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HOUSE BILL 1613

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Barlean, Lovick, B. Chandler, Thomas and Rockefeller; by request of Department of Revenue

Read first time 02/01/1999. Referred to Committee on Finance.

1 AN ACT Relating to clarifying the property tax exemption statutes;  
2 amending RCW 84.36.477 and 84.40.405; reenacting and amending RCW  
3 84.36.805 and 84.36.810; creating new sections; and repealing RCW  
4 84.36.140, 84.36.150, 84.36.160, 84.36.161, 84.36.162, 84.36.176,  
5 84.36.181, 84.36.190, 84.36.191, 84.36.270, 84.36.280, 84.36.290, and  
6 84.36.473.

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

8 NEW SECTION. **Sec. 1.** (1) The purpose of this act is to clarify  
9 the property tax exemption statutes by: (a) Repealing unnecessary and  
10 duplicative statutes in chapter 84.36 RCW; (b) consolidating the  
11 exemption statutes for business inventories; and (c) simplifying  
12 administrative statutes pertaining to nonprofit organizations.

13 (2) Section 2, chapter . . ., Laws of 1999 (section 2 of this act)  
14 consolidates all exemptions for business inventories and their related  
15 definitions into one statute.

16 (3) Section 3, chapter . . ., Laws of 1999 (section 3 of this act)  
17 clarifies and simplifies RCW 84.36.805 by substituting a general  
18 reference to chapter 84.36 RCW for specific references to exemption  
19 statutes for nonprofit organizations. RCW 84.36.805 applies to all

1 new property tax exemptions for nonprofit organizations unless the new  
2 exemption is specifically exempted.

3 (4) Section 4, chapter . . ., Laws of 1999 (section 4 of this act)  
4 substitutes a general reference for specific statutory references in  
5 RCW 84.36.810 to clarify that back taxes are not due on the loss of  
6 exemption on leased property if the lease is canceled and deletes an  
7 erroneous reference caused by section 20, chapter 311, Laws of 1998.

8 (5) Section 5, chapter . . ., Laws of 1999 (section 5 of this act)  
9 deletes references to previously repealed statutes and to RCW 84.36.473  
10 which is repealed by section 6, chapter . . ., Laws of 1999 (section 6  
11 of this act).

12 (6) Section 6 of this act repeals the statutes that have been  
13 incorporated into the definition of business inventories in RCW  
14 84.36.477. It also repeals unused statutes authorizing an exemption  
15 for the construction of the King county stadium on private property.

16 **Sec. 2.** RCW 84.36.477 and 1983 1st ex.s. c 62 s 6 are each amended  
17 to read as follows:

18 (1) Business inventories ((as defined in RCW 84.36.473)) are exempt  
19 from property taxation.

20 (2) As used in this section:

21 (a)(i) "Business inventories" means all livestock, inventories of  
22 finished goods and work in process, and personal property not under  
23 lease or rental, acquired or produced solely for the purpose of sale or  
24 lease or for the purpose of consuming the property in producing for  
25 sale or lease a new article of tangible personal property of which the  
26 property becomes an ingredient or component.

27 (ii) "Business inventories" also includes:

28 (A) All grains and flour, fruit and fruit products, unprocessed  
29 timber, vegetables and vegetable products, and fish and fish products,  
30 while being transported to or held in storage in a public or private  
31 warehouse or storage area if actually shipped to points outside the  
32 state on or before April 30th of the first year for which they would  
33 otherwise be taxable;

34 (B) All finished plywood, hardboard, and particle board panels  
35 shipped from outside this state to any processing plant within this  
36 state, if the panels are moving under a through freight rate to final  
37 destination outside this state and the carrier grants the shipper the  
38 privilege of stopping the shipment in transit for the purpose of

1 storing, milling, manufacturing, or other processing, while the panels  
2 are in the process of being treated or shaped into flat component parts  
3 to be incorporated into finished products outside this state and for  
4 thirty days after completion of the processing or treatment;

5 (C) All ore or metal shipped from outside this state to any smelter  
6 or refining works within this state, while in process of reduction or  
7 refinement and for thirty days after completion of the reduction or  
8 refinement; and

9 (D) All metals refined by electrolytic process into cathode or bar  
10 form while in this form and held under negotiable warehouse receipt in  
11 a public or private warehouse recognized by an established incorporated  
12 commodity exchange and for sale through the exchange.

13 (iii) "Business inventories" does not include personal property  
14 acquired or produced for the purpose of lease or rental if the property  
15 was leased or rented at any time during the calendar year immediately  
16 preceding the year of assessment and was not thereafter remanufactured,  
17 nor does it include property held within the normal course of business  
18 for lease or rental for periods of less than thirty days.

19 (iv) "Business inventories" does not include agricultural or  
20 horticultural property fully or partially exempt under RCW 84.36.470.

21 (v) "Business inventories" does not include timber that is standing  
22 on public land and that is sold under a contract entered into after  
23 August 1, 1982;

24 (b) "Fish and fish products" means all fish and fish products  
25 suitable and designed for human consumption, excluding all others;

26 (c) "Fruit and fruit products" means all raw edible fruits,  
27 berries, and hops and all processed products of fruits, berries, or  
28 hops, suitable and designed for human consumption, while in the hands  
29 of the first processor;

30 (d) "Processed" means canning, barreling, bottling, preserving,  
31 refining, freezing, packing, milling, or any other method employed to  
32 keep any grain, fruit, vegetable, or fish in an edible condition or to  
33 put it into more suitable or convenient form for consuming, storing,  
34 shipping, or marketing;

35 (e) "Remanufactured" means the restoration of property to  
36 essentially its original condition, but does not mean normal  
37 maintenance or repairs; and

38 (f) "Vegetables and vegetable products" means all raw edible  
39 vegetables such as peas, beans, beets, sugar beets, and other

1 vegetables, and all processed products of vegetables, suitable and  
2 designed for human consumption, while in the hands of the first  
3 processor.

4 **Sec. 3.** RCW 84.36.805 and 1998 c 311 s 25, 1998 c 202 s 3, and  
5 1998 c 184 s 2 are each reenacted and amended to read as follows:

6 (1) In order to ~~((be exempt pursuant to RCW 84.36.030, 84.36.035,~~  
7 ~~84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.045, 84.36.046,~~  
8 ~~84.36.047, 84.36.050, 84.36.060, 84.36.350, 84.36.480, 84.36.550, and~~  
9 ~~84.36.042))~~ qualify for an exemption under this chapter, the nonprofit  
10 organizations, associations or corporations ~~((shall))~~ must satisfy the  
11 ~~((following))~~ conditions~~((+))~~ in this section.

12 ~~((+1))~~ (2) The property ~~((is))~~ must be used exclusively for the  
13 actual operation of the activity for which exemption is granted, unless  
14 otherwise provided, and does not exceed an amount reasonably necessary  
15 for that purpose, except:

16 (a) The loan or rental of the property does not subject the  
17 property to tax if:

18 (i) The rents and donations received for the use of the portion of  
19 the property are reasonable and do not exceed the maintenance and  
20 operation expenses attributable to the portion of the property loaned  
21 or rented; and

22 (ii) Except for the exemptions under RCW 84.36.030(4) and  
23 84.36.037, the property would be exempt from tax if owned by the  
24 organization to which it is loaned or rented;

25 (b) The use of the property for fund-raising activities does not  
26 subject the property to tax if the fund-raising activities are  
27 consistent with the purposes for which the exemption is granted~~((+))~~.

28 ~~((+2))~~ (3) The property ~~((is))~~ must be irrevocably dedicated to  
29 the purpose for which exemption has been granted, and on the  
30 liquidation, dissolution, or abandonment by said organization,  
31 association, or corporation, said property will not inure directly or  
32 indirectly to the benefit of any shareholder or individual, except a  
33 nonprofit organization, association, or corporation which too would be  
34 entitled to property tax exemption. This property need not be  
35 irrevocably dedicated if it is leased or rented to those qualified for  
36 exemption ~~((pursuant to RCW 84.36.035, 84.36.040, 84.36.041, 84.36.043,~~  
37 ~~84.36.045, 84.36.046, or 84.36.042 or those qualified for exemption as~~  
38 ~~an association engaged in the production or performance of musical,~~

1 dance, artistic, dramatic, or literary works pursuant to RCW  
2 84.36.060)) under this chapter for leased property, but only if under  
3 the terms of the lease or rental agreement the nonprofit organization,  
4 association, or corporation receives the benefit of the exemption((+)).

5 ((+3)) (4) The facilities and services ((are)) must be available  
6 to all regardless of race, color, national origin or ancestry((+)).

7 ((+4)) (5) The organization, association, or corporation ((is))  
8 must be duly licensed or certified where such licensing or  
9 certification is required by law or regulation((+)).

10 ((+5)) (6) Property sold to organizations, associations, or  
11 corporations with an option to be repurchased by the seller shall not  
12 qualify for exempt status((+)).

13 ((+6)) (7) The ((director of the)) department ((of revenue)) shall  
14 have access to its books in order to determine whether ((such)) the  
15 nonprofit organization, association, or corporation is exempt from  
16 ((taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037,  
17 84.36.040, 84.36.041, 84.36.043, 84.36.045, 84.36.046, 84.36.047,  
18 84.36.050, 84.36.060, 84.36.350, 84.36.480, and 84.36.042)) taxes under  
19 this chapter.

20 (8) This section does not apply to exemptions granted under RCW  
21 84.36.020, 84.36.032, 84.36.250, and 84.36.260.

22 **Sec. 4.** RCW 84.36.810 and 1998 c 311 s 26 and 1998 c 202 s 4 are  
23 each reenacted and amended to read as follows:

24 (1) Upon cessation of a use under which an exemption has been  
25 granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041,  
26 84.36.042, 84.36.043, 84.36.046, 84.36.050, 84.36.060, and 84.36.550((  
27 and 84.36.042)), the county treasurer shall collect all taxes which  
28 would have been paid had the property not been exempt during the three  
29 years preceding, or the life of such exemption, if such be less,  
30 together with the interest at the same rate and computed in the same  
31 way as that upon delinquent property taxes. ((Where)) When the  
32 property has been granted an exemption for more than ten consecutive  
33 years, taxes and interest shall not be assessed under this section.

34 (2) Subsection (1) of this section applies only when ownership of  
35 the property is transferred or when fifty-one percent or more of the  
36 area of the property ((has lost)) loses its exempt status. The  
37 additional tax under subsection (1) of this section shall not be  
38 imposed if the cessation of use resulted solely from:

1 (a) Transfer to a nonprofit organization, association, or  
2 corporation for a use which also qualifies and is granted exemption  
3 under ~~((the provisions of))~~ this chapter ~~((84.36-RCW))~~;

4 (b) A taking through the exercise of the power of eminent domain,  
5 or sale or transfer to an entity having the power of eminent domain in  
6 anticipation of the exercise of such power;

7 (c) Official action by an agency of the state of Washington or by  
8 the county or city within which the property is located which disallows  
9 the present use of such property;

10 (d) A natural disaster such as a flood, windstorm, earthquake, or  
11 other such calamity rather than by virtue of the act of the  
12 organization, association, or corporation changing the use of such  
13 property;

14 (e) Relocation of the activity and use of another location or site  
15 except for undeveloped properties of camp facilities exempted under RCW  
16 84.36.030;

17 (f) Cancellation of a lease on leased property that had been exempt  
18 under ~~((RCW 84.36.040, 84.36.041, 84.36.043, 84.36.046, 84.36.060, or  
19 84.36.042))~~ this chapter; or

20 (g) A change in the exempt portion of a home for the aging under  
21 RCW 84.36.041(3), as long as some portion of the home remains exempt(~~(+~~

22 ~~(h) The conversion of a full exemption of a home for the aging to  
23 a partial exemption or taxable status or the conversion of a partial  
24 exemption to taxable status under RCW 84.36.041(8))~~).

25 **Sec. 5.** RCW 84.40.405 and 1985 c 7 s 156 are each amended to read  
26 as follows:

27 The department of revenue shall promulgate such rules and  
28 regulations, and prescribe such procedures as it deems necessary to  
29 carry out RCW ~~((82.04.444, 82.04.445,))~~ 84.36.470(~~(, 84.36.473,  
30 84.36.475,))~~ and 84.36.477(~~(, 84.09.080, and 84.52.015, and this  
31 section))~~).

32 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each  
33 repealed:

34 (1) RCW 84.36.140 and 1972 ex.s. c 30 s 2 & 1961 c 15 s 84.36.140;

35 (2) RCW 84.36.150 and 1967 ex.s. c 149 s 32 & 1961 c 15 s  
36 84.36.150;

- 1 (3) RCW 84.36.160 and 1972 ex.s. c 30 s 1, 1971 ex.s. c 137 s 1, &  
2 1961 c 15 s 84.36.160;
- 3 (4) RCW 84.36.161 and 1998 c 311 s 21 & 1961 c 15 s 84.36.161;
- 4 (5) RCW 84.36.162 and 1961 c 15 s 84.36.162;
- 5 (6) RCW 84.36.176 and 1967 ex.s. c 149 s 34;
- 6 (7) RCW 84.36.181 and 1961 c 168 s 2;
- 7 (8) RCW 84.36.190 and 1961 c 15 s 84.36.190;
- 8 (9) RCW 84.36.191 and 1961 c 15 s 84.36.191;
- 9 (10) RCW 84.36.270 and 1973 1st ex.s. c 195 s 95 & 1967 ex.s. c 117  
10 s 1;
- 11 (11) RCW 84.36.280 and 1967 ex.s. c 117 s 2;
- 12 (12) RCW 84.36.290 and 1967 ex.s. c 117 s 3; and
- 13 (13) RCW 84.36.473 and 1998 c 311 s 23, 1983 1st ex.s. c 62 s 2,  
14 1982 c 174 s 1, 1975 1st ex.s. c 291 s 8, & 1974 ex.s. c 169 s 4.

15 NEW SECTION. **Sec. 7.** The repeals in section 6 of this act do not  
16 affect any existing right acquired or liability or obligation incurred  
17 under the sections repealed or under any rule or order adopted under  
18 those sections, nor do they affect any proceeding instituted under  
19 those sections.

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