

Department of Revenue Fiscal Note

Bill Number: 2082 HB	Title: Tax rates/cap. gains, estate	Agency: 140-Department of Revenue
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2026	FY 2027	2025-27	2027-29	2029-31
Education Legacy Trust Account-State 01 - Taxes 52 - Capital Gains Tax	151,000,000	131,000,000	282,000,000	279,000,000	267,000,000
Education Legacy Trust Account-State 01 - Taxes 55 - Inheritance Tax	32,000,000	36,900,000	68,900,000	50,000,000	15,300,000
Common School Construction Account-State 01 - Taxes 52 - Capital Gains Tax					42,000,000
Total \$	183,000,000	167,900,000	350,900,000	329,000,000	324,300,000

Estimated Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	1.9	0.4	1.1	0.4	0.3
Account					
GF-STATE-State 001-1	298,100	63,100	361,200	125,800	97,800
Total \$	298,100	63,100	361,200	125,800	97,800

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☒

Requires new rule making, complete Part V.

Legislative Contact: Tracey Taylor	Phone: (360) 786-7152	Date: 04/15/2025
Agency Preparation: Erikka Ferrara	Phone: (360) 534-1517	Date: 04/16/2025
Agency Approval: Marianne McIntosh	Phone: (360) 534-1505	Date: 04/16/2025
OFM Review: Megan Tudor	Phone: (360) 890-1722	Date: 04/16/2025

Request # 2082-1-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

CURRENT LAW:

PART I: INCREASING THE CAPITAL GAINS TAX RATE ON ANNUAL LONG-TERM CAPITAL GAINS IN EXCESS OF \$1,000,000

Washington's capital gains tax became effective January 1, 2022. Individuals pay a 7% tax on Washington capital gains.

An individual computes the amount of Washington capital gains by making certain adjustments to their federal net long-term capital gains. The tax only applies to capital gains from selling or exchanging capital assets sourced in Washington and does not apply to the sale or exchange of real estate or assets held in certain retirement savings vehicles, among other exemptions.

PART II: MODIFYING THE ESTATE TAX

The estate tax is a tax on the right to transfer property at the time of death. A decedent or a non-resident decedent who owns property in Washington may owe estate tax depending on the value of their estate.

An annual applicable exclusion amount is determined by the Department of Revenue (department) using the Seattle-Tacoma-Bremerton metropolitan area October consumer price index. An estate tax return is not required to be filed unless the gross estate is equal to or greater than the applicable exclusion amount.

The annual adjustment uses the consumer price index (CPI) for the Seattle-Tacoma-Bremerton metropolitan area. The adjustment is determined by multiplying \$2,000,000 by one plus the percentage by which the most recent October CPI exceeds the CPI for October 2012.

As of January 1, 2018, the US Bureau of Labor and Statistics (USBLS) no longer calculates the CPI for the Seattle-Tacoma-Bremerton metropolitan area. Instead, they created the Seattle-Tacoma-Bellevue Core Based Statistical Area for the Puget Sound region. This results in no increase in the applicable exclusion amount after 2018. For deaths in 2019 and forward, the applicable exclusion amount is \$2,193,000.

The Washington taxable estate is the amount after all allowable deductions, including the applicable exclusion amount, have been applied. The tax rate applied ranges between 10% to 20%, depending upon the Washington taxable estate.

PROPOSAL:

PART I: INCREASING THE CAPITAL GAINS TAX RATE ON ANNUAL LONG-TERM CAPITAL GAINS IN EXCESS OF \$1,000,000

For capital gains, beginning with tax year 2025, the tax equals:

- 7% multiplied by an individual's Washington capital gains of \$1 million or less.
- A total combined rate of 9.9% multiplied by an individual's Washington capital gains in excess of \$1 million.

PART II: MODIFYING THE ESTATE TAX

For estate tax, the "applicable exclusion amount" means:

- \$1,500,000 for decedents dying before January 1, 2006.
- \$2,000,000 for estates of decedents dying on or after January 1, 2006, but before January 1, 2014.

- \$2,012,000 for estates of decedents dying on or after January 1, 2014, but before January 1, 2015.
- \$2,054,000 for estates of decedents dying on or after January 1, 2015, but before January 1, 2016.
- \$2,079,000 for estates of decedents dying on or after January 1, 2016, but before January 1, 2017.
- \$2,129,000 for estates of decedents dying on or after January 1, 2017, but before January 1, 2018.
- \$2,193,000 for estates of decedents dying on or after January 1, 2018, but before January 1, 2025.
- \$3,000,000 for estates of decedents dying on or after January 1, 2025, but before January 1, 2026.

Beginning with estates of decedents dying in calendar year 2026:

- The department will use the USBLS published October CPI for the Seattle area to adjust the estate tax exclusion amount annually.
- The department will determine the adjustment by multiplying \$3,000,000 by the sum of one plus the percentage by which the most recent October CPI exceeds the CPI for October 2024.

The estate tax rates are adjusted as follows:

Taxable Estate	Current Rate	New Rate
\$0 - \$1 million	10%	10.0%
\$1 - \$2 million	14%	15.0%
\$2 - \$3 million	15%	17.0%
\$3 - \$4 million	16%	19.0%
\$4 - \$6 million	18%	23.0%
\$6 - \$7 million	19%	26.0%
\$7 - \$9 million	19.5%	30.0%
>\$9 million	20%	35.0%

EFFECTIVE DATE:

This bill contains an emergency clause and takes effect immediately upon the governor’s approval.

PART I: INCREASING THE CAPITAL GAINS TAX RATE ON ANNUAL LONG-TERM CAPITAL GAINS IN EXCESS OF \$1,000,000

Part I takes effect on January 1, 2025.

PART II: MODIFYING THE ESTATE TAX

Part II applies prospectively and retroactively to estates of decedents dying on or after January 1, 2025.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

ASSUMPTIONS:

PART I: INCREASING THE CAPITAL GAINS TAX RATE ON ANNUAL LONG-TERM CAPITAL GAINS IN EXCESS OF \$1,000,000

- The graduated rates take effect on January 1, 2025, for tax year 2025; the first annual payments using the new rates are due April 15, 2026.
- About 900 taxpayers pay the higher rate for tax year 2025.
- Growth mirrors the long-term capital gains growth reflected in the Economic and Revenue Forecast Council's November 2024 forecast.

PART II: MODIFYING THE ESTATE TAX

- This proposal applies to deaths occurring on or after January 1, 2025.
- Taxpayers make all payments on time, on the 9-month due date.
- The first payments are due October 1, 2025, which results in nine months of impact in fiscal year 2026.
- The annual adjustment is determined by multiplying \$3 million by the sum of one plus the percentage by which the most recent October CPI exceeds the CPI for October 2024.
- Revenues, as estimated, assume passage of the proposal by April 27, 2025, allowing a full five months to implement. Passage after April 27, 2025, will not allow the department sufficient time to program and test system changes.

Using the forecasted Seattle CPI, the estate tax exclusion amount increases as follows:

2025 - \$3,000,000
2026 - \$3,093,000
2027 - \$3,160,000
2028 - \$3,228,000
2029 - \$3,298,000
2030 - \$3,367,000
2031 - \$3,436,000

DATA SOURCES:

- Department of Revenue, Estate tax data
- Department of Revenue, Excise tax data
- Estate Tax Forecast Model, November 2024
- Economic and Revenue Forecast Council, November 2024 forecast
- Internal Revenue Service (2023). Publication 6149 calendar year return projections by state.

REVENUE ESTIMATES:

This bill increases state revenues by an estimated \$183 million in fiscal year 2026, and by \$167.9 million in fiscal year 2027, the first full year of impacted collections.

TOTAL REVENUE IMPACT:

State Government (cash basis, \$000):

FY 2026 - \$ 183,000
FY 2027 - \$ 167,900
FY 2028 - \$ 165,200
FY 2029 - \$ 163,800
FY 2030 - \$ 163,100
FY 2031 - \$ 161,200

Local Government, if applicable (cash basis, \$000): None

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

ASSUMPTIONS:

This bill affects around 900 taxpayers subject to the additional capital gains tax and people subject to estate tax.

FIRST YEAR COSTS:

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The department will incur total costs of \$298,100 in fiscal year 2026. These costs include:

Labor Costs – Time and effort equate to 1.85 FTEs.

- Set up, program, and test computer system changes.
- Work with tax preparation vendors to include the new capital gains rate.
- Assist taxpayers with reporting questions and respond to inquiries via email, web message, and paper correspondence.
- Examine accounts and make corrections as necessary.
- Hear additional administrative reviews that provide taxpayers with an informal, non-adversarial dispute resolution process for the review of a disputed action by the department, such as an assessment of taxes, notice of taxes due, denial of a refund request, or tax ruling.
- Create a special notice and update relevant information on the department's website.
- Amend three excise tax advisories.
- Amend three administrative rules.

Object Costs - \$54,900.

- Computer system changes, including contract programming.

SECOND YEAR COSTS:

The department will incur total costs of \$63,100 in fiscal year 2027. These costs include:

Labor Costs – Time and effort equate to 0.4 FTE.

- Answer phone calls at the telephone information center on tax questions and tax return preparation from businesses, individuals, and accountants.
- Assist taxpayers with reporting questions, and respond to secure messages, correspondence, and phone calls.
- Resolve returns in error, work amended returns, refunds, and assessments.
- Examine accounts and make corrections as necessary.
- Hear additional administrative reviews that provide taxpayers with an informal, non-adversarial dispute resolution process for the review of a disputed action by the department, such as an assessment of taxes, notice of taxes due, denial of a refund request, or tax ruling.

Object Costs - \$18,700.

- Computer system changes, including contract programming.

ONGOING COSTS:

Ongoing costs for the 2027-29 biennium equal \$125,800 and include similar activities described in the second-year costs. Time and effort equate to 0.4 FTE.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	1.9	0.4	1.1	0.4	0.3
A-Salaries and Wages	152,700	27,700	180,400	55,400	37,200
B-Employee Benefits	54,900	10,000	64,900	20,000	13,400
C-Professional Service Contracts	54,900	18,700	73,600	37,400	37,400
E-Goods and Other Services	27,100	5,700	32,800	11,400	8,600
G-Travel	1,100		1,100		
J-Capital Outlays	7,400	1,000	8,400	1,600	1,200
Total \$	\$298,100	\$63,100	\$361,200	\$125,800	\$97,800

III. B - Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

Job Classification	Salary	FY 2026	FY 2027	2025-27	2027-29	2029-31
EMS BAND 4	135,635	0.0		0.0		
EMS BAND 5	158,451	0.0		0.0		
EXCISE TAX EX 2	59,844	0.1	0.2	0.2	0.2	0.2
EXCISE TAX EX 3	66,012	0.3	0.1	0.2	0.1	0.1
EXCISE TAX EX 4	72,924	0.1		0.1		
IT B A-JOURNEY	94,728	0.3		0.2		
IT SYS ADM-JOURNEY	99,444	0.2		0.1		
MGMT ANALYST4	78,468	0.0		0.0		
REVENUE AUDITOR SUPV	98,040	0.1		0.1		
TAX INFO SPEC 1	47,988	0.1		0.1		
TAX POLICY SP 2	80,460	0.2		0.1		
TAX POLICY SP 3	91,068	0.3	0.1	0.2	0.1	
TAX POLICY SP 4	98,040	0.0		0.0		
WMS BAND 2	101,410	0.0		0.0		
WMS BAND 3	115,352	0.0		0.0		
Total FTEs		1.9	0.4	1.2	0.4	0.3

III. C - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Should this legislation become law, the department will use the expedited rulemaking process to amend the following rules:

- WAC 458-57-105, titled: "Nature of estate tax, definitions."
- WAC 458-57-115, titled: "Valuation of property, property subject to estate tax, and how to calculate the tax."
- WAC 458-20-300, titled: "Capital gains excise tax-Overview and administration."

This rulemaking would affect people subject to the higher capital gains tax rate and people subject to the estate tax.



Ten-Year Analysis

Bill Number 2082 HB	Title Tax rates/cap. gains, estate	Agency 140 Department of Revenue
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Estimates

☐ **No Cash Receipts**
☐ **Partially Indeterminate Cash Receipts**
☐ **Indeterminate Cash Receipts**

Estimated Cash Receipts

Name of Tax or Fee	Acct Code	Fiscal Year 2026	Fiscal Year 2027	Fiscal Year 2028	Fiscal Year 2029	Fiscal Year 2030	Fiscal Year 2031	Fiscal Year 2032	Fiscal Year 2033	Fiscal Year 2034	Fiscal Year 2035	2026-35 TOTAL
Capital Gains tax	08A	151,000,000	131,000,000	136,000,000	143,000,000	139,000,000	128,000,000	117,000,000	104,000,000	91,000,000	76,000,000	1,216,000,000
Capital Gains tax	113					12,000,000	30,000,000	50,000,000	71,000,000	94,000,000	118,000,000	375,000,000
Total Capital Gains tax		151,000,000	131,000,000	136,000,000	143,000,000	151,000,000	158,000,000	167,000,000	175,000,000	185,000,000	194,000,000	1,591,000,000
Estate tax	08A	32,000,000	36,900,000	29,200,000	20,800,000	12,100,000	3,200,000	(5,600,000)	(14,300,000)	(23,300,000)	(32,200,000)	58,800,000
Total		183,000,000	167,900,000	165,200,000	163,800,000	163,100,000	161,200,000	161,400,000	160,700,000	161,700,000	161,800,000	1,649,800,000
Biennial Totals		350,900,000	329,000,000	324,300,000	322,100,000	323,500,000	1,649,800,000					

Narrative Explanation (Required for Indeterminate Cash Receipts)

CURRENT LAW:

PART I: INCREASING THE CAPITAL GAINS TAX RATE ON ANNUAL LONG-TERM CAPITAL GAINS IN EXCESS OF \$1,000,000

Washington's capital gains tax became effective January 1, 2022. Individuals pay a 7% tax on Washington capital gains.

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Ten-Year Analysis

Bill Number	Title	Agency
2082 HB	Tax rates/cap. gains, estate	140 Department of Revenue

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Narrative Explanation (Required for Indeterminate Cash Receipts)

depending on the value of their estate.

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The annual adjustment uses the consumer price index (CPI) for the Seattle-Tacoma-Bremerton metropolitan area. The adjustment is determined by multiplying \$2,000,000 by one plus the percentage by which the most recent October CPI exceeds the CPI for October 2012.

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For estate tax, the "applicable exclusion amount" means:

- \$1,500,000 for decedents dying before January 1, 2006.
- \$2,000,000 for estates of decedents dying on or after January 1, 2006, but before January 1, 2014.
- \$2,012,000 for estates of decedents dying on or after January 1, 2014, but before January 1, 2015.
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- \$2,079,000 for estates of decedents dying on or after January 1, 2016, but before January 1, 2017.



Ten-Year Analysis

Bill Number	Title	Agency
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Narrative Explanation (Required for Indeterminate Cash Receipts)

- \$2,129,000 for estates of decedents dying on or after January 1, 2017, but before January 1, 2018.
- \$2,193,000 for estates of decedents dying on or after January 1, 2018, but before January 1, 2025.
- \$3,000,000 for estates of decedents dying on or after January 1, 2025, but before January 1, 2026.

Beginning with estates of decedents dying in calendar year 2026:

- The department will use the USBLS published October CPI for the Seattle area to adjust the estate tax exclusion amount annually.
- The department will determine the adjustment by multiplying \$3,000,000 by the sum of one plus the percentage by which the most recent October CPI exceeds the CPI October 2024.

The estate tax rates are adjusted as follows:

Taxable Estate	Current Rate	New Rate
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\$6 - \$7 million	19%	26.0%
\$7 - \$9 million	19.5%	30.0%
>\$9 million	20%	35.0%

EFFECTIVE DATE:

This bill contains an emergency clause and takes effect immediately upon the governor's approval.

PART I: INCREASING THE CAPITAL GAINS TAX RATE ON ANNUAL LONG-TERM CAPITAL GAINS IN EXCESS OF \$1,000,000
Part I takes effect on January 1, 2025.

PART II: MODIFYING THE ESTATE TAX



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Narrative Explanation (Required for Indeterminate Cash Receipts)

Part II applies prospectively and retroactively to estates of decedents dying on or after January 1, 2025.

ASSUMPTIONS:

PART I: INCREASING THE CAPITAL GAINS TAX RATE ON ANNUAL LONG-TERM CAPITAL GAINS IN EXCESS OF \$1,000,000

- The graduated rates take effect on January 1, 2025, for tax year 2025; the first annual payments using the new rates are due April 15, 2026.
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- Growth mirrors the long-term capital gains growth reflected in the Economic and Revenue Forecast Council's November 2024 forecast.

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- This proposal applies to deaths occurring on or after January 1, 2025.
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2028 - \$3,228,000
2029 - \$3,298,000
2030 - \$3,367,000
2031 - \$3,436,000

DATA SOURCES:

- Department of Revenue, Estate tax data
- Department of Revenue, Excise tax data



Ten-Year Analysis

Bill Number	Title	Agency
2082 HB	Tax rates/cap. gains, estate	140 Department of Revenue

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Narrative Explanation (Required for Indeterminate Cash Receipts)

- Estate Tax Forecast Model, November 2024
- Economic and Revenue Forecast Council, November 2024 forecast
- Internal Revenue Service (2023). Publication 6149 calendar year return projections by state.

REVENUE ESTIMATES:

This bill increases state revenues by an estimated \$183 million in fiscal year 2026, and by \$167.9 million in fiscal year 2027, the first full year of impacted collections.

TOTAL REVENUE IMPACT:

State Government (cash basis, \$000):

FY 2026 -	\$ 183,000
FY 2027 -	\$ 167,900
FY 2028 -	\$ 165,200
FY 2029 -	\$ 163,800
FY 2030 -	\$ 163,100
FY 2031 -	\$ 161,200

Local Government, if applicable (cash basis, \$000): None

Agency Preparation: Erika Ferrara	Phone: 360-534-1517	Date: 4/16/2025 10:29:18 am
Agency Approval: Marianne McIntosh	Phone: 360-534-1505	Date: 4/16/2025 10:29:17 am
OFM Review:	Phone:	Date: