(a) Wages and other compensation from employment within this state as provided in section 403 of this act;

(b) Compensation attributable to professional athletics as provided in section 404 of this act;

(c) Income of a nonresident student athlete derived from the commercial use of the student athlete's name, image, or likeness as provided in section 407 of this act;

(d) Amounts attributable to any business, trade, profession, or occupation carried on within this state to the extent determined under section 405 of this act;

(e) The individual's distributive share of income from a pass-through entity operating within this state as provided in section 402 of this act;

(f) Rents, gains, and other amounts attributable to the ownership or disposition of any interest in real or tangible personal property in this state; and

(g) Income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property, to the extent that the intangible personal property was employed in a business, trade, profession, or occupation carried on within this state.

(3) Deductible expenses, capital losses, and net operating losses of a nonresident are based solely on income, gains, losses, and

1 deductible expenses derived from or connected with sources in this  
2 state but are otherwise determined in the same manner as the  
3 corresponding federal deductions except as provided in this chapter.

4 (4) Compensation paid by the United States for service in the  
5 armed forces of the United States performed in this state by a  
6 nonresident does not constitute income derived from sources within  
7 this state.

8 NEW SECTION. **Sec. 402.** PASS-THROUGH ENTITIES—DISTRIBUTIVE  
9 SHARE. (1) Income derived from sources within this state include an  
10 apportioned share of the individual's distributive share of income,  
11 gains, losses, and deductions from pass-through entities that operate  
12 in the state, as provided in subsection (2) of this section.

13 (2) The tax due under this chapter for partners, members, or  
14 shareholders of a pass-through entity are computed by including a pro  
15 rata share of the Washington base income and the credits allowed  
16 under sections 203 through 205 of this act, if the modification or  
17 credit relates to the income of the pass-through entity. Each  
18 member's, partner's, or shareholder's pro rata share of a  
19 modification or credit is the amount of modification or credit  
20 multiplied by a fraction. The numerator of the fraction is the  
21 member's, partner's, or shareholder's distributive share of pass-  
22 through income. The denominator of the fraction is the total income  
23 of the pass-through entity. The fraction may never be greater than  
24 one.

25 (3) The following definitions apply throughout this section.

26 (a) "Pass-through income" includes both distributed and  
27 undistributed federal taxable income of the pass-through entity.

28 (b) "Pro rata share" means pro rata share as reflected on the  
29 member's, partner's, or shareholder's federal schedule K-1 form.

30 NEW SECTION. **Sec. 403.** GENERAL RULE FOR ALLOCATING NONRESIDENT  
31 INCOME DERIVED FROM COMPENSATION TO WASHINGTON. (1) Unless provided  
32 otherwise in this chapter, a nonresident individual is subject to tax  
33 on the portion of federal adjusted gross income derived from  
34 employment within the state of Washington, regardless of the location  
35 of the commercial domicile of the employer.

36 (2) Compensation for services performed by a nonresident as part  
37 of their employment must be allocated to this state to the extent  
38 such services are rendered within the state. If services are

1 performed both within and outside the state, the compensation must be  
2 apportioned based on the ratio of days worked in the state to total  
3 days worked, or by another reasonable method approved by the  
4 department.

5 (3) For the purpose of this section, the following definitions  
6 apply:

7 (a) "Compensation" means wages, salaries, commissions, and any  
8 other form of remuneration paid to employees for personal services.

9 (b) "Employer" means any individual or type of organization,  
10 including any partnership, association, trust, estate, joint stock  
11 company, insurance company, limited liability company, or  
12 corporation, whether domestic or foreign, or the receiver, trustee in  
13 bankruptcy, trustee, or the legal representative of a deceased  
14 person, having any person in employment or, having become an  
15 employer, has not ceased to be an employer as provided in this  
16 chapter.

17 (c) "Employment" means personal service, of whatever nature, as  
18 known to the common law or any other legal relationship performed for  
19 an employer by an individual for compensation or under any contract  
20 calling for the performance of personal services, written or oral,  
21 express or implied, where the employer is subject to tax under RCW  
22 50.24.010 on any portion of compensation paid by the employer to the  
23 individual for the performance of the personal services.

24 NEW SECTION. **Sec. 404.** APPORTIONING INCOME FOR NONRESIDENT  
25 MEMBERS OF A PROFESSIONAL ATHLETIC TEAM. (1) For nonresident members  
26 of a professional athletic team, the portion of compensation  
27 attributable to athletic performances in the state must be  
28 apportioned to Washington as provided under this section.

29 (2) (a) The portion of the compensation of a member of a  
30 professional athletic team apportioned to Washington is that portion  
31 of compensation received for the tax year that bears the same ratio  
32 to total compensation received for the tax year as the number of duty  
33 days within this state bears to the total number of duty days spent  
34 both within and outside this state during the tax year.

35 (b) Notwithstanding the description of the portion of  
36 compensation subject to apportionment to the state of Washington  
37 under this subsection, the department may provide by rule alternative  
38 methodologies for determining the portion of compensation subject to

1 apportionment to the state of Washington that the department  
2 determines to be fair and equitable.

3 (3) (a) A person who transacts business in the state of Washington  
4 and who pays wages, salary, bonuses, or other taxable income to a  
5 member of a professional athletic team, must submit a report to the  
6 department each year indicating any member of a professional athletic  
7 team who may be reasonably assumed to owe tax under this chapter for  
8 the calendar year.

9 (b) The report required under (a) of this subsection (3) must  
10 include:

11 (i) The total amount of compensation paid during the year to the  
12 members of the professional athletic team for which the report is  
13 being made;

14 (ii) A roster of the members of the professional athletic team  
15 for which the report is being made who were members at any time  
16 during the year, that lists for each member:

17 (A) A taxpayer identification number;

18 (B) Compensation paid to the member; and

19 (C) The number of duty days in this state and the total number of  
20 duty days for the year; and

21 (iii) Any other information the department may require by rule.

22 (c) The report must be filed with the department on or before  
23 April 15th following the year for which the report is being made or  
24 at another time as the department may require by rule.

25 (4) The definitions in this subsection apply throughout this  
26 section unless the context clearly requires otherwise.

27 (a) "Compensation" means wages, salaries, bonuses, and any other  
28 income included with federal adjusted gross income and paid to a  
29 member of a professional athletic team.

30 (b) "Duty days" means the days during the tax year from the  
31 beginning of the official preseason training period of a professional  
32 athletic team through the last game in which the professional  
33 athletic team competes or is scheduled to compete during the tax  
34 year.

35 (c) "Member of a professional athletic team" means a nonresident  
36 athlete or other individual rendering service to a professional  
37 athletic team if the total compensation of the athlete or other  
38 individual exceeds \$1,000,000 in a tax year.

1        NEW SECTION.    **SEC. 405.**    GENERAL RULE FOR APPORTIONING AND

2    ALLOCATING NONRESIDENT INCOME FROM BUSINESS ACTIVITY CONDUCTED IN THE  
3    STATE. (1) The portion of federal adjusted gross income of a  
4    nonresident derived from or connected with a business, trade, or  
5    profession carried on in this state, including any distributive share  
6    of a pass-through entity of a business, trade, or profession carried  
7    on in this state, must be apportioned and allocated as provided in  
8    this section. This section does not apply to compensation received as  
9    an employee allocated under section 403 of this act.

10      (2) Income from a business, trade, or profession carried on in  
11     this state, including any distributive share of a pass-through entity  
12     of a business, trade, or profession carried on in this state, must be  
13     classified as either apportionable income or nonapportionable income.

14      (3) All apportionable income must be apportioned to this state by  
15     multiplying the income by the receipts factor. The receipts factor is  
16     a fraction the numerator of which is the total receipts of the  
17     taxpayer in this state during the tax period and the denominator of  
18     which is the total receipts of the taxpayer everywhere during the tax  
19     period.

20        (a) Receipts from the sale of tangible personal property are in  
21     this state if:

22            (i) The property is delivered or shipped to a purchaser, other  
23     than the United States government, within this state regardless of  
24     the free on board point or other conditions of the sale; or

25            (ii) The property is shipped from an office, store, warehouse,  
26     factory, or other place of storage in this state and (A) the  
27     purchaser is the United States government or (B) the taxpayer is not  
28     taxable in the state of the purchaser.

29        (b) (i) Receipts, other than receipts described in (a) of this  
30     subsection (3), are in this state if the taxpayer's market for the  
31     sales is in this state. The taxpayer's market for sales is in this  
32     state:

33            (A) In the case of sale, rental, lease, or license of real  
34     property, if and to the extent the property is located in this state;

35            (B) In the case of rental, lease, or license of tangible personal  
36     property, if and to the extent the property is located in this state;

37            (C) In the case of sale of a service, if and to the extent the  
38     service is delivered to a location in this state; and

39            (D) In the case of intangible property:

1       (I) That is rented, leased, or licensed, if and to the extent the  
2 property is used in this state, provided that intangible property  
3 used in marketing a good or service to a consumer is "used in this  
4 state" if that good or service is purchased by a consumer who is in  
5 this state; and

5 this state; and  
6 (II) That is sold, if and to the extent the property is used in  
7 this state, if:

7 this state, if:  
8       (1) A contract right, government license, or similar intangible  
9 property that authorizes the holder to conduct a business activity in  
10 a specific geographic area is "used in this state" if the geographic  
area includes all or part of this state;

area includes all or part of this state.

(2) Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property must be treated as receipts from the rental, lease, or licensing of such intangible property under subsection (4)(a)(i) of this section; and

intangible property must be

16 and  
17 (3) All other receipts from a sale of intangible property must be  
18 excluded from the numerator and denominator of the receipts factor.

18 excluded from the numerator and denominator of the ratio.

19 (c) If the state or states of assignment under (b) of this

20 subsection (3) cannot be determined, the state or states of

21 assignment must be reasonably approximated.

21 assignment must be reasonably approximated.  
22 (d) If the taxpayer is not taxable in a state to which a receipt  
23 is assigned under this subsection (3), or if the state of assignment  
24 cannot be determined under (b) of this subsection (3) or reasonably  
25 approximated under (c) of this subsection (3), the receipt must be  
26 excluded from the denominator of the receipts factor.

26 excluded from the denominator of the receipts factor.  
27 (4)(a) If the allocation and apportionment provisions in  
28 subsection (3) of this section do not fairly represent the extent of  
29 the taxpayer's business activity in this state, the taxpayer may  
30 petition for or the department may require, in respect to all or any  
31 part of the taxpayer's business activity, if reasonable:

32 (i) Separate accounting;

32 (i) Separate accounting;  
33 (ii) The exclusion of any one or more of the factors;

33 (ii) The exclusion of any one or more factors that will  
34 (iii) The inclusion of one or more additional factors that will  
35 fairly represent the taxpayer's business activity in this state; or

35 fairly represented and  
36 (iv) The employment of any other method to effectuate  
37 suitable allocation and apportionment of the taxpayer's income.

37 equitable allocation and apportionment of taxes among  
38 (b) If the allocation and apportionment provisions of this  
39 section do not fairly represent the extent of business activity in  
40 this state for taxpayers engaged in a particular industry or in a

1 particular transaction or activity, the department may, in addition  
2 to the authority provided in (a) of this subsection (4), adopt rules  
3 for determining alternative allocation and apportionment methods for  
4 such taxpayers. Rules adopted pursuant to this subsection (4)(b) must  
5 be applied uniformly, except that with respect to any taxpayer to  
6 whom such rule applies, the taxpayer may petition for, or the  
7 department may require, adjustment under (a) of this subsection (4).

8 (c)(i) The party petitioning for, or the department requiring,  
9 the use of any method to effectuate an equitable allocation and  
10 apportionment of the taxpayer's income pursuant to (a) of this  
11 subsection (4) must prove by clear and convincing evidence:

12 (A) That the allocation and apportionment provisions of this  
13 section do not fairly represent the extent of the taxpayer's business  
14 activity in this state; and

15 (B) That the alternative to such provisions is reasonable.

16 (ii) The same burden of proof applies whether the taxpayer is  
17 petitioning for, or the department is requiring, the use of any  
18 reasonable method to effectuate an equitable allocation and  
19 apportionment of the taxpayer's income. However, if the department  
20 can show that in any two of the prior five tax years, the taxpayer  
21 had used an allocation or apportionment method at variance with its  
22 allocation or apportionment method or methods used for such other tax  
23 years, then the department does not bear the burden of proof in  
24 imposing a different method pursuant to (a) of this subsection (4).

25 (iii) If the department requires any method to effectuate an  
26 equitable allocation and apportionment of the taxpayer's income, the  
27 department may not impose any civil or criminal penalty with  
28 reference to the tax due that is attributable to the taxpayer's  
29 reasonable reliance solely on the allocation and apportionment  
30 provisions of this section.

31 (iv) A taxpayer that has received written permission from the  
32 department to use a reasonable method to effectuate an equitable  
33 allocation and apportionment of the taxpayer's income may not have  
34 that permission revoked with respect to transactions and activities  
35 that have already occurred unless there has been a material change  
36 in, or a material misrepresentation of, the facts provided by the  
37 taxpayer upon which the department reasonably relied.

38 (5) Rents and royalties from real or tangible personal property,  
39 capital gains, interest, dividends, or patent or copyright royalties,

1 to the extent that they constitute nonapportionable income, must be  
2 allocated as provided in subsections (6) through (9) of this section.

3 (6) (a) Net rents and royalties from real property located in this  
4 state are allocable to this state.

5 (b) Net rents and royalties from tangible personal property are  
6 allocable to this state: (i) If and to the extent that the property  
7 is utilized in this state; or (ii) in their entirety if the  
8 taxpayer's commercial domicile is in this state and the taxpayer is  
9 not organized under the laws of or taxable in the state in which the  
10 property is utilized.

11 (c) The extent of utilization of tangible personal property in a  
12 state is determined by multiplying the rents and royalties by a  
13 fraction the numerator of which is the number of days of physical  
14 location of the property in the state during the rental or royalty  
15 period in the taxable year and the denominator of which is the number  
16 of days of physical location of the property everywhere during all  
17 rental or royalty periods in the taxable year. If the physical  
18 location of the property during the rental or royalty period is  
19 unknown or unascertainable by the taxpayer, tangible personal  
20 property is utilized in the state in which the property was located  
21 at the time the rental or royalty payer obtained possession.

22 (7) (a) Capital gains and losses from sales of real property  
23 located in this state are allocable to this state.

24 (b) Capital gains and losses from sales of tangible personal  
25 property are allocable to this state if: (i) The property had a situs  
26 in this state at the time of the sale; or (ii) the taxpayer's  
27 commercial domicile is in this state and the taxpayer is not taxable  
28 in the state in which the property had a situs.

29 (c) Capital gains and losses from sales of intangible personal  
30 property are allocable to this state if the taxpayer's commercial  
31 domicile is in this state.

32 (8) Interest and dividends are allocable to this state if the  
33 taxpayer's commercial domicile is in this state.

34 (9) (a) Patent and copyright royalties are allocable to this  
35 state: (i) If and to the extent that the patent or copyright is  
36 utilized by the payer in this state; or (ii) if and to the extent  
37 that the patent or copyright is utilized by the payer in a state in  
38 which the taxpayer is not taxable and the taxpayer's commercial  
39 domicile is in this state.

1       (b) A patent is utilized in a state to the extent that it is  
2 employed in production, fabrication, manufacturing, or other  
3 processing in the state or to the extent that a patented product is  
4 produced in the state. If the basis of receipts from patent royalties  
5 does not permit allocation to states or if the accounting procedures  
6 do not reflect states of utilization, the patent is utilized in the  
7 state in which the taxpayer's commercial domicile is located.

8       (c) A copyright is utilized in a state to the extent that  
9 printing or other publication originates in the state. If the basis  
10 of receipts from copyright royalties does not permit allocation to  
11 states or if the accounting procedures do not reflect states of  
12 utilization, the copyright is utilized in the state in which the  
13 taxpayer's commercial domicile is located.

14       (10) The definitions in this subsection apply throughout this  
15 section unless the context clearly requires otherwise.

16           (a) "Apportionable income" means:

17           (i) All income that is apportionable under the Constitution of  
18 the United States and is not allocated under the laws of this state,  
19 including:

20           (A) Income arising from transactions and activity in the regular  
21 course of the taxpayer's trade or business; and

22           (B) Income arising from tangible and intangible property if the  
23 acquisition, management, employment, development, or disposition of  
24 the property is or was related to the operation of the taxpayer's  
25 trade or business; and

26           (ii) Any income that would be allocable to this state under the  
27 Constitution of the United States, but that is apportioned rather  
28 than allocated pursuant to the laws of this state.

29           (b) "Commercial domicile" means the principal place from which  
30 the trade or business of the taxpayer is directed or managed.

31           (c) "Nonapportionable income" means all income other than  
32 apportionable income.

33           (d) "Receipts" means all gross receipts of the taxpayer that are  
34 not allocated under this section, and that are received from  
35 transactions and activity in the regular course of the taxpayer's  
36 trade or business, except that receipts of a taxpayer from hedging  
37 transactions and from the maturity, redemption, sale, exchange, loan,  
38 or other disposition of cash or securities, shall be excluded.

39           (e) "State" means any state of the United States, the District of  
40 Columbia, the Commonwealth of Puerto Rico, any territory or  
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1 possession of the United States, and any foreign country or political  
2 subdivision thereof.

3 (f) "Taxpayer" means a pass-through entity or individual  
4 conducting business activity in the state of Washington.

5 NEW SECTION. **Sec. 406.** PRORATION OF PART-YEAR INCOME. (1)

6 Except as provided in subsection (2) of this section, the adjusted  
7 gross income of a part-year resident is the sum of the following:

8 (a) For the portion of the year in which the taxpayer was a  
9 resident of Washington, the taxpayer's entire adjusted gross income;  
10 and

11 (b) For the portion of the year in which the taxpayer was a  
12 nonresident, the taxpayer's adjusted gross income derived from  
13 sources within this state, as provided in sections 403 through 405 of  
14 this act.

15 (2) The adjusted gross income of a part-year resident with  
16 federal adjusted gross income that includes an item of income, gain,  
17 loss, deduction, or credit from a pass-through entity must include  
18 the sum of the following:

19 (a) The total amount of the item that is taken into account in  
20 federal adjusted gross income, multiplied by the ratio of the number  
21 of days the taxpayer was a resident of Washington during the tax year  
22 of the entity over the total number of days in the tax year of the  
23 entity; and

24 (b) The total amount of the item that is taken into account in  
25 federal adjusted gross income and that is derived from or connected  
26 with sources within this state, as determined under sections 403  
27 through 405 of this act, multiplied by the ratio of the number of  
28 days the taxpayer was a nonresident of Washington during the tax year  
29 of the entity over the total number of days in the tax year of the  
30 entity.

31 NEW SECTION. **Sec. 407.** ALLOCATION AND APPORTIONMENT OF

32 NONRESIDENT STUDENT ATHLETE INCOME. (1) The portion of adjusted gross  
33 income of a nonresident student athlete derived from the commercial  
34 use of the student athlete's name, image, or likeness is allocated to  
35 this state if the publicity services provided by the student athlete  
36 related to such commercial use of the student athlete's name, image,  
37 or likeness primarily occur in Washington.

(2) The portion of adjusted gross income of a nonresident student athlete derived from payments by an institution of higher education representing a percentage of institutional athletic revenues shall be apportioned to Washington in a form and manner consistent with a duty-day methodology. By January 1, 2028, the department shall submit proposed legislation to the legislature that would implement an apportionment methodology as specified under this subsection (2).

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial use" means the use of an individual's name, image, or likeness for advertising, selling, or soliciting purchases of products, goods, or services.

(b) "Name, image, or likeness" means an individual's readily identifiable name, voice, signature, photograph, or likeness.

(c) "Publicity services" includes, but is not limited to, the following activities: Appearing in photoshoots; filming commercials; recording audio endorsements; posting sponsored content on social media platforms; attending promotional events; either wearing or using, or both, branded products; and granting rights by the student athlete to use the student athlete's name, image, or likeness in either advertisements or online campaigns, or both.

(d) "Student athlete" means an individual who is enrolled at an institution of higher education and eligible to engage in any varsity intercollegiate athletics program at the institution.

## PART V

ESTIMATED TAX PAYMENTS AND PASS-THROUGH ENTITY TAX ELECTION

NEW SECTION. Sec. 501. ESTIMATED TAX IMPOSED—DUE DATE OF ESTIMATED TAXES—AMOUNT OF ESTIMATED TAX—UNDERPAYMENT PENALTY. (1) Each individual subject to taxation by this chapter that is required by the internal revenue code to make payment of estimated taxes must pay to the department on forms prescribed by the department the estimated taxes due under this chapter.

(2) The provisions of the internal revenue code relating to the determination of reporting periods and due dates of payments of estimated tax applies to the estimated tax payments due under this section.

(3) The amount of the estimated tax is the annualized tax divided by the number of months in the reporting period. No estimated tax is

1 due if the annualized tax is less than \$5,000. RCW 82.32.050 and  
2 82.32.090 apply to underpayments of estimated tax unless the  
3 estimated tax remitted to the department is either at least 90  
4 percent of the tax shown on the return required under section 702(1)  
5 of this act or 100 percent of the tax shown on the previous year's  
6 tax return.

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

11 (5) The department shall adopt rules for making estimated tax  
12 payments under this section on wages, salaries, and other  
13 compensation subject to federal income tax withholding.

14 (6) Estimated payments are not required under this section before  
15 July 1, 2029.

16 **NEW SECTION.** **Sec. 502. PASS-THROUGH ENTITY TAX ELECTION.** (1) (a)  
17 Beginning January 1, 2028, a tax is imposed at a rate of 9.90 percent  
18 of the taxable income of an electing entity for each taxable year in  
19 which an election under this section is in effect.

20 (b) The tax is paid by the electing entity.

21 (2) (a) A pass-through entity may elect to be subject to the tax  
22 imposed under this section by filing an election with the department  
23 on or before the due date prescribed by the department for making  
24 such election, but no later than April 15th.

25 (b) The election is made annually and is irrevocable for the  
26 taxable year once filed.

27 (c) The election must be made by: (i) In the case of a  
28 partnership or limited liability company, any person authorized to  
29 sign the entity's return; and (ii) in the case of an S corporation,  
30 an officer authorized to sign the return.

31 (3) (a) The taxable income of an electing entity consists of:

32 (i) The entire distributive share of income, gain, loss, and  
33 deduction attributable to resident owners, regardless of source; and  
34 (ii) The state source distributive share of income, gain, loss,  
35 and deduction attributable to nonresident owners.

36 (b) Taxable income is determined by applying all state specific  
37 additions, subtractions, and modifications that would apply to the  
38 owners individually.

1       (c) Guaranteed payments, separately stated items, and investment  
2 income is included in taxable income to the same extent these items  
3 would be included in an owner's individual Washington taxable income  
4 under this chapter.

5       (4) (a) An electing entity shall make estimated tax payments in  
6 the same manner and at the same times as required for individual  
7 estimated tax payments under section 501 of this act.

8       (b) Estimated tax payments are based on the electing entity's  
9 reasonable estimate of taxable income for the taxable year.

10       (c) Estimated tax payments paid by the electing entity under this  
11 section are in lieu of the estimated tax payments imposed on owners  
12 under section 501 of this act with respect to the income included in  
13 the electing entity's taxable income.

14       (d) Estimated tax payments are not required under this subsection  
15 before July 1, 2029.

16       (5) (a) Each owner of an electing entity is allowed a credit  
17 against the tax imposed under this section equal to the owner's  
18 proportionate share of the tax paid by the electing entity under this  
19 section as provided in section 206 of this act.

20       (b) Resident owners shall include in their Washington taxable  
21 income their full distributive share of the electing entity's income,  
22 gains, losses, and deductions and shall claim the credit allowed  
23 under section 206 of this act.

24       (c) Nonresident owners shall include in their Washington taxable  
25 income their distributive share of the electing entity's income,  
26 gains, losses, and deductions as allocated and apportioned under  
27 section 405 of this act and shall claim the credit allowed under  
28 section 206 of this act.

29       (6) (a) The electing entity shall file an annual return reporting  
30 taxable income, tax due, estimated payments, and any other  
31 information required by the department in a form and manner required  
32 by the department.

33       (b) The department may adopt rules necessary to administer this  
34 section, which to the extent possible, must be consistent with the  
35 requirements under this chapter for individuals. The department may  
36 adopt rules to streamline and simplify the process and procedures for  
37 making an election under this section.

38       (7) The definitions in this subsection apply throughout this  
39 section unless the context clearly requires otherwise.

(a) "Distributive share" means the owner's share of income, gain, loss, or deduction as determined under the entity's governing documents and federal income tax law.

(b) "Electing entity" means a pass-through entity that has made a valid election under subsection (2)(c) of this section.

(c) "Nonresident owner" means an owner who is not a resident of this state for individual income tax purposes.

(d) "Owner" means a partner, member, or shareholder of a pass-through entity.

(e) "Resident owner" means an owner who is a resident of this state for individual income tax purposes.

(f) "State source income" means income, gain, or loss derived from sources within this state, determined under the allocation and apportionment provisions of section 405 of this act.

PART VI  
CRIMES

NEW SECTION. Sec. 601. CRIMES. (1) Any person who knowingly attempts to evade the tax imposed under this chapter or payment thereof is guilty of a class C felony as provided in chapter 9A.20 RCW.

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

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

PART VII  
ADMINISTRATIVE PROVISIONS

NEW SECTION. Sec. 701. METHOD OF ACCOUNTING. (1) A taxpayer's method of accounting for purposes of the tax imposed under this chapter is the same as the taxpayer's method of accounting for federal income tax purposes. If no method of accounting has been regularly used by a taxpayer for federal income tax purposes or if the method used does not clearly reflect income, tax due under this chapter is computed by the cash method of accounting.

1       (2) If a person's method of accounting is changed for federal  
2 income tax purposes, it must be similarly changed for purposes of  
3 this chapter.

4       **NEW SECTION.**   **Sec. 702.**   **FILING TAX RETURNS.** (1)(a) Except as  
5 otherwise provided in this section or RCW 82.32.080, taxpayers owing  
6 tax under this chapter must file, on forms prescribed by the  
7 department, a return with the department on or before the date the  
8 taxpayer's federal income tax return for the taxable year is required  
9 to be filed. Individuals not owing tax under this chapter are not  
10 required to file a return under this section.

11       (b)(i) Except as provided in (b)(ii) of this subsection (1),  
12 returns and all supporting documents must be filed electronically  
13 using the department's online tax filing service or other method of  
14 electronic reporting as the department may authorize.

15       (ii) The department may waive the electronic filing requirement  
16 in this subsection for good cause as provided in RCW 82.32.080.

17       (2)(a) Every taxpayer owing tax under this chapter must include  
18 with the Washington return described in subsection (1) of this  
19 section a copy of the taxpayer's federal income tax return filed with  
20 the internal revenue service of the United States, including:

21       (i) All federal income tax forms, schedules, and other  
22 attachments that directly relate to the taxpayer's federal adjusted  
23 gross income; and

24       (ii) Any information, returns, and federal tax documents received  
25 by the taxpayer that directly relate to the taxpayer's federal  
26 adjusted gross income including, but not limited to, form W-2, form  
27 1099-INT, form 1099-DIV, form 1099-NEC, form 1099-MISC, form 1099-B,  
28 schedule K-1 (form 1065), and schedule K-1 (form 1120-S).

29       (b) A taxpayer must provide to the department, upon request,  
30 other federal tax return information needed to verify the tax owed  
31 under this chapter.

32       (c) The department may prescribe by rule additional reporting or  
33 verification requirements under this subsection (2) to substantiate  
34 an individual's federal adjusted gross income.

35       (3) Each taxpayer required to file a return under this section  
36 must, without assessment, notice, or demand, pay any tax due thereon  
37 to the department on or before the date fixed for the filing of the  
38 return, regardless of any filing extension. The tax must be paid by  
39 electronic funds transfer as defined in RCW 82.32.085 or by other

1 forms of electronic payment as may be authorized by the department.  
2 The department may waive the electronic payment requirement for good  
3 cause as provided in RCW 82.32.080. If any tax due under this chapter  
4 is not paid by the due date, interest and penalties as provided in  
5 chapter 82.32 RCW apply to the deficiency.

6 (4) If a taxpayer has obtained an extension of time for filing  
7 the federal income tax return for the taxable year and the taxpayer  
8 provides the department, on or before the date fixed for the filing  
9 of the return, regardless of any filing extension, evidence  
10 satisfactory to the department confirming the federal extension, the  
11 taxpayer is entitled to the same extension of time for filing the  
12 return required under this section. An extension under this  
13 subsection for the filing of a return under this chapter is not an  
14 extension of time to pay the tax due under this chapter.

15 (5) (a) If any return due under subsection (1) of this section,  
16 along with a copy of the federal income tax return, is not filed with  
17 the department by the due date or any extension granted by the  
18 department, the department must assess a penalty in the amount of  
19 five percent of the tax due for the taxable year covered by the  
20 return for each month or portion of a month that the return remains  
21 unfiled. The total penalty assessed under this subsection may not  
22 exceed 25 percent of the tax due for the taxable year covered by the  
23 delinquent return. The penalty under this subsection is in addition  
24 to any penalties assessed for the late payment of any tax due on the  
25 return.

26 (b) The department must waive or cancel the penalty imposed under  
27 this subsection if:

28 (i) The department is persuaded that the taxpayer's failure to  
29 file the return by the due date was due to circumstances beyond the  
30 taxpayer's control; or

31 (ii) The taxpayer has not been delinquent in filing any return  
32 due under this section during the preceding five calendar years and  
33 the taxpayer has not been contacted by the department for enforcement  
34 purposes regarding the reporting period covered by the waiver  
35 request.

36 (6) The department must waive or cancel the penalty imposed under  
37 RCW 82.32.090(1) on a payment required under this section when the  
38 circumstances under which the delinquency occurred do not qualify for  
39 waiver or cancellation under RCW 82.32.105(1) if all of the following  
40 apply:

1       (a) A taxpayer requests a waiver of penalty for a payment  
2 required under this section;

3       (b) The taxpayer has not been contacted by the department for  
4 enforcement purposes regarding the reporting period covered by the  
5 waiver request; and

6       (c) The taxpayer has timely remitted payment on all tax returns  
7 due under this section during the preceding five calendar years.

8       (7)(a) In the event a taxpayer's federal income tax return is  
9 changed in a manner that is final after their return required under  
10 subsection (1) of this section is filed with the department and the  
11 taxpayer's federal income tax return is changed in a manner that  
12 impacts either the calculation of their Washington adjusted gross  
13 income or their tax liability under this chapter, or both, the  
14 taxpayer must amend the taxpayer's return due under subsection (1) of  
15 this section for the same tax year in which their federal income tax  
16 return is changed. For the purposes of this subsection (7), a federal  
17 income tax return is changed in a manner that is final when such  
18 change is not subject to either administrative review by the United  
19 States internal revenue service or judicial review in a court of  
20 competent jurisdiction, or both. A change is also final in the case  
21 of an audit finding in the following circumstances:

22       (i) The taxpayer has received audit findings from the internal  
23 revenue service for the tax period and the taxpayer does not timely  
24 file an administrative appeal with the internal revenue service.

25       (ii) The taxpayer consented to any of the audit findings for the  
26 tax period through a form or other written agreement with the United  
27 States internal revenue service.

28       (b) If the return is not amended, as required under this  
29 subsection (7), with the department within 90 days of the federal  
30 income tax return change becoming final, the department must assess  
31 on the 91st day a penalty in the amount of five percent of any  
32 additional tax due for the taxable year covered by the return for  
33 each month or portion of a month that the return is not timely  
34 amended as required by this subsection. The total penalty assessed  
35 under this subsection (7)(b) may not exceed 25 percent of the  
36 additional tax due for the taxable year covered by the delinquent  
37 return amendment. The penalty under this subsection (7)(b) is in  
38 addition to any penalties assessed under this section.

39       (8)(a) No assessment or correction of an assessment for  
40 additional taxes, penalties, or interest due may be made by the  
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1 department more than four years after the year in which a return is  
2 filed under subsection (1) of this section except:

3 (i) When the taxpayer's federal income tax return is changed in a  
4 manner that requires an amended return under subsection (7) of this  
5 section; or

6 (ii) As provided in RCW 82.32.050(4).

7 (b) In the event the statute of limitations is extended under

8 (a)(i) of this subsection, no assessment or correction of an  
9 assessment for additional taxes, penalties, or interest due may be  
10 made by the department more than four years after the year in which  
11 an amended return is filed with the department as required under  
12 subsection (7) of this section. Any assessment or correction of an  
13 assessment for additional taxes, penalties, or interest due under  
14 this subsection (8)(b) but made by the department more than four  
15 years after the year in which a return is filed under subsection (1)  
16 of this section must be directly related to the federal income tax  
17 return change described in subsection (7) of this section.

18 NEW SECTION. **SEC. 703.** REQUIREMENT FOR SEPARATE OR JOINT

19 RETURNS. (1) If the federal income tax liabilities of both spouses  
20 are determined on a joint federal return for the taxable year, they  
21 must file a joint return under this chapter.

22 (2) Except as otherwise provided in this subsection (2), if the  
23 federal income tax liability of any individual, including either  
24 spouse of a marital community, is determined on a separate federal  
25 return for the taxable year, they must file separate returns under  
26 this chapter. State registered domestic partners may file a joint  
27 return under this chapter even if they filed separate federal returns  
28 for the taxable year.

29 (3) The liability for tax due under this chapter of each spouse  
30 or state registered domestic partner is joint and several, unless:

31 (a) The spouse is relieved of liability for federal tax purposes  
32 as provided under 26 U.S.C. Sec. 6015 of the internal revenue code;  
33 or

34 (b) The department determines that the state registered domestic  
35 partner qualifies for relief as provided by rule of the department.  
36 Such rule, to the extent possible without being inconsistent with  
37 this chapter, must follow 26 U.S.C. Sec. 6015.

38 (4)(a) Unless the context clearly indicates otherwise,  
39 individuals who are spouses or state registered domestic partners are

1 not considered separate taxpayers for the purposes of this chapter  
2 regardless of whether they file a joint or separate return for the  
3 tax imposed under this chapter. The activities and assets of each  
4 spouse or state registered domestic partner are combined as if they  
5 were one individual for the purposes of determining the applicability  
6 of any threshold amounts, caps, deductions, credits, or any other  
7 amounts related to the activities or assets of an individual  
8 throughout this chapter.

9 (b) (i) Except as provided in (b)(ii) of this subsection (4), when  
10 an individual does not file a joint return for the tax imposed under  
11 this chapter, both spouses or state registered domestic partners must  
12 allocate between themselves their respective share of the marital  
13 community's or domestic partnership's assets and activity. The  
14 allocation must be reported to the department on any returns required  
15 to be filed pursuant to this chapter in a manner prescribed by the  
16 department.

17 (ii) If both spouses or state registered domestic partners cannot  
18 agree on an allocation of assets and activity as authorized under  
19 (b)(i) of this subsection (4), each spouse is limited to one-half of  
20 the total assets and activities of their marital community or  
21 domestic partnership.

22 **NEW SECTION.** **Sec. 704.** ADMINISTRATION OF CHAPTER CONSISTENT  
23 WITH CHAPTER 82.32 RCW. Except as otherwise provided by law and to  
24 the extent not inconsistent with the provisions of this chapter,  
25 chapter 82.32 RCW applies to the administration of taxes imposed  
26 under this chapter.

27 **Sec. 705.** RCW 82.32.050 and 2025 c 409 s 12 are each amended to  
28 read as follows:

29 (1) If upon examination of any returns or from other information  
30 obtained by the department it appears that a tax or penalty has been  
31 paid less than that properly due, the department shall assess against  
32 the taxpayer such additional amount found to be due and shall add  
33 thereto interest on the tax only. The department shall notify the  
34 taxpayer by mail, or electronically as provided in RCW 82.32.135, of  
35 the additional amount and the additional amount shall become due and  
36 shall be paid within 30 days from the date of the notice, or within  
37 such further time as the department may provide.

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

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

15       (c) (i) Except as otherwise provided in this subsection (1)(c),  
16 interest imposed after December 31, 1998, shall be computed from the  
17 last day of the month following each calendar year included in a  
18 notice, and the last day of the month following the final month  
19 included in a notice if not the end of a calendar year, until the due  
20 date of the notice.

21       (ii) For interest associated with annual tax reporting periods  
22 having a due date as prescribed in RCW 82.32.045(3) ~~((and))~~  
23 82.87.110, and section 702 of this act, interest must be computed  
24 from the last day of April immediately following each such annual  
25 reporting period included in the notice, until the due date of the  
26 notice.

27       (iii) For purposes of computing interest under (c)(i) and (ii) of  
28 this subsection (1):

29       (A) The same computation of interest applies regardless of  
30 whether the department grants additional time for filing any return  
31 under RCW 82.32.080(4)(a)(i).

32       (B) If the department extends a due date under subsection (3) of  
33 this section or RCW 82.32.080(4)(b), and payment is not made in full  
34 by the extended due date, interest is computed from the last day of  
35 the month in which the extended due date occurs until the date of  
36 payment.

37       (iv) If payment in full is not made by the due date of the  
38 notice, additional interest shall be computed under this subsection  
39 (1)(c) until the date of payment. The rate of interest shall be  
40 variable and computed as provided in subsection (2) of this section.

1 The rate so computed shall be adjusted on the first day of January of  
2 each year for use in computing interest for that calendar year.

3 (2) For the purposes of this section, the rate of interest to be  
4 charged to the taxpayer shall be an average of the federal short-term  
5 rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points.  
6 The rate set for each new year shall be computed by taking an  
7 arithmetical average to the nearest percentage point of the federal  
8 short-term rate, compounded annually. That average shall be  
9 calculated using the rates from four months: January, April, and July  
10 of the calendar year immediately preceding the new year, and October  
11 of the previous preceding year.

12 (3) During a state of emergency declared under RCW 43.06.010(12),  
13 the department, on its own motion or at the request of any taxpayer  
14 affected by the emergency, may extend the due date of any assessment  
15 or correction of an assessment for additional taxes, penalties, or  
16 interest as the department deems proper.

17 (4) No assessment or correction of an assessment for additional  
18 taxes, penalties, or interest due may be made by the department more  
19 than four years after the close of the tax year, except (a) against a  
20 taxpayer who has not registered as required by this chapter, (b) upon  
21 a showing of fraud or of misrepresentation of a material fact by the  
22 taxpayer, or (c) where a taxpayer has executed a written waiver of  
23 such limitation. The execution of a written waiver shall also extend  
24 the period for making a refund or credit as provided in RCW  
25 82.32.060(2).

26 (5) For the purposes of this section, the following definitions  
27 apply:

28 (a) "Due date of the notice" means the date indicated in the  
29 notice by which the amount due in the notice must be paid, or such  
30 later date as provided by RCW 1.12.070(3).

31 (b) "Return" means any document a person is required by the state  
32 of Washington to file to satisfy or establish a tax or fee obligation  
33 that is administered or collected by the department and that has a  
34 statutorily defined due date. "Return" also means an application for  
35 refund under RCW 82.08.0206.

36 **Sec. 706.** RCW 82.32.060 and 2025 c 409 s 13 are each amended to  
37 read as follows:

38 (1) If, upon receipt of an application by a taxpayer for a refund  
39 or for an audit of the taxpayer's records, or upon an examination of

1 the returns or records of any taxpayer, it is determined by the  
2 department that within the statutory period for assessment of taxes,  
3 penalties, or interest prescribed by RCW 82.32.050 any amount of tax,  
4 penalty, or interest has been paid in excess of that properly due,  
5 the excess amount paid within, or attributable to, such period must  
6 be credited to the taxpayer's account or must be refunded to the  
7 taxpayer, at the taxpayer's option. Except as provided in subsection  
8 (2) of this section, no refund or credit may be made for taxes,  
9 penalties, or interest paid more than four years prior to the  
10 beginning of the calendar year in which the refund application is  
11 made or examination of records is completed.

12 (2) (a) The execution of a written waiver under RCW 82.32.050 or  
13 82.32.100 will extend the time for making a refund or credit of any  
14 taxes paid during, or attributable to, the years covered by the  
15 waiver if, prior to the expiration of the waiver period, an  
16 application for refund of such taxes is made by the taxpayer or the  
17 department discovers a refund or credit is due.

18 (b) A refund or credit must be allowed for an excess payment  
19 resulting from the failure to claim a bad debt deduction, credit, or  
20 refund under RCW 82.04.4284, 82.08.037, 82.12.037, 82.14B.150, or  
21 82.16.050(5) for debts that became bad debts under 26 U.S.C. Sec.  
22 166, as amended or renumbered as of January 1, 2003, less than four  
23 years prior to the beginning of the calendar year in which the refund  
24 application is made or examination of records is completed.

25 (3) Any such refunds must be made by means of vouchers approved  
26 by the department and by the issuance of state warrants drawn upon  
27 and payable from such funds as the legislature may provide. However,  
28 taxpayers who are required to pay taxes by electronic funds transfer  
29 under RCW 82.32.080 must have any refunds paid by electronic funds  
30 transfer if the department has the necessary account information to  
31 facilitate a refund by electronic funds transfer.

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

38 (a) Interest at the rate of three percent per annum must be  
39 allowed by the department and by any court on the amount of any  
40 refund, credit, or other recovery allowed to a taxpayer for taxes,

1 penalties, or interest paid by the taxpayer before January 1, 1992.  
2 This rate of interest applies for all interest allowed through  
3 December 31, 1998. Interest allowed after December 31, 1998, must be  
4 computed at the rate as computed under RCW 82.32.050(2). The rate so  
5 computed must be adjusted on the first day of January of each year  
6 for use in computing interest for that calendar year.

7 (b) For refunds or credits of amounts paid or other recovery  
8 allowed to a taxpayer after December 31, 1991, the rate of interest  
9 must be the rate as computed for assessments under RCW 82.32.050(2)  
10 less one percent. This rate of interest applies for all interest  
11 allowed through December 31, 1998. Interest allowed after December  
12 31, 1998, must be computed at the rate as computed under RCW  
13 82.32.050(2). The rate so computed must be adjusted on the first day  
14 of January of each year for use in computing interest for that  
15 calendar year.

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

18 (a) If all overpayments for each calendar year and all reporting  
19 periods ending with the final month included in a notice or refund  
20 were made on or before the due date of the final return for each  
21 calendar year or the final reporting period included in the notice or  
22 refund:

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

25 (ii) Interest must be computed from the last day of the month  
26 following the final month included in a notice or refund; or

27 (iii) For interest associated with annual tax reporting periods  
28 having a due date as prescribed in RCW 82.32.045(3) ~~((and))~~  
29 82.87.110, and section 702 of this act, interest must be computed  
30 from the last day of April following each such annual reporting  
31 period included in a notice or refund.

32 (b) If the taxpayer has not made all overpayments for each  
33 calendar year and all reporting periods ending with the final month  
34 included in a notice or refund on or before the dates specified by  
35 RCW 82.32.045 for the final return for each calendar year or the  
36 final month included in the notice or refund, interest must be  
37 computed from the last day of the month following the date on which  
38 payment in full of the liabilities was made for each calendar year  
39 included in a notice or refund, and the last day of the month  
40 following the date on which payment in full of the liabilities was

1 made if the final month included in a notice or refund is not the end  
2 of a calendar year.

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

9 **Sec. 707.** RCW 82.32.090 and 2025 c 409 s 14 are each amended to  
10 read as follows:

11 (1) If payment of any tax due on a return to be filed by a  
12 taxpayer is not received by the department of revenue by the due  
13 date, there is assessed a penalty of nine percent of the amount of  
14 the tax; and if the tax is not received on or before the last day of  
15 the month following the due date, there is assessed a total penalty  
16 of 19 percent of the amount of the tax under this subsection; and if  
17 the tax is not received on or before the last day of the second month  
18 following the due date, there is assessed a total penalty of 29  
19 percent of the amount of the tax under this subsection. No penalty so  
20 added may be less than \$5.

21 (2) If the department of revenue determines that any tax has been  
22 substantially underpaid, there is assessed a penalty of five percent  
23 of the amount of the tax determined by the department to be due. If  
24 payment of any tax determined by the department to be due is not  
25 received by the department by the due date specified in the notice,  
26 or any extension thereof, there is assessed a total penalty of 15  
27 percent of the amount of the tax under this subsection; and if  
28 payment of any tax determined by the department to be due is not  
29 received on or before the 30th day following the due date specified  
30 in the notice of tax due, or any extension thereof, there is assessed  
31 a total penalty of 25 percent of the amount of the tax under this  
32 subsection. No penalty so added may be less than \$5. As used in this  
33 ((section)) subsection, "substantially underpaid" means that the  
34 taxpayer has paid less than 80 percent of the amount of tax  
35 determined by the department to be due for all of the types of taxes  
36 included in, and for the entire period of time covered by, the  
37 department's examination, and the amount of underpayment is at least  
38 \$1,000.

1       (3) If a warrant is issued by the department of revenue for the  
2 collection of taxes, increases, and penalties, there is added thereto  
3 a penalty of 10 percent of the amount of the tax, but not less than  
4 \$10.

5       (4) If the department finds that a person has engaged in any  
6 business or performed any act upon which a tax is imposed under this  
7 title and that person has not obtained from the department a  
8 registration certificate as required by RCW 82.32.030, the department  
9 must impose a penalty of five percent of the amount of tax due from  
10 that person for the period that the person was not registered as  
11 required by RCW 82.32.030. The department may not impose the penalty  
12 under this subsection (4) if a person who has engaged in business  
13 taxable under this title without first having registered as required  
14 by RCW 82.32.030, prior to any notification by the department of the  
15 need to register, obtains a registration certificate from the  
16 department.

17       (5) If the department finds that a taxpayer has disregarded  
18 specific written instructions as to reporting or tax liabilities, or  
19 willfully disregarded the requirement to file returns or remit  
20 payment electronically, as provided by RCW 82.32.080, the department  
21 must add a penalty of 10 percent of the amount of the tax that should  
22 have been reported and/or paid electronically or the additional tax  
23 found due if there is a deficiency because of the failure to follow  
24 the instructions. A taxpayer disregards specific written instructions  
25 when the department has informed the taxpayer in writing of the  
26 taxpayer's tax obligations and the taxpayer fails to act in  
27 accordance with those instructions unless, in the case of a  
28 deficiency, the department has not issued final instructions because  
29 the matter is under appeal pursuant to this chapter or departmental  
30 regulations. The department may not assess the penalty under this  
31 section upon any taxpayer who has made a good faith effort to comply  
32 with the specific written instructions provided by the department to  
33 that taxpayer. A taxpayer will be considered to have made a good  
34 faith effort to comply with specific written instructions to file  
35 returns and/or remit taxes electronically only if the taxpayer can  
36 show good cause, as defined in RCW 82.32.080, for the failure to  
37 comply with such instructions. A taxpayer will be considered to have  
38 willfully disregarded the requirement to file returns or remit  
39 payment electronically if the department has mailed or otherwise  
40 delivered the specific written instructions to the taxpayer on at

1 least two occasions. Specific written instructions may be given as a  
2 part of a tax assessment, audit, determination, closing agreement, or  
3 other written communication, provided that such specific written  
4 instructions apply only to the taxpayer addressed or referenced on  
5 such communication. Any specific written instructions by the  
6 department must be clearly identified as such and must inform the  
7 taxpayer that failure to follow the instructions may subject the  
8 taxpayer to the penalties imposed by this subsection. If the  
9 department determines that it is necessary to provide specific  
10 written instructions to a taxpayer that does not comply with the  
11 requirement to file returns or remit payment electronically as  
12 provided in RCW 82.32.080, the specific written instructions must  
13 provide the taxpayer with a minimum of 45 days to come into  
14 compliance with its electronic filing and/or payment obligations  
15 before the department may impose the penalty authorized in this  
16 subsection.

17 (6) If the department finds that all or any part of a deficiency  
18 resulted from engaging in a disregarded transaction, as described in  
19 RCW 82.32.655(3), the department must assess a penalty of 35 percent  
20 of the additional tax found to be due as a result of engaging in a  
21 transaction disregarded by the department under RCW 82.32.655(2). The  
22 penalty provided in this subsection may be assessed together with any  
23 other applicable penalties provided in this section on the same tax  
24 found to be due, except for the evasion penalty provided in  
25 subsection (7) of this section. The department may not assess the  
26 penalty under this subsection if, before the department discovers the  
27 taxpayer's use of a transaction described under RCW 82.32.655(3), the  
28 taxpayer discloses its participation in the transaction to the  
29 department.

30 (7) If the department finds that all or any part of the  
31 deficiency resulted from an intent to evade the tax payable  
32 hereunder, a further penalty of 50 percent of the additional tax  
33 found to be due must be added.

34 (8) The penalties imposed under subsections (1) through (4) of  
35 this section can each be imposed on the same tax found to be due.  
36 This subsection does not prohibit or restrict the application of  
37 other penalties authorized by law.

38 (9) The department may not impose the evasion penalty in  
39 combination with the penalty for disregarding specific written

1 instructions or the penalty provided in subsection (6) of this  
2 section on the same tax found to be due.

3 (10) If a taxpayer substantially underpays an estimated payment  
4 of tax imposed under RCW 82.87.040 pursuant to RCW 82.87.110(3),  
5 there is assessed a penalty of five percent of the amount of the  
6 actual tax due for tax imposed under RCW 82.87.040. As used in this  
7 ((section)) subsection, "substantially underpaid" means that an  
8 individual's estimated payment for taxes imposed under RCW 82.87.040  
9 was less than 80 percent of the actual tax due, and at least \$1,000.

10 (11) If the total estimated tax payments under section 501 of  
11 this act for the tax year are substantially underpaid, there is  
12 assessed a penalty of five percent of the amount of the underpaid  
13 tax. If a pass-through entity makes an election under section 502 of  
14 this act, this subsection (11) applies to the estimated tax payments  
15 of the pass-through entity in lieu of the individual. As used in this  
16 subsection, "substantially underpaid" means that an individual's  
17 total annual estimated tax payments under section 501 of this act  
18 were less than 80 percent of the actual annual tax due, and at least  
19 \$5,000.

20 (12) For the purposes of this section, "return" means any  
21 document a person is required by the state of Washington to file to  
22 satisfy or establish a tax or fee obligation that is administered or  
23 collected by the department, and that has a statutorily defined due  
24 date. "Return" also includes the submission of any estimated payment  
25 of tax as provided in RCW 82.87.110(3) and the confirmation of an  
26 extension of the filing due date required under RCW 82.87.110(5).

27 NEW SECTION. **Sec. 708.** ESTIMATION AGREEMENTS. The department  
28 may reasonably estimate the items of business or nonbusiness income  
29 of a taxpayer having an office within the state and one or more other  
30 states or foreign countries which may be apportioned or allocated to  
31 the state and may enter into estimation agreements with such  
32 taxpayers for the determination of their liability for the tax  
33 imposed by this chapter.

34 NEW SECTION. **Sec. 709.** PROVISIONS OF INTERNAL REVENUE CODE  
35 CONTROL. (1) To the extent possible without being inconsistent with  
36 this chapter, all of the provisions of subtitle F (procedure and  
37 administration) of the internal revenue code relating to the  
38 following subjects apply to the taxes imposed under this chapter:

1       (a) Timing and amount of tax prepayments under section 501 of  
2 this act;

3       (b) Liability of transferees; and

4       (c) Time and manner of making returns, extensions of time for  
5 filing returns, verification of returns, and the time when a return  
6 is deemed to be filed by the department.

7       (2) The department by rule may provide modifications and  
8 exceptions to the provisions listed in subsection (1) of this  
9 section, if reasonably necessary to facilitate the prompt, efficient,  
10 and equitable collection of tax under this chapter.

11       NEW SECTION.    **Sec. 710.** RULES. The department may adopt rules  
12 under chapter 34.05 RCW for the administration and enforcement of  
13 this chapter. The rules, to the extent possible without being  
14 inconsistent with this chapter, must follow the internal revenue code  
15 and the regulations and rulings of the United States treasury  
16 department with respect to the federal income tax. The department may  
17 adopt as a part of these rules any portions of the internal revenue  
18 code and United States treasury department regulations and rulings,  
19 in whole or in part.

20       NEW SECTION.    **Sec. 711.** COUNTY PUBLIC DEFENSE FUNDING  
21 STABILIZATION ACCOUNT. (1) The county public defense funding  
22 stabilization account is hereby created in the state treasury. All  
23 receipts specified under section 202(1)(a) of this act must be  
24 deposited in the account. Moneys in the account may be spent only  
25 after appropriation. Expenditures from the account may be used only  
26 for distributions to counties for public defense services consistent  
27 with chapter 10.101 RCW.

28       (2) On a quarterly basis, the state treasurer shall distribute  
29 moneys deposited in the county public defense funding stabilization  
30 account to each county based on the county's personal income ratio as  
31 determined under subsection (3) of this section.

32       (3) The office of financial management shall calculate each  
33 county's personal income ratio by December 31, 2028, and December  
34 31st of each year thereafter, using the most recent annual county  
35 personal income data published by the federal bureau of economic  
36 analysis for the state of Washington and notify the state treasurer.  
37 The updated county personal income ratio applies to county  
38 distributions in the following calendar year.

1       (4) For the purpose of this section, "county's personal income  
2 ratio" means the personal income of the county divided by the  
3 personal income of the state of Washington, as determined under  
4 subsection (3) of this section.

PART VIII  
APPLICATION OF TAX TO PUBLIC PENSIONS

7       **Sec. 801.**    RCW 2.10.180 and 2012 c 159 s 17 are each amended to  
8        read as follows:

9       (1) Except as provided in subsections (2), (3), ((and)) (4), and  
10      (5) of this section, the right of a person to a retirement allowance,  
11      disability allowance, or death benefit, the retirement, disability or  
12      death allowance itself, any optional benefit, any other right accrued  
13      or accruing to any person under the provisions of this chapter, and  
14      the moneys in the fund created under this chapter, are hereby exempt  
15      from any state, county, municipal, or other local tax and shall not  
16      be subject to execution, garnishment, or any other process of law  
17      whatsoever whether the same be in actual possession of the person or  
18      be deposited or loaned.

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

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

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

1        (5) Subsection (1) of this section does not exempt any pension or  
2 other benefit received under this chapter from tax under Title 82A  
3 RCW (the new title created in section 1003 of this act).

4        **Sec. 802.** RCW 2.12.090 and 2012 c 159 s 18 are each amended to  
5 read as follows:

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

16        (2) Subsection (1) of this section shall not prohibit the  
17 department of retirement systems from complying with (a) a wage  
18 assignment order for child support issued pursuant to chapter 26.18  
19 RCW, (b) a notice of payroll deduction issued under chapter 26.23  
20 RCW, (c) an order to withhold and deliver issued pursuant to chapter  
21 74.20A RCW, (d) a mandatory benefits assignment order issued pursuant  
22 to chapter 41.50 RCW, (e) a court order directing the department of  
23 retirement systems to pay benefits directly to an obligee under a  
24 dissolution order as defined in RCW 41.50.500(3) which fully complies  
25 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court  
26 order expressly authorized by federal law.

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

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

35        (5) Subsection (1) of this section does not exempt any pension or  
36 other benefit received under this chapter from tax under Title 82A  
37 RCW (the new title created in section 1003 of this act).

1       **Sec. 803.**   RCW 6.15.020 and 2011 c 162 s 3 are each amended to  
2 read as follows:

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

9       (2) Unless otherwise provided by federal law, any money received  
10 by any citizen of the state of Washington as a pension from the  
11 government of the United States, whether the same be in the actual  
12 possession of such person or be deposited or loaned, shall be exempt  
13 from execution, attachment, garnishment, or seizure by or under any  
14 legal process whatever, and when a debtor dies, or absconds, and  
15 leaves his or her family any money exempted by this subsection, the  
16 same shall be exempt to the family as provided in this subsection.  
17 This subsection shall not apply to child support collection actions  
18 issued under chapter 26.18, 26.23, or 74.20A RCW, if otherwise  
19 permitted by federal law, or to collection actions for taxes imposed  
20 under Title 82A RCW (the new title created in section 1003 of this  
21 act).

22       (3) The right of a person to a pension, annuity, or retirement  
23 allowance or disability allowance, or death benefits, or any optional  
24 benefit, or any other right accrued or accruing to any citizen of the  
25 state of Washington under any employee benefit plan, and any fund  
26 created by such a plan or arrangement, shall be exempt from  
27 execution, attachment, garnishment, or seizure by or under any legal  
28 process whatever. This subsection shall not apply to child support  
29 collection actions issued under chapter 26.18, 26.23, or 74.20A RCW  
30 if otherwise permitted by federal law, or to collection actions for  
31 taxes imposed under Title 82A RCW (the new title created in section  
32 1003 of this act). This subsection shall permit benefits under any  
33 such plan or arrangement to be payable to a spouse, former spouse,  
34 child, or other dependent of a participant in such plan to the extent  
35 expressly provided for in a qualified domestic relations order that  
36 meets the requirements for such orders under the plan, or, in the  
37 case of benefits payable under a plan described in 26 U.S.C. Sec.  
38 403(b) or 408 of the internal revenue code of 1986, as amended, or  
39 section 409 of such code as in effect before January 1, 1984, to the  
40 extent provided in any order issued by a court of competent

1 jurisdiction that provides for maintenance or support. This  
2 subsection does not prohibit actions against an employee benefit  
3 plan, or fund for valid obligations incurred by the plan or fund for  
4 the benefit of the plan or fund.

5 (4) For the purposes of this section, the term "employee benefit  
6 plan" means any plan or arrangement that is described in RCW  
7 49.64.020, including any Keogh plan, whether funded by a trust or by  
8 an annuity contract, and in 26 U.S.C. Sec. 401(a) or 403(a) of the  
9 internal revenue code of 1986, as amended; or that is a tax-sheltered  
10 annuity or a custodial account described in section 403(b) of such  
11 code or an individual retirement account or an individual retirement  
12 annuity described in section 408 of such code; or a Roth individual  
13 retirement account described in section 408A of such code; or a  
14 medical savings account or a health savings account described in  
15 sections 220 and 223, respectively, of such code; or a retirement  
16 bond described in section 409 of such code as in effect before  
17 January 1, 1984. The term "employee benefit plan" shall not include  
18 any employee benefit plan that is established or maintained for its  
19 employees by the government of the United States, by the state of  
20 Washington under chapter 2.10, 2.12, 41.26, 41.32, 41.34, 41.35,  
21 41.37, 41.40, or 43.43 RCW or RCW 41.50.770, or by any agency or  
22 instrumentality of the government of the United States.

23 (5) An employee benefit plan shall be deemed to be a spendthrift  
24 trust, regardless of the source of funds, the relationship between  
25 the trustee or custodian of the plan and the beneficiary, or the  
26 ability of the debtor to withdraw or borrow or otherwise become  
27 entitled to benefits from the plan before retirement. This subsection  
28 shall not apply to child support collection actions issued under  
29 chapter 26.18, 26.23, or 74.20A RCW, if otherwise permitted by  
30 federal law, or to collection actions for taxes imposed under Title  
31 82A RCW (the new title created in section 1003 of this act). This  
32 subsection shall permit benefits under any such plan or arrangement  
33 to be payable to a spouse, former spouse, child, or other dependent  
34 of a participant in such plan to the extent expressly provided for in  
35 a qualified domestic relations order that meets the requirements for  
36 such orders under the plan, or, in the case of benefits payable under  
37 a plan described in 26 U.S.C. Sec. 403(b) or 408 of the internal  
38 revenue code of 1986, as amended, or section 409 of such code as in  
39 effect before January 1, 1984, to the extent provided in any order

1 issued by a court of competent jurisdiction that provides for  
2 maintenance or support.

3 (6) Unless prohibited by federal law, nothing contained in  
4 subsection (3), (4), or (5) of this section shall be construed as a  
5 termination or limitation of a spouse's community property interest  
6 in an employee benefit plan held in the name of or on account of the  
7 other spouse, who is the participant or the account holder spouse.  
8 Unless prohibited by applicable federal law, at the death of the  
9 nonparticipant, nonaccount holder spouse, the nonparticipant,  
10 nonaccount holder spouse may transfer or distribute the community  
11 property interest of the nonparticipant, nonaccount holder spouse in  
12 the participant or account holder spouse's employee benefit plan to  
13 the nonparticipant, nonaccount holder spouse's estate, testamentary  
14 trust, inter vivos trust, or other successor or successors pursuant  
15 to the last will of the nonparticipant, nonaccount holder spouse or  
16 the law of intestate succession, and that distributee may, but shall  
17 not be required to, obtain an order of a court of competent  
18 jurisdiction, including a nonjudicial binding agreement or order  
19 entered under chapter 11.96A RCW, to confirm the distribution. For  
20 purposes of subsection (3) of this section, the distributee of the  
21 nonparticipant, nonaccount holder spouse's community property  
22 interest in an employee benefit plan shall be considered a person  
23 entitled to the full protection of subsection (3) of this section.  
24 The nonparticipant, nonaccount holder spouse's consent to a  
25 beneficiary designation by the participant or account holder spouse  
26 with respect to an employee benefit plan shall not, absent clear and  
27 convincing evidence to the contrary, be deemed a release, gift,  
28 relinquishment, termination, limitation, or transfer of the  
29 nonparticipant, nonaccount holder spouse's community property  
30 interest in an employee benefit plan. For purposes of this  
31 subsection, the term "nonparticipant, nonaccount holder spouse" means  
32 the spouse of the person who is a participant in an employee benefit  
33 plan or in whose name an individual retirement account is maintained.  
34 As used in this subsection, an order of a court of competent  
35 jurisdiction entered under chapter 11.96A RCW includes an agreement,  
36 as that term is used under RCW 11.96A.220.

37 **Sec. 804.** RCW 41.24.240 and 1995 c 11 s 13 are each amended to  
38 read as follows:

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

13        (2) Nothing in this chapter shall be construed to deprive any  
14 participant, eligible to receive a pension hereunder, from receiving  
15 a pension under any other act to which that participant may become  
16 eligible by reason of services other than or in addition to his or  
17 her services under this chapter.

18        (3) Subsection (1) of this section does not exempt any pension or  
19 other benefit received under this chapter from tax under Title 82A  
20 RCW (the new title created in section 1003 of this act).

21        **Sec. 805.** RCW 41.32.052 and 2012 c 159 s 20 are each amended to  
22 read as follows:

23        (1) Subject to subsections (2) ~~((and))~~, (3), and (4) of this  
24 section, the right of a person to a pension, an annuity, a retirement  
25 allowance, or disability allowance, to the return of contributions,  
26 any optional benefit or death benefit, any other right accrued or  
27 accruing to any person under the provisions of this chapter and the  
28 moneys in the various funds created by this chapter shall be  
29 unassignable, and are hereby exempt from any state, county, municipal  
30 or other local tax, and shall not be subject to execution,  
31 garnishment, attachment, the operation of bankruptcy or insolvency  
32 laws, or other process of law whatsoever whether the same be in  
33 actual possession of the person or be deposited or loaned.

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

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

1       (b) Under a group health care benefit plan approved pursuant to  
2 RCW 28A.400.350 or 41.05.065 from authorizing monthly deductions  
3 therefrom, of the amount or amounts of subscription payments,  
4 premiums, or contributions to any person, firm, or corporation  
5 furnishing or providing medical, surgical, and hospital care or other  
6 health care insurance; or

7       (c) Under this system from authorizing monthly deductions  
8 therefrom for payment of dues and other membership fees to any  
9 retirement association composed of retired teachers and/or public  
10 employees pursuant to a written agreement between the director and  
11 the retirement association.

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

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

25      (4) Subsection (1) of this section does not exempt any pension or  
26 other benefit received under this chapter from tax under Title 82A  
27 RCW (the new title created in section 1003 of this act).

28      **Sec. 806.** RCW 41.34.080 and 2012 c 159 s 23 are each amended to  
29 read as follows:

30      (1) Subject to subsections (2) ((and)), (3), and (4) of this  
31 section, the right of a person to a pension, an annuity, a retirement  
32 allowance, any optional benefit, any other right accrued or accruing  
33 to any person under the provisions of this chapter, and the various  
34 funds created by chapter 239, Laws of 1995; chapter 341, Laws of  
35 1998; and chapter 247, Laws of 2000 and all moneys and investments  
36 and income thereof, is hereby exempt from any state, county,  
37 municipal, or other local tax, and shall not be subject to execution,  
38 garnishment, attachment, the operation of bankruptcy or insolvency  
39 laws, or other process of law whatsoever, whether the same be in

1 actual possession of the person or be deposited or loaned and shall  
2 be unassignable.

3 (2) This section shall not be deemed to prohibit a beneficiary of  
4 a retirement allowance from authorizing deductions therefrom for  
5 payment of premiums due on any group insurance policy or plan issued  
6 for the benefit of a group comprised of public employees of the state  
7 of Washington or its political subdivisions and that has been  
8 approved for deduction in accordance with rules that may be adopted  
9 by the state health care authority and/or the department. This  
10 section shall not be deemed to prohibit a beneficiary of a retirement  
11 allowance from authorizing deductions therefrom for payment of dues  
12 and other membership fees to any retirement association or  
13 organization the membership of which is composed of retired public  
14 employees, if a total of three hundred or more of such retired  
15 employees have authorized such deduction for payment to the same  
16 retirement association or organization.

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

28 (4) Subsection (1) of this section does not exempt any pension or  
29 other benefit received under this chapter from tax under Title 82A  
30 RCW (the new title created in section 1003 of this act).

31 **Sec. 807.** RCW 41.35.100 and 2012 c 159 s 24 are each amended to  
32 read as follows:

33 (1) Subject to subsections (2) ~~((and))~~, (3), and (4) of this  
34 section, the right of a person to a pension, an annuity, or  
35 retirement allowance, any optional benefit, any other right accrued  
36 or accruing to any person under the provisions of this chapter, the  
37 various funds created by this chapter, and all moneys and investments  
38 and income thereof, are hereby exempt from any state, county,  
39 municipal, or other local tax, and shall not be subject to execution,

1 garnishment, attachment, the operation of bankruptcy or insolvency  
2 laws, or other process of law whatsoever, whether the same be in  
3 actual possession of the person or be deposited or loaned and shall  
4 be unassignable.

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

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

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  
32 RCW (the new title created in section 1003 of this act).

33 **Sec. 808.** RCW 41.40.052 and 2012 c 159 s 26 are each amended to  
34 read as follows:

35 (1) Subject to subsections (2) ((and))~~1~~ (3), and (4) of this  
36 section, the right of a person to a pension, an annuity, or  
37 retirement allowance, any optional benefit, any other right accrued  
38 or accruing to any person under the provisions of this chapter, the  
39 various funds created by this chapter, and all moneys and investments

1 and income thereof, are hereby exempt from any state, county,  
2 municipal, or other local tax, and shall not be subject to execution,  
3 garnishment, attachment, the operation of bankruptcy or insolvency  
4 laws, or other process of law whatsoever, whether the same be in  
5 actual possession of the person or be deposited or loaned and shall  
6 be unassignable.

7 (2) (a) This section shall not be deemed to prohibit a beneficiary  
8 of a retirement allowance from authorizing deductions therefrom for  
9 payment of premiums due on any group insurance policy or plan issued  
10 for the benefit of a group comprised of public employees of the state  
11 of Washington or its political subdivisions and which has been  
12 approved for deduction in accordance with rules that may be adopted  
13 by the state health care authority and/or the department, and this  
14 section shall not be deemed to prohibit a beneficiary of a retirement  
15 allowance from authorizing deductions therefrom for payment of dues  
16 and other membership fees to any retirement association or  
17 organization the membership of which is composed of retired public  
18 employees, if a total of three hundred or more of such retired  
19 employees have authorized such deduction for payment to the same  
20 retirement association or organization.

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

25 (3) Subsection (1) of this section shall not prohibit the  
26 department from complying with (a) a wage assignment order for child  
27 support issued pursuant to chapter 26.18 RCW, (b) an order to  
28 withhold and deliver issued pursuant to chapter 74.20A RCW, (c) (~~(e)~~  
29 ~~notice of payroll deduction~~) an income withholding order issued  
30 pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order  
31 issued by the department, (e) a court order directing the department  
32 of retirement systems to pay benefits directly to an obligee under a  
33 dissolution order as defined in RCW 41.50.500(3) which fully complies  
34 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court  
35 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  
38 RCW (the new title created in section 1003 of this act).

1       **Sec. 809.** RCW 41.44.240 and 2012 c 159 s 27 are each amended to  
2 read as follows:

3       (1) The right of a person to a pension, annuity or a retirement  
4 allowance, to the return of contribution, the pension, annuity or  
5 retirement allowance itself, any optional benefit, any other right  
6 accrued or accruing to any person under the provisions of this  
7 chapter, and the moneys in the fund created under this chapter shall  
8 not be subject to execution, garnishment, or any other process  
9 whatsoever whether the same be in actual possession of the person or  
10 be deposited or loaned.

11       (2) This section shall not apply to child support collection  
12 actions taken under chapter 26.18, 26.23, or 74.20A RCW against  
13 benefits payable under any such plan or arrangement. Benefits under  
14 this chapter shall be payable to a spouse or ex-spouse to the extent  
15 expressly provided for in any court decree of dissolution or legal  
16 separation or in any court order or court-approved property  
17 settlement agreement incident to any court decree of dissolution or  
18 legal separation.

19       (3) Subsection (1) of this section does not exempt any pension or  
20 other benefit received under this chapter from tax under Title 82A  
21 RCW (the new title created in section 1003 of this act).

22       **Sec. 810.** RCW 41.26.053 and 2012 c 159 s 21 are each amended to  
23 read as follows:

24       (1) Subject to subsections (2) ((and))<sub>1</sub> (3), and (4) of this  
25 section, the right of a person to a retirement allowance, disability  
26 allowance, or death benefit, to the return of accumulated  
27 contributions, the retirement, disability or death allowance itself,  
28 any optional benefit, any other right accrued or accruing to any  
29 person under the provisions of this chapter, and the moneys in the  
30 fund created under this chapter, are hereby exempt from any state,  
31 county, municipal, or other local tax and shall not be subject to  
32 execution, garnishment, attachment, the operation of bankruptcy or  
33 insolvency laws, or any other process of law whatsoever, whether the  
34 same be in actual possession of the person or be deposited or loaned  
35 and shall be unassignable.

36       (2) On the written request of any person eligible to receive  
37 benefits under this section, the department may deduct from such  
38 payments the premiums for life, health, or other insurance. The  
39 request on behalf of any child or children shall be made by the legal

1 guardian of such child or children. The department may provide for  
2 such persons one or more plans of group insurance, through contracts  
3 with regularly constituted insurance carriers or health care service  
4 contractors.

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

16       (4) Subsection (1) of this section does not exempt any pension or  
17 other benefit received under this chapter from tax under Title 82A  
18 RCW (the new title created in section 1003 of this act).

19       **Sec. 811.** RCW 43.43.310 and 2012 c 159 s 28 are each amended to  
20 read as follows:

21       (1) Except as provided in subsections (2) ((and)), (3), and (4)  
22 of this section, the right of any person to a retirement allowance or  
23 optional retirement allowance under the provisions hereof and all  
24 moneys and investments and income thereof are exempt from any state,  
25 county, municipal, or other local tax and shall not be subject to  
26 execution, garnishment, attachment, the operation of bankruptcy or  
27 the insolvency laws, or other processes of law whatsoever, whether  
28 the same be in actual possession of the person or be deposited or  
29 loaned and shall be unassignable except as herein specifically  
30 provided.

31       (2) Subsection (1) of this section shall not prohibit the  
32 department of retirement systems from complying with (a) a wage  
33 assignment order for child support issued pursuant to chapter 26.18  
34 RCW, (b) an order to withhold and deliver issued pursuant to chapter  
35 74.20A RCW, (c) ((a ~~notice of payroll deduction~~)) an income  
36 withholding order issued pursuant to RCW 26.23.060, (d) a mandatory  
37 benefits assignment order issued pursuant to chapter 41.50 RCW, (e) a  
38 court order directing the department of retirement systems to pay  
39 benefits directly to an obligee under a dissolution order as defined

1 in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and  
2 41.50.700, or (f) any administrative or court order expressly  
3 authorized by federal law.

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

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  
13 RCW (the new title created in section 1003 of this act).

14 **PART IX**  
15 **TAX RELIEF**

16 **Sec. 901.** RCW 82.08.0206 and 2024 c 3 s 1 are each amended to  
17 read as follows:

18 (1) A working families' tax credit, funded by sales and use tax  
19 imposed, is provided to eligible low-income persons for calendar  
20 years beginning on or after January 1, 2022. The credit is refundable  
21 and is calculated as provided in this section.

22 (2) For purposes of the credit in this section, the following  
23 definitions apply:

24 (a) (i) "Eligible low-income person" means an individual who:

25 (A) Is eligible for the credit provided in Title 26 U.S.C. Sec.  
26 32 of the internal revenue code;

27 (B) Properly files a federal income tax return for the prior  
28 federal tax year, and was a Washington resident during the year for  
29 which the credit is claimed; and

30 (C) Has paid either retail sales tax under this chapter or use  
31 tax under chapter 82.12 RCW, or both. There is a rebuttable  
32 presumption that a person paid either retail sales tax under this  
33 chapter or use tax under chapter 82.12 RCW, or both, if they were a  
34 Washington resident during the year for which the credit is claimed.

35 (ii) "Eligible low-income person" also means an individual who  
36 meets the requirements provided in (a)(i)(B) of this subsection and  
37 would otherwise qualify for the credit provided in Title 26 U.S.C.

1 Sec. 32 of the internal revenue code except that one or any  
2 combination of the following conditions apply:

3 (A) The individual filed a federal income tax return for the  
4 prior federal tax year using a valid individual taxpayer  
5 identification number in lieu of a social security number, and the  
6 individual's spouse, if any, and all qualifying children, if any,  
7 have a valid individual taxpayer identification number or a social  
8 security number; ~~((or))~~

9 (B) The individual filed their federal income tax return for the  
10 prior federal tax year under the married filing separately status.  
11 For purposes of the refund provided in this section, the special rule  
12 for separated spouse under Title 26 U.S.C. Sec. 32(d)(2)(B) of the  
13 internal revenue code does not apply; or

14 (C) The individual does not meet the age requirement under Title  
15 26 U.S.C. Sec. 32(c)(1)(A)(ii)(II) of the internal revenue code, but  
16 is at least age 18 by the end of the prior federal tax year.

17 (b) "Income" means earned income as defined by Title 26 U.S.C.  
18 Sec. 32 of the internal revenue code.

19 (c) "Individual" means an individual or an individual and that  
20 individual's spouse if they file a federal joint income tax return.

21 (d) "Internal revenue code" means the United States internal  
22 revenue code of 1986, as amended, as of June 9, 2022, or such  
23 subsequent date as the department may provide by rule consistent with  
24 the purpose of this section.

25 (e) "Maximum qualifying income" means the maximum federally  
26 adjusted gross income for the prior federal tax year.

27 (f) "Qualifying child" means a qualifying child as defined by  
28 Title 26 U.S.C. Sec. 32 of the internal revenue code, except the  
29 child may have a valid individual taxpayer identification number in  
30 lieu of a social security number.

31 (g) "Washington resident" means an individual who is physically  
32 present and residing in this state for at least 183 days. "Washington  
33 resident" also includes an individual who is not physically present  
34 and residing in this state for at least 183 days but is the spouse of  
35 a Washington resident. For purposes of this subsection, "day" means a  
36 calendar day or any portion of a calendar day.

37 (3) (a) Except as provided in (b) and (c) of this subsection, for  
38 calendar year 2023 and thereafter, the working families' tax credit  
39 refund amount for the prior calendar year is:

40 (i) \$300 for eligible persons with no qualifying children;

- (ii) \$600 for eligible persons with one qualifying child;
- (iii) \$900 for eligible persons with two qualifying children; or
- (iv) \$1,200 for eligible persons with three or more qualifying children.

(b) Except as provided in (f) of this subsection, the refund amounts provided in (a) of this subsection will be reduced, rounded to the nearest dollar, as follows:

(i) For eligible persons with no qualifying children, beginning at \$2,500 of income below the federal phase-out income for the prior federal tax year, by 18 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(ii) For eligible persons with one qualifying child, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 12 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(iii) For eligible persons with two qualifying children, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 15 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(iv) For eligible persons with three or more qualifying children, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 18 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(c) If the refund for an eligible person as calculated in this section is greater than zero cents, but less than \$50, the refund amount is \$50.

(d) The refund amounts in this section shall be adjusted for inflation every year beginning January 1, 2024, based upon changes in the consumer price index that are published by November 15th of the previous year for the most recent 12-month period. The adjusted refund amounts must be rounded to the nearest \$5.

(e) For purposes of this section, "consumer price index" means, for any 12-month period, the average consumer price index for that 12-month period for the Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

1       (f) The percentage rate of remittance reductions in (b) of this  
2 subsection must be adjusted every year beginning January 1, 2023,  
3 based on calculations by the department that result in the minimum  
4 credit being received at the maximum qualifying income level.

5       (4) The working families' tax credit shall be administered as  
6 provided in this subsection.

7           (a) The refund paid under this section will be paid to eligible  
8 filers who apply pursuant to this subsection.

9           (i) Application must be made to the department in a form and  
10 manner determined by the department. If the application process is  
11 initially done electronically, the department must provide a paper  
12 application upon request. The application must include any  
13 information and documentation as required by the department. The  
14 department may use the information provided by the individual to  
15 calculate the refund amount. Income reported on the application may  
16 be rounded to the nearest dollar.

17           (ii) An individual applying for the credit under this section  
18 must keep records necessary for the department to verify eligibility  
19 under this section. Any information provided by the individual is  
20 subject to audit verification by the department.

21           (iii) In addition to information provided on the application, the  
22 department may verify that an individual qualifies as a Washington  
23 resident through the use of automated verification tools or other  
24 reasonable means.

25           (iv) (A) Except as provided in (a)(iv)(B) of this subsection (4),  
26 application for a refund under this section must be made in the year  
27 following the year for which the federal tax return was filed, but in  
28 no case may any refund be provided for any period before January 1,  
29 2022.

30           (B) (I) A person may apply for any refund for which they were  
31 eligible but did not claim under (a)(iv)(A) of this subsection (4)  
32 for up to three additional years. A person must complete an  
33 application to claim this refund within the three calendar years  
34 after the end of the calendar year in which the federal income tax  
35 return for that tax year was legally due for federal income tax  
36 purposes, without regard to any federal extension.

37           (II) If a person seeks to increase the amount of a refund that  
38 has been made under this subsection (4), the person must apply for  
39 the amended refund within the nonclaims period established under RCW  
40 82.32.060(1).

1       (v) A person may not claim a credit on behalf of a deceased  
2 individual. No individual may claim a credit under this section for  
3 any year in a disallowance period under Title 26 U.S.C. Sec. 32(k)(1)  
4 of the internal revenue code or for any year for which the individual  
5 is ineligible to claim the credit in Title 26 U.S.C. Sec. 32 of the  
6 internal revenue code by reason of Title 26 U.S.C. Sec. 32(k)(2) of  
7 the internal revenue code.

8       (b) The department shall protect the privacy and confidentiality  
9 of personal data of refund recipients in accordance with chapter  
10 82.32 RCW.

11       (c) The department shall, in conjunction with other agencies or  
12 organizations, design and implement a public information campaign to  
13 inform potentially eligible persons of the existence of, and  
14 requirements for, the credit provided in this section.

15       (d) The department must work with the internal revenue service of  
16 the United States to administer the credit on an automatic basis as  
17 soon as practicable.

18       (5) Receipt of a refund under this section may not be used in  
19 eligibility determinations for any state income support programs or  
20 in making public charge determinations.

21       (6) The department may adopt rules necessary to implement this  
22 section. This includes establishing a date by which applications will  
23 be accepted, with the aim of accepting applications as soon as  
24 possible.

25       (7) The department must review the application and determine  
26 eligibility for the working families' tax credit based on information  
27 provided by the applicant and through audit and other administrative  
28 records, including, when it deems it necessary, verification through  
29 information from the internal revenue service of the United States,  
30 other federal agencies, Washington state agencies, third-party  
31 entities, or other persons. The department may accept a signed  
32 attestation in a form and manner determined by the department from an  
33 individual to presumptively validate that an individual meets all the  
34 eligibility requirements as provided in this section. The signed  
35 attestation is subject to audit verification by the department to  
36 validate an individual's eligibility for the working families' tax  
37 credit.

38       (8) If, upon review of internal revenue service data or other  
39 information obtained by the department, it appears that an individual  
40 received a refund that the individual was not entitled to, or

1 received a larger refund than the individual was entitled to, the  
2 department may assess against the individual the overpaid amount. The  
3 department may also assess such overpaid amount against the  
4 individual's spouse if the refund in question was based on both  
5 spouses filing a joint federal income tax return for the year for  
6 which the refund was claimed.

7 (a) Interest as provided under RCW 82.32.050 applies to  
8 assessments authorized under this subsection (8) starting six months  
9 after the date the department issued the assessment until the amount  
10 due under this subsection (8) is paid in full to the department.  
11 Except as otherwise provided in this subsection, penalties may not be  
12 assessed on amounts due under this subsection.

13 (b) If an amount due under this subsection is not paid in full by  
14 the date due, or the department issues a warrant for the collection  
15 of amounts due under this subsection, the department may assess the  
16 applicable penalties under RCW 82.32.090. Penalties under this  
17 subsection (8)(b) may not be made due until six months after the  
18 department's issuance of the assessment.

19 (c) If the department finds by clear, cogent, and convincing  
20 evidence that an individual knowingly submitted, caused to be  
21 submitted, or consented to the submission of, a fraudulent claim for  
22 refund under this section, the department must assess a penalty of 50  
23 percent of the overpaid amount. This penalty is in addition to any  
24 other applicable penalties assessed in accordance with (b) of this  
25 subsection (8).

26 (9) If, within the period allowed for refunds under RCW  
27 82.32.060, the department finds that an individual received a lesser  
28 refund than the individual was entitled to, the department must remit  
29 the additional amount due under this section to the individual.

30 (10) Interest does not apply to refunds provided under this  
31 section.

32 (11) Chapter 82.32 RCW applies to the administration of this  
33 section.

34 **Sec. 902.** 2023 c 456 s 3 (uncodified) is amended to read as  
35 follows:

36 (1) This section is the tax preference performance statement for  
37 the tax preference contained in section 2, chapter 195, Laws of 2021  
38 ((and)), section 1, chapter 456, Laws of 2023, and section 901,  
39 chapter . . . , Laws of 2026 (section 901 of this act). This

1 performance statement is only intended to be used for subsequent  
2 evaluation of the tax preference. It is not intended to create a  
3 private right of action by any party or be used to determine  
4 eligibility for the preferential tax treatment.

5 (2) The legislature categorizes this tax preference as one  
6 intended to provide tax relief for certain individuals as indicated  
7 in RCW 82.32.808(2)(e).

8 (3) It is the legislature's specific public policy objective to  
9 allow low-income and middle-income workers to recover some or all of  
10 the sales tax they pay to support state and local government as a way  
11 to increase their economic security and to decrease the regressivity  
12 of our state tax code. It is the legislature's intent to provide a  
13 sales and use tax credit, in the form of a remittance, to low-income  
14 and middle-income working families.

15 (4) The joint legislative audit and review committee shall review  
16 this preference in 2028 and every 10 years thereafter. If a review  
17 finds that the working families' tax credit does not provide  
18 meaningful financial relief to low-income and middle-income  
19 households, RCW 82.08.0206 expires at the end of the calendar year  
20 two years after the adoption of the final report containing that  
21 finding. The joint legislative audit and review committee shall  
22 provide written notice of the expiration date of RCW 82.08.0206 to  
23 the department of revenue, the chief clerk of the house of  
24 representatives, the secretary of the senate, the office of the code  
25 reviser, and others as deemed appropriate by the joint legislative  
26 audit and review committee. In its review of the program, the joint  
27 legislative audit and review committee should use at least the  
28 following metrics: Size of the benefit per household, number of  
29 household beneficiaries statewide, and demographic information of  
30 beneficiaries to include family size, income level, race and  
31 ethnicity, and geographic location.(5) In order to obtain the data  
32 necessary to perform the review in subsection (4) of this section,  
33 the joint legislative audit and review committee may refer to the  
34 remittance data prepared by the department of revenue.

35 NEW SECTION. Sec. 903. A new section is added to chapter 82.08  
36 RCW to read as follows:

37 (1) Beginning January 1, 2029, the tax levied by RCW 82.08.020  
38 does not apply to the sales of grooming and hygiene products.

1       (2) For the purpose of this section, "grooming and hygiene  
2 products" means soaps and cleaning solutions, shampoo, toothpaste,  
3 mouthwash, antiperspirants, and sun tan lotions and screens,  
4 regardless of whether the item meets the definition of "over-the-  
5 counter drug," as defined in RCW 82.08.0281.

6       NEW SECTION. **Sec. 904.** A new section is added to chapter 82.12  
7 RCW to read as follows:

8       (1) Beginning January 1, 2029, the tax levied by RCW 82.12.020  
9 does not apply to the use of grooming and hygiene products.

10       (2) For purposes of this section, "grooming and hygiene  
11 products" has the same meaning as provided in section 903 of this  
12 act.

13       **Sec. 905.** RCW 82.04.4451 and 2022 c 295 s 1 are each amended to  
14 read as follows:

15       (1) In computing the tax imposed under this chapter, a credit is  
16 allowed against the amount of tax otherwise due under this chapter,  
17 as provided in this section. Except for taxpayers that report at  
18 least 50 percent of their taxable amount under RCW 82.04.255,  
19 82.04.290(2)(a), and 82.04.285, the maximum credit for a taxpayer for  
20 a reporting period is ~~(\$55)~~ \$110 multiplied by the number of months  
21 in the reporting period, as determined under RCW 82.32.045. For a  
22 taxpayer that reports at least 50 percent of its taxable amount under  
23 RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for  
24 a reporting period is ~~(\$160)~~ \$320 multiplied by the number of  
25 months in the reporting period, as determined under RCW 82.32.045.

26       (2) When the amount of tax otherwise due under this chapter is  
27 equal to or less than the maximum credit, a credit is allowed equal  
28 to the amount of tax otherwise due under this chapter.

29       (3) When the amount of tax otherwise due under this chapter  
30 exceeds the maximum credit, a reduced credit is allowed equal to  
31 twice the maximum credit, minus the tax otherwise due under this  
32 chapter, but not less than zero.

33       (4) The department may prepare a tax credit table consisting of  
34 tax ranges using increments of no more than five dollars and a  
35 corresponding tax credit to be applied to those tax ranges. The table  
36 shall be prepared in such a manner that no taxpayer will owe a  
37 greater amount of tax by using the table than would be owed by  
38 performing the calculation under subsections (1) through (3) of this

1 section. A table prepared by the department under this subsection  
2 must be used by all taxpayers in taking the credit provided in this  
3 section.

4 **Sec. 906.** RCW 82.32.045 and 2023 c 374 s 12 are each amended to  
5 read as follows:

6 (1) Except as otherwise provided in this chapter and subsection  
7 (6) of this section, payments of the taxes imposed under chapters  
8 82.04, 82.08, 82.12, 82.14, 82.16, and 82.27 RCW, along with reports  
9 and returns on forms prescribed by the department, are due monthly  
10 within 25 days after the end of the month in which the taxable  
11 activities occur.

12 (2) The department of revenue may relieve any taxpayer or class  
13 of taxpayers from the obligation of remitting monthly and may require  
14 the return to cover other longer reporting periods, but in no event  
15 may returns be filed for a period greater than one year. Except as  
16 provided in subsection (3) of this section, for these taxpayers, tax  
17 payments are due on or before the last day of the month next  
18 succeeding the end of the period covered by the return.

19 (3) For annual filers, tax payments, along with reports and  
20 returns on forms prescribed by the department, are due on or before  
21 April 15th of the year immediately following the end of the period  
22 covered by the return.

23 (4) The department of revenue may also require verified annual  
24 returns from any taxpayer, setting forth such additional information  
25 as it may deem necessary to correctly determine tax liability.

26 (5) Notwithstanding subsections (1) and (2) of this section, the  
27 department may relieve any person of the requirement to file returns  
28 if the following conditions are met:

29 (a) The person's value of products, gross proceeds of sales, or  
30 gross income of the business, from all business activities taxable  
31 under chapter 82.04 RCW, is less than ~~((125,000))~~ \$250,000 per year;

32 (b) The person's gross income of the business from all activities  
33 taxable under chapter 82.16 RCW is less than \$24,000 per year; and

34 (c) The person is not required to collect or pay to the  
35 department of revenue any other tax or fee which the department is  
36 authorized to collect.

37 (6) (a) Taxes imposed under chapter 82.08 or 82.12 RCW on taxable  
38 events that occur beginning January 1, 2019, through June 30, 2019,

1 and payable by a consumer directly to the department are due, on  
2 returns prescribed by the department, by July 25, 2019.

3 (b) This subsection (6) does not apply to the reporting and  
4 payment of taxes imposed under chapters 82.08 and 82.12 RCW:

5 (i) On the retail sale or use of motor vehicles, vessels, or  
6 aircraft; or

7 (ii) By consumers who are engaged in business, unless the  
8 department has relieved the consumer of the requirement to file  
9 returns pursuant to subsection (5) of this section.

10 **Sec. 907.** RCW 82.04.288 and 2025 c 420 s 201 are each amended to  
11 read as follows:

12 (1) Beginning January 1, 2026, in addition to all other taxes  
13 imposed under this chapter, persons must pay a surcharge on  
14 Washington taxable income over \$250,000,000 in a calendar year.

15 (2) The rate of the tax is 0.5 percent of the amount of  
16 Washington taxable income over \$250,000,000.

17 (3) (a) Any Washington taxable income subject to the tax in RCW  
18 82.04.29004 is exempt from the surcharge imposed in this section.

19 (b) (i) Any Washington taxable income subject to the manufacturing  
20 tax rates in RCW 82.04.240, 82.04.2404, 82.04.241, 82.04.260,  
21 82.04.2602, 82.04.287, 82.04.2909, or 82.04.294(1) is exempt from the  
22 surcharge imposed in this section.

23 (ii) Any Washington taxable income attributable to the wholesale  
24 or retail sale of products so manufactured by a person subject to the  
25 manufacturing tax rates specified in (b)(i) of this subsection (3) is  
26 exempt from the surcharge imposed in this section.

27 (iii) Any Washington taxable income attributable to retail sales  
28 that are exempt from the imposition of sales tax in RCW 82.08.0293,  
29 82.08.0297, and 82.08.0281 is exempt from the surcharge imposed in  
30 this section.

31 (iv) Any Washington taxable income subject to the tax rates in  
32 RCW 82.04.260(12) is exempt from the surcharge imposed in this  
33 section.

34 (v) Any Washington taxable income attributable to the wholesale  
35 or retail sale of petroleum products by a person who is both located  
36 in a state other than Washington and the owner of such materials  
37 processed for it in Washington by an affiliated processor for hire  
38 subject to the rate in RCW 82.04.280(1)(c), is exempt from the

1 surcharge imposed in this section. For the purposes of this  
2 subsection (3)(b)(v), the following definitions apply:

3 (A) "Affiliated" means a person that directly or indirectly,  
4 through one or more intermediaries, controls, is controlled by, or is  
5 under common control with another person;

6 (B) "Control" means the possession, directly or indirectly, of  
7 more than 50 percent of the power to direct or cause the direction of  
8 the management and policies of a person, whether through the  
9 ownership of voting shares, by contract, or otherwise; and

10 (C) "Petroleum product" has the same meaning as in RCW 82.21.020.

11 (4) (a) The surcharge imposed under this section does not apply to  
12 taxable income for which a credit is allowed under RCW 82.04.440.

13 (b) The surcharge imposed under this section does not apply to a  
14 person engaged in business primarily as a farmer or eligible apiarist  
15 as defined in RCW 82.04.213.

16 (c) The surcharge imposed under this section does not apply to a  
17 person subject to the tax imposed pursuant to RCW 82.04.299.

18 (d) The surcharge imposed under this section does not apply to  
19 taxable income for wholesale and retail transactions of fuel as  
20 defined in RCW 82.38.020.

21 (5) Any income that is exempt from the surcharge imposed under  
22 this section is not included in the calculation of Washington taxable  
23 income in subsection (1) of this section.

24 (6) This section expires December 31, ((2029)) 2028.

25 NEW SECTION. Sec. 908. Section 905 of this act applies to taxes  
26 initially due and payable on or after January 1, 2029.

27  
28 **PART X**  
**MISCELLANEOUS**

29 Sec. 1001. RCW 1.90.100 and 2024 c 5 s 1 (Initiative Measure No.  
30 2111) are each amended to read as follows:

31 (1) Neither the state nor any county, city, or other local  
32 jurisdiction in the state of Washington may tax any individual person  
33 on any form of personal income. For the purposes of this chapter,  
34 "income" has the same meaning as "gross income" in 26 U.S.C. Sec. 61.

35 (2) Subsection (1) of this section does not apply to the tax  
36 authorized in chapter 82A.--- RCW (the new chapter created in section  
37 1003 of this act).

1        NEW SECTION.    **Sec. 1002.**    NULL AND VOID. If a court of final  
2 jurisdiction invalidates section 201 of this act, this act is null  
3 and void in its entirety.

4        NEW SECTION.    **Sec. 1003.**    CODIFICATION. Sections 101 through 704  
5 and 708 through 711 of this act constitute a new chapter in a new  
6 title in the Revised Code of Washington, to be codified as Title 82A  
7 RCW.

8        NEW SECTION.    **Sec. 1004.**    CONFORMING AMENDMENTS. If any  
9 amendments in this act, or any sections enacted or affected by  
10 chapter . . ., Laws of 2026 (this act), are enacted in a 2026  
11 legislative session that do not take cognizance of chapter . . .,  
12 Laws of 2026 (this act), the code reviser must prepare a bill for  
13 introduction in the 2027 or 2028 legislative session that  
14 incorporates any such amendments into the reorganization adopted by  
15 chapter . . ., Laws of 2026 (this act) and corrects any incorrect  
16 cross-references.

17        NEW SECTION.    **Sec. 1005.**    (1) Section 901 of this act takes  
18 effect January 1, 2029.

19                        (2) Refunds may not be provided under section 901 of this act for  
20 any period before January 1, 2028.

21        NEW SECTION.    **Sec. 1006.**    Except as provided in section 902 of  
22 this act, RCW 82.32.805 and 82.32.808 do not apply to this act.

23        NEW SECTION.    **Sec. 1007.**    The tax imposed in this act is  
24 necessary for the support of the state government and its existing  
25 public institutions.

---- END ----