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HOUSE BILL 1091

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State of Washington

68th Legislature

2023 Regular Session

By Representatives Walsh, McEntire, Jacobsen, Graham, and Christian

Prefiled 12/29/22. Read first time 01/09/23. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to requiring voter approval of tax increases;  
2 amending RCW 43.135.034 and 43.135.041; and creating a new section.

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

4 **Sec. 1.** RCW 43.135.034 and 2020 c 218 s 4 are each amended to  
5 read as follows:

6 (1)(a) Any action or combination of actions taken by the  
7 legislature that raises taxes may ~~((be taken only if approved by a  
8 two-thirds vote in both the house of representatives and the senate))~~  
9 only take effect if, and after, a majority of voters voting in the  
10 next general election vote to approve the action or combination of  
11 actions in the advisory vote required pursuant to RCW 43.135.041. Any  
12 action or combination of actions taken by the legislature that raises  
13 taxes that fails to receive approval of a majority of voters, as  
14 required in this subsection (1)(a), is null and void.

15 (b) Pursuant to the referendum power set forth in Article II,  
16 section 1(b) of the state Constitution, tax increases may be referred  
17 to the voters for their approval or rejection at an election.

18 ~~((b))~~ (c) For the purposes of this chapter, "raises taxes"  
19 means any action or combination of actions by the state legislature  
20 that increases state tax revenue deposited in any fund, budget, or

1 account, regardless of whether the revenues are deposited into the  
2 general fund.

3 (2) The state or any political subdivision of the state may not  
4 impose any tax on intangible property listed in RCW 84.36.070 as that  
5 statute exists on January 1, 1993.

6 **Sec. 2.** RCW 43.135.041 and 2013 c 1 s 6 are each amended to read  
7 as follows:

8 (1)(a) After July 1, 2011, if legislative action raising taxes as  
9 defined by RCW 43.135.034 is blocked from a public vote or is not  
10 referred to the people by a referendum petition found to be  
11 sufficient under RCW 29A.72.250, a measure for an advisory vote of  
12 the people is required and shall be placed on the next general  
13 election ballot under this chapter.

14 (b) If legislative action raising taxes enacted after July 1,  
15 2011, involves more than one revenue source, each tax being increased  
16 shall be subject to a separate measure for an advisory vote of the  
17 people under the requirements of this chapter.

18 (2) No later than the first of August, the attorney general will  
19 send written notice to the secretary of state of any tax increase  
20 that is subject to an advisory vote of the people, under the  
21 provisions and exceptions provided by this chapter. Within five days  
22 of receiving such written notice from the attorney general, the  
23 secretary of state will assign a serial number for a measure for an  
24 advisory vote of the people and transmit one copy of the measure  
25 bearing its serial number to the attorney general as required by RCW  
26 29A.72.040, for any tax increase identified by the attorney general  
27 as needing an advisory vote of the people for that year's general  
28 election ballot. Saturdays, Sundays, and legal holidays are not  
29 counted in calculating the time limits in this subsection.

30 (3) The secretary of state must provide written notice of the  
31 results of any advisory vote required under this section to the  
32 office of the code reviser.

33 (4) For the purposes of this section, "blocked from a public  
34 vote" includes adding an emergency clause to a bill increasing taxes,  
35 bonding or contractually obligating taxes, or otherwise preventing a  
36 referendum on a bill increasing taxes.

37 ((4)) (5) If legislative action raising taxes is referred to  
38 the people by the legislature or is included in an initiative to the  
39 people found to be sufficient under RCW 29A.72.250, then the tax

1 increase is exempt from an advisory vote of the people under this  
2 chapter.

3 NEW SECTION. **Sec. 3.** This act may be known and cited as the  
4 empowering Washington voters act.

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