



Washington State Senate

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Senator Steve O'Ban
28th Legislative District

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Senator John McCoy
305 Legislative Building
Olympia, WA 98504

Dear Senator McCoy,

On July 15th, in *Kunath vs. City of Seattle*, the Washington State Court of Appeals, Division 1, held that the City of Seattle's income tax was unconstitutional based on prior Supreme Court holdings.

However, inexplicably — and incorrectly — the Court also held that the 1984 law the Legislature passed to protect citizens against an income tax was also unconstitutional because it allegedly violated the single subject rule.

This ruling is an outlier and does not afford the deference that the courts traditionally have given the Legislature when it passes laws.

If this interpretation holds, it would set a dangerous precedent that conflicts with established law.

I respectfully request the Facilities and Operations Committee authorize an expenditure of funds to hire counsel to file an amicus brief on this case if it is taken up by the Washington Supreme Court. Additionally, I ask that the Facilities and Operations Committee work with the House Executive Rules Committee to submit the brief on behalf of the both the Senate and the House.

Thank you for your attention to this. As an income tax has been defeated ten times in this state, proactive action by the Legislature on this matter will be greatly appreciated by an overwhelming majority of our citizens.

Sincerely,

State Senator Steve O'Ban
28th Legislative District