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SENATE BILL 6094

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State of Washington                      54th Legislature                      1996 Regular Session

By Senators Loveland, Haugen, Winsley and Heavey

Read first time 01/08/96.      Referred to Committee on Government Operations.

1            AN ACT Relating to property tax administration; amending RCW  
2 84.33.130, 84.40.080, and 84.52.018; and adding a new section to  
3 chapter 84.34 RCW.

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

5            **Sec. 1.** RCW 84.33.130 and 1994 c 301 s 32 are each amended to read  
6 as follows:

7            (1) An owner of land desiring that it be designated as forest land  
8 and valued pursuant to RCW 84.33.120 as of January 1 of any year shall  
9 make application to the county assessor before such January 1. The  
10 owner shall include with the application a reasonable processing fee if  
11 the fee is established by the county legislative authority.

12            (2) The application shall be made upon forms prepared by the  
13 department of revenue and supplied by the county assessor, and shall  
14 include the following:

15            (a) A legal description of or assessor's tax lot numbers for all  
16 land the applicant desires to be designated as forest land;

17            (b) The date or dates of acquisition of such land;

18            (c) A brief description of the timber on such land, or if the  
19 timber has been harvested, the owner's plan for restocking;

- 1 (d) Whether there is a forest management plan for such land;  
2 (e) If so, the nature and extent of implementation of such plan;  
3 (f) Whether such land is used for grazing;  
4 (g) Whether such land has been subdivided or a plat filed with  
5 respect thereto;  
6 (h) Whether such land and the applicant are in compliance with the  
7 restocking, forest management, fire protection, insect and disease  
8 control and forest debris provisions of Title 76 RCW or any applicable  
9 regulations thereunder;  
10 (i) Whether such land is subject to forest fire protection  
11 assessments pursuant to RCW 76.04.610;  
12 (j) Whether such land is subject to a lease, option or other right  
13 which permits it to be used for any purpose other than growing and  
14 harvesting timber;  
15 (k) A summary of the past experience and activity of the applicant  
16 in growing and harvesting timber;  
17 (l) A summary of current and continuing activity of the applicant  
18 in growing and harvesting timber;  
19 (m) A statement that the applicant is aware of the potential tax  
20 liability involved when such land ceases to be designated as forest  
21 land;  
22 (n) An affirmation that the statements contained in the application  
23 are true and that the land described in the application is, by itself  
24 or with other forest land not included in the application, in  
25 contiguous ownership of twenty or more acres which is primarily devoted  
26 to and used for growing and harvesting timber.  
27 The assessor shall afford the applicant an opportunity to be heard if  
28 the application so requests.

29 (3) The assessor shall act upon the application with due regard to  
30 all relevant evidence and without any one or more items of evidence  
31 necessarily being determinative, except that the application may be  
32 denied for one of the following reasons, without regard to other items:

33 (a) The land does not contain either a "merchantable stand of  
34 timber" or an "adequate stocking" as defined by rule adopted by the  
35 forest practices board, except this reason (a) shall not alone be  
36 sufficient for denial of the application (i) if such land has been  
37 recently harvested or supports a growth of brush or noncommercial type  
38 timber, and the application includes a plan for restocking within three  
39 years or such longer period necessitated by unavailability of seed or

1 seedlings, or (ii) if only isolated areas within such land do not meet  
2 such minimum standards due to rock outcroppings, swamps, unproductive  
3 soil or other natural conditions;

4 (b) The applicant, with respect to such land, has failed to comply  
5 with a final administrative or judicial order with respect to a  
6 violation of the restocking, forest management, fire protection, insect  
7 and disease control and forest debris provisions of Title 76 RCW or any  
8 applicable regulations thereunder;

9 (c) The land abuts a body of salt water and lies between the line  
10 of ordinary high tide and a line paralleling such ordinary high tide  
11 line and two hundred feet horizontally landward therefrom, except that  
12 if the higher and better use determined by the assessor to exist for  
13 such land would not be permitted or economically feasible by virtue of  
14 any federal, state or local law or regulation such land shall be  
15 assessed and valued pursuant to the procedures set forth in RCW  
16 84.33.110 and 84.33.120 without being designated. The application  
17 shall be deemed to have been approved unless, prior to May 1, of the  
18 year after such application was mailed or delivered to the assessor,  
19 the assessor shall notify the applicant in writing of the extent to  
20 which the application is denied.

21 (4) An owner who receives notice pursuant to subsection (3) of this  
22 section that his or her application has been denied may appeal such  
23 denial to the county board of equalization.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 84.34 RCW  
25 to read as follows:

26 If approval of an application for classification or  
27 reclassification under RCW 84.34.020 (1), (2) or (3) results in the  
28 incorrect classification of a parcel of land the assessor may place the  
29 property in the correct classification. Such a correction shall not be  
30 considered a withdrawal or removal and is not subject to additional tax  
31 under RCW 84.34.108. The assessor will notify the landowner of any  
32 correction of classification.

33 **Sec. 3.** RCW 84.40.080 and 1995 c 134 s 14 are each amended to read  
34 as follows:

35 An assessor shall enter on the assessment roll in any year any  
36 property shown to have been omitted from the assessment roll of any  
37 preceding year, at the value for the preceding year, or if not then

1 valued, at such value as the assessor shall determine for the preceding  
2 year, and such value shall be stated separately from the value of any  
3 other year. Where improvements have not been valued and assessed as a  
4 part of the real estate upon which the same may be located, as  
5 evidenced by the assessment rolls, they may be separately valued and  
6 assessed as omitted property under this section. No such assessment  
7 shall be made in any case where a bona fide purchaser(~~(7~~  
8 ~~encumbrancer~~~~7~~)) or contract buyer has acquired any interest in said  
9 property prior to the time such improvements are assessed. When such  
10 an omitted assessment is made, the taxes levied thereon may be paid  
11 within one year of the due date of the taxes for the year in which the  
12 assessment is made without penalty or interest. In the assessment of  
13 personal property, the assessor shall assess the omitted value not  
14 reported by the taxpayer as evidenced by an inspection of either the  
15 property or the books and records of said taxpayer by the assessor.

16 **Sec. 4.** RCW 84.52.018 and 1994 c 124 s 37 are each amended to read  
17 as follows:

18 Whenever any property value or claim for exemption or cancellation  
19 of a property assessment is appealed to the county board of  
20 equalization, state board of tax appeals, or court of competent  
21 jurisdiction and the dollar difference between the total value asserted  
22 by the taxpayer and the total value asserted by the opposing party  
23 exceeds one-fourth of one percent of the total assessed value of  
24 property in the county, the assessor shall use only that portion of the  
25 total value which is not in controversy for purposes of computing the  
26 levy rates and extending the tax on the tax roll in accordance with  
27 this chapter, unless the state board of tax appeals has issued its  
28 determination at the time of extending the tax.

29 When the state board of tax appeals or court of competent  
30 jurisdiction makes its final determination, the proper amount of tax  
31 shall be extended and collected for each taxing district if this has  
32 not already been done. The amount of tax collected and extended shall  
33 include interest at the rate of nine percent per year on the amount of  
34 the board's final determination minus the amount not in controversy.  
35 The interest shall accrue from the date the taxes on the amount not in  
36 controversy were first due and payable. Any amount extended in excess

1 of that permitted by chapter 84.55 RCW shall be held in abeyance and  
2 used to reduce the levy rates of the next succeeding levy.

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