

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5336

68th Legislature
2023 Regular Session

Passed by the Senate February 1, 2023
Yeas 48 Nays 0

President of the Senate

Passed by the House April 5, 2023
Yeas 98 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5336** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5336

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senators Cleveland, L. Wilson, Frame, and Mullet

Read first time 01/12/23. Referred to Committee on Business,
Financial Services, Gaming & Trade.

1 AN ACT Relating to the main street trust fund tax credit; and
2 amending RCW 82.73.030 and 82.73.025.

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

4 **Sec. 1.** RCW 82.73.030 and 2021 c 112 s 2 are each amended to
5 read as follows:

6 (1) Subject to the limitations in this chapter, a credit is
7 allowed against the tax imposed by chapters 82.04 and 82.16 RCW for
8 approved contributions that are made by a person to a program or the
9 main street trust fund.

10 (2)(a) Except as provided in (b) of this subsection, the credit
11 allowed under this section is limited to an amount equal to:

12 (i) Seventy-five percent of the approved contribution made by a
13 person to a program; or

14 (ii) Fifty percent of the approved contribution made by a person
15 to the main street trust fund.

16 (b) Beginning with contributions made in calendar year 2021, an
17 additional credit is allowed equal to 25 percent of the approved
18 contribution made by a person to the main street trust fund.

19 (3) The department may not approve credit with respect to a
20 program in a city or town with a population of (~~one hundred ninety~~

1 ~~thousand~~) 190,000 persons or more at the time of designation under
2 RCW 43.360.030.

3 (4) The department must keep a running total of all credits
4 approved under this chapter for each calendar year. The department
5 may not approve any credits under this section that would cause the
6 total amount of approved credits statewide to exceed \$5,000,000 in
7 any calendar year.

8 (5) (a) (i) The total credits allowed under this chapter for
9 contributions made to each program may not exceed \$160,000 in a
10 calendar year.

11 (ii) Between 8:00 a.m., Pacific standard time, on the second
12 Monday in January and 8:00 a.m., Pacific daylight time, on April 1st
13 of the same calendar year, the department must evenly allocate the
14 amount of statewide credits allowed under subsection (4) of this
15 section based on the total number of programs and the main street
16 trust fund as of January 1st in the same calendar year. The
17 department may not approve contributions for a program or the main
18 street trust fund that would cause the total amount of approved
19 credits for a program or the main street trust fund to exceed the
20 allocated amount.

21 (b) The total credits allowed under this chapter for a person may
22 not exceed (~~two hundred fifty thousand dollars~~) \$250,000 in a
23 calendar year.

24 (6) Except as provided in subsection (8) of this section, the
25 credit may be claimed against any tax due under chapters 82.04 and
26 82.16 RCW only in the calendar year immediately following the
27 calendar year in which the credit was approved by the department and
28 the contribution was made to the program or the main street trust
29 fund. Credits may not be carried over to subsequent years. No refunds
30 may be granted for credits under this chapter.

31 (7) The total amount of the credit claimed in any calendar year
32 by a person may not exceed the lesser amount of:

33 (a) The approved credit; or

34 (b) Seventy-five percent of the amount of the contribution that
35 is made by the person to a program and 75 percent of the amount of
36 the contribution that is made by the person to the main street trust
37 fund, in the prior calendar year.

38 (8) Any credits provided in accordance with this chapter for
39 approved contributions made in calendar year 2020 may be carried over
40 for an additional two years and must be used by December 31, 2023.

1 (9) No credit is allowed or may be claimed under this section on
2 or after January 1, 2032.

3 **Sec. 2.** RCW 82.73.025 and 2017 3rd sp.s. c 37 s 104 are each
4 amended to read as follows:

5 (1) A person that was approved for credit as provided in RCW
6 82.73.020 must (~~make~~) send the total approved contribution by
7 November 15th of the calendar year in which the application is
8 approved. If November 15th falls upon a Saturday, Sunday, or legal
9 holiday, the payment of the contribution will be considered timely if
10 (~~made~~) sent on the next business day.

11 (2)(a) A person that does not make a contribution as required in
12 subsection (1) of this section forfeits all credits for the approved
13 contribution.

14 (b) The department must make credits forfeited as provided in (a)
15 of this subsection available to new applicants.

16 (3) A person that was approved for credit as provided in RCW
17 82.73.020 after November 15th must make the total approved
18 contribution by the end of the calendar year in which the
19 contribution was approved.

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