

SENATE BILL 5274

State of Washington 52nd Legislature 1991 Regular Session

By Senators Rinehart, Conner, Gaspard, Murray, A. Smith, Pelz, McMullen and Skratek.

Read first time January 25, 1991. Referred to Committee on Ways & Means.

1 AN ACT Relating to averaging large property tax valuation
2 increases; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040,
3 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080,
4 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360,
5 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.24.040,
6 84.36.041, 84.52.063, and 84.70.010; adding a new section to chapter
7 84.04 RCW; adding a new section to chapter 84.40 RCW; and providing a
8 contingent effective date.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 84.04 RCW
11 to read as follows:

12 "Appraised value of property" means the aggregate true and fair
13 value of the property as last determined by the county assessor
14 according to the revaluation program approved under chapter 84.41 RCW,

1 including revaluations based on statistical data between physical
2 inspections.

3 **Sec. 2.** RCW 84.04.030 and 1961 c 15 s 84.04.030 are each amended
4 to read as follows:

5 "Assessed value of property" shall be held and construed to mean
6 the aggregate valuation of the property subject to taxation by any
7 taxing district as determined under section 5 of this act, reduced by
8 the value of any applicable exemptions under RCW 84.36.381 or other
9 law, and placed on the last completed and balanced tax rolls of the
10 county preceding the date of any tax levy.

11 **Sec. 3.** RCW 84.40.020 and 1973 c 69 s 1 are each amended to read
12 as follows:

13 All real property in this state subject to taxation shall be listed
14 and assessed every year, with reference to its appraised and assessed
15 values on the first day of January of the year in which it is assessed.
16 Such listing and all supporting documents and records shall be open to
17 public inspection during the regular office hours of the assessor's
18 office: PROVIDED, That confidential income data is exempted from
19 public inspection pursuant to RCW 42.17.310. All personal property in
20 this state subject to taxation shall be listed and assessed every year,
21 with reference to its value and ownership on the first day of January
22 of the year in which it is assessed: PROVIDED, That if the stock of
23 goods, wares, merchandise or material, whether in a raw or finished
24 state or in process of manufacture, owned or held by any taxpayer on
25 January 1 of any year does not fairly represent the average stock
26 carried by such taxpayer, such stock shall be listed and assessed upon
27 the basis of the monthly average of stock owned or held by such

1 taxpayer during the preceding calendar year or during such portion
2 thereof as the taxpayer was engaged in business.

3 **Sec. 4.** RCW 84.40.030 and 1988 c 222 s 14 are each amended to read
4 as follows:

5 All personal property shall be valued at one hundred percent of its
6 true and fair value in money and assessed on the same basis unless
7 specifically provided otherwise by law.

8 All real property shall be appraised at one hundred percent of its
9 true and fair value in money and assessed as provided in section 5 of
10 this act unless specifically provided otherwise by law.

11 Taxable leasehold estates shall be valued at such price as they
12 would bring at a fair, voluntary sale for cash without any deductions
13 for any indebtedness owed including rentals to be paid.
14 Notwithstanding any other provisions of this section or of any other
15 statute, when the value of any taxable leasehold estate created prior
16 to January 1, 1971 is being determined for assessment years prior to
17 the assessment year 1973, there shall be deducted from what would
18 otherwise be the value thereof the present worth of the rentals and
19 other consideration which may be required of the lessee by the lessor
20 for the unexpired term thereof: PROVIDED, That the foregoing
21 provisions of this sentence shall not apply to any extension or
22 renewal, made after December 31, 1970 of the term of any such estate,
23 or to any such estate after the date, if any, provided for in the
24 agreement for rental renegotiation.

25 The true and fair value of real property for taxation purposes
26 (including property upon which there is a coal or other mine, or stone
27 or other quarry) shall be based upon the following criteria:

28 (1) Any sales of the property being appraised or similar properties
29 with respect to sales made within the past five years. The appraisal

1 shall take into consideration political restrictions such as zoning as
2 well as physical and environmental influences. The appraisal shall
3 also take into account, (a) in the use of sales by real estate contract
4 as similar sales, the extent, if any, to which the stated selling price
5 has been increased by reason of the down payment, interest rate, or
6 other financing terms; and (b) the extent to which the sale of a
7 similar property actually represents the general effective market
8 demand for property of such type, in the geographical area in which
9 such property is located. Sales involving deed releases or similar
10 seller-developer financing arrangements shall not be used as sales of
11 similar property.

12 (2) In addition to sales as defined in subsection (1) of this
13 section, consideration may be given to cost, cost less depreciation,
14 reconstruction cost less depreciation, or capitalization of income that
15 would be derived from prudent use of the property. In the case of
16 property of a complex nature, or being used under terms of a franchise
17 from a public agency, or operating as a public utility, or property not
18 having a record of sale within five years and not having a significant
19 number of sales of similar property in the general area, the provisions
20 of this subsection (2) shall be the dominant factors in valuation.
21 When provisions of this subsection (2) are relied upon for establishing
22 values the property owner shall be advised upon request of the factors
23 used in arriving at such value.

24 (3) In valuing any tract or parcel of real property, the true and
25 fair value of the land, exclusive of structures thereon shall be
26 determined; also the true and fair value of structures thereon, but the
27 appraised valuation shall not exceed the true and fair value of the
28 total property as it exists. In valuing agricultural land, growing
29 crops shall be excluded.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 84.40 RCW
2 to read as follows:

3 (1) As used in this section:

4 (a) "Previous assessed value" means the assessed value for the year
5 immediately preceding the year for which a calculation is being made
6 under this section.

7 (b) "Current appraised value" means the appraised value for the
8 year for which a calculation is being made under this section.

9 (c) "Total value increase" means the current appraised value minus
10 the previous assessed value. Total value increase can never be less
11 than zero.

12 (d) "Improvement increase" means the portion of the total value
13 increase attributable to any physical improvements made to the property
14 since the previous assessment, other than improvements exempt under RCW
15 84.36.400 for the year for which a calculation is being made under this
16 section. Improvement increase can never be less than zero.

17 (e) "Market increase" means the total value increase minus the
18 improvement increase. Market increase can never be less than zero.

19 (2) The assessed value of real property is equal to the lesser of
20 the current appraised value or a limited value determined under this
21 section. The limited value is equal to the greater of:

22 (a) One hundred six percent of the previous assessed value; or

23 (b) The sum of:

24 (i) The previous assessed value;

25 (ii) The improvement increase; and

26 (iii) One-quarter of the market increase.

27 (3) The assessed value of personal property is equal to the current
28 appraised value, unless specifically provided otherwise by law.

1 **Sec. 6.** RCW 84.40.040 and 1988 c 222 s 15 are each amended to read
2 as follows:

3 The assessor shall begin the preliminary work for each assessment
4 not later than the first day of December of each year in all counties
5 in the state. The assessor shall also complete the duties of listing
6 and placing valuations on all property by May 31st of each year(~~(7~~
7 ~~except that the listing and valuation of construction under RCW~~
8 ~~36.21.040 through 36.21.080 shall be completed by August 31st of each~~
9 ~~year))~~, and in the following manner, to wit:

10 The assessor shall actually determine as nearly as practicable the
11 true and fair value of each tract or lot of land listed for taxation
12 and of each improvement located thereon and shall enter as the
13 appraised value one hundred percent of the true and fair value of such
14 land and of the total true and fair value of such improvements,
15 together with the total of such one hundred percent valuations,
16 opposite each description of property on the assessment list and tax
17 roll.

18 The assessor shall determine the assessed value, under section 5 of
19 this act, for each tract or lot of land listed for taxation, including
20 improvements located on each tract or lot, and shall also enter this
21 value opposite each description of property on the assessment list and
22 tax roll.

23 The assessor shall make an alphabetical list of the names of all
24 persons in the county liable to assessment of personal property, and
25 require each person to make a correct list and statement of such
26 property according to the standard form prescribed by the department of
27 revenue, which statement and list shall include, if required by the
28 form, the year of acquisition and total original cost of personal
29 property in each category of the prescribed form, and shall be signed
30 and verified under penalty of perjury by the person listing the

1 property: PROVIDED, That the assessor may list and value improvements
2 on publicly owned land in the same manner as real property is listed
3 and valued, including conformance with the revaluation program required
4 under chapter 84.41 RCW. Such list and statement shall be filed on or
5 before the last day of April. The assessor shall on or before the 1st
6 day of January of each year mail a notice to all such persons at their
7 last known address that such statement and list is required, such
8 notice to be accompanied by the form on which the statement or list is
9 to be made: PROVIDED, That the notice mailed by the assessor to each
10 taxpayer each year shall, if practicable, include the statement and
11 list of personal property of the taxpayer for the preceding year. Upon
12 receipt of such statement and list the assessor shall thereupon
13 determine the true and fair value of the property included in such
14 statement and enter one hundred percent of the same on the assessment
15 roll opposite the name of the party assessed; and in making such entry
16 in the assessment list, the assessor shall give the name and post
17 office address of the party listing the property, and if the party
18 resides in a city the assessor shall give the street and number or
19 other brief description of the party's residence or place of business.
20 The assessor may, after giving written notice of the action to the
21 person to be assessed, add to the assessment list any taxable property
22 which should be included in such list.

23 **Sec. 7.** RCW 84.40.045 and 1977 ex.s. c 181 s 1 are each amended to
24 read as follows:

25 The assessor shall give notice of any change in the (~~true and~~
26 ~~fair~~) assessed value of real property for the tract or lot of land and
27 any improvements thereon no later than thirty days after appraisal:
28 PROVIDED, That no such notice shall be mailed during the period from
29 January 15 to February 15 of each year: PROVIDED FURTHER, That no

1 notice need be sent with respect to changes in valuation of forest land
2 made pursuant to chapter 84.33 RCW.

3 The notice shall contain a statement of both the prior and the new
4 (~~((true and fair))~~) appraised and assessed values (~~((and the ratio of the~~
5 ~~assessed value to the true and fair value on which the assessment of~~
6 ~~the property is based))~~), stating separately land and improvement
7 appraised values, and a brief statement of the procedure for appeal to
8 the board of equalization and the time, date, and place of the meetings
9 of the board.

10 The notice shall be mailed by the assessor to the taxpayer.

11 If any taxpayer, as shown by the tax rolls, holds solely a security
12 interest in the real property which is the subject of the notice,
13 pursuant to a mortgage, contract of sale, or deed of trust, such
14 taxpayer shall, upon written request of the assessor, supply, within
15 thirty days of receipt of such request, to the assessor the name and
16 address of the person making payments pursuant to the mortgage,
17 contract of sale, or deed of trust, and thereafter such person shall
18 also receive a copy of the notice provided for in this section.
19 Willful failure to comply with such request within the time limitation
20 provided for herein shall make such taxpayer subject to a civil penalty
21 of five dollars for each parcel of real property within the scope of
22 the request in which it holds the security interest, the aggregate of
23 such penalties in any one year not to exceed five thousand dollars.
24 The penalties provided for herein shall be recoverable in an action by
25 the county prosecutor, and when recovered shall be deposited in the
26 county current expense fund. The assessor shall make the request
27 provided for by this section during the month of January.

28 **Sec. 8.** RCW 84.41.041 and 1987 c 319 s 4 are each amended to read
29 as follows:

1 Each county assessor shall cause taxable real property to be
2 physically inspected and valued at least once every six years in
3 accordance with RCW 84.41.030, and in accordance with a plan filed with
4 and approved by the department of revenue. Such revaluation plan shall
5 provide that a reasonable portion of all taxable real property within
6 a county shall be revalued and these newly-determined values placed on
7 the assessment rolls each year. The department may approve a plan that
8 provides that all property in the county be revalued every two years.
9 If the revaluation plan provides for physical inspection at least once
10 each four years, during the intervals between each physical inspection
11 of real property, the appraised valuation of such property may be
12 adjusted to its current true and fair value, such adjustments to be
13 based upon appropriate statistical data. If the revaluation plan
14 provides for physical inspection less frequently than once each four
15 years, during the intervals between each physical inspection of real
16 property, the appraised valuation of such property shall be adjusted to
17 its current true and fair value, such adjustments to be made once each
18 year and to be based upon appropriate statistical data. If the
19 appraised valuation is changed, the assessed value shall be
20 recalculated under section 5 of this act.

21 The assessor may require property owners to submit pertinent data
22 respecting taxable property in their control including data respecting
23 any sale or purchase of said property within the past five years, the
24 cost and characteristics of any improvement on the property and other
25 facts necessary for appraisal of the property.

26 **Sec. 9.** RCW 84.48.010 and 1988 c 222 s 20 are each amended to read
27 as follows:

28 Prior to July 15th, the county legislative authority shall form a
29 board for the equalization of the assessment of the property of the

1 county. The members of said board shall receive a per diem amount as
2 set by the county legislative authority for each day of actual
3 attendance of the meeting of the board of equalization to be paid out
4 of the current expense fund of the county: PROVIDED, That when the
5 county legislative authority constitute the board they shall only
6 receive their compensation as members of the county legislative
7 authority. The board of equalization shall meet in open session for
8 this purpose annually on the 15th day of July and, having each taken an
9 oath fairly and impartially to perform their duties as members of such
10 board, they shall examine and compare the returns of the assessment of
11 the property of the county and proceed to equalize the same, so that
12 the appraised value of each tract or lot of real property and each
13 article or class of personal property shall be entered on the
14 assessment list at its true and fair value, (~~according to the measure~~
15 of value used by the county assessor in such assessment year, which is
16 presumed to be correct pursuant to RCW 84.40.0301)) and so that the
17 assessed value of each tract or lot of real property is entered on the
18 assessment list at its correct amount, and subject to the following
19 rules:

20 First. They shall raise the appraised valuation of each tract or
21 lot or item of real property which is returned below its true and fair
22 value to such price or sum as to be the true and fair value thereof,
23 and raise the assessed valuation of each tract or lot or item of real
24 property which is returned below its correct amount to the correct
25 amount after at least five days' notice shall have been given in
26 writing to the owner or agent.

27 Second. They shall reduce the appraised valuation of each tract or
28 lot or item which is returned above its true and fair value to such
29 price or sum as to be the true and fair value thereof and reduce the

1 assessed valuation of each tract or lot or item of real property which
2 is returned above its correct amount to the correct amount.

3 Third. They shall raise the valuation of each class of personal
4 property which is returned below its true and fair value to such price
5 or sum as to be the true and fair value thereof, and they shall raise
6 the aggregate value of the personal property of each individual
7 whenever the aggregate value is less than the true valuation of the
8 taxable personal property possessed by such individual, to such sum or
9 amount as to be the true value thereof, after at least five days'
10 notice shall have been given in writing to the owner or agent thereof.

11 Fourth. They shall reduce the valuation of each class of personal
12 property enumerated on the detail and assessment list of the current
13 year, which is returned above its true and fair value, to such price or
14 sum as to be the true and fair value thereof; and they shall reduce the
15 aggregate valuation of the personal property of such individual who has
16 been assessed at too large a sum to such sum or amount as was the true
17 and fair value of the personal property.

18 Fifth. The board may review all claims for either real or personal
19 property tax exemption as determined by the county assessor, and shall
20 consider any taxpayer appeals from the decision of the assessor thereon
21 to determine (1) if the taxpayer is entitled to an exemption, and (2)
22 if so, the amount thereof.

23 The clerk of the board shall keep an accurate journal or record of
24 the proceedings and orders of said board showing the facts and evidence
25 upon which their action is based, and the said record shall be
26 published the same as other proceedings of county legislative
27 authority, and shall make a true record of the changes of the
28 descriptions and (~~assessed~~) appraised values ordered by the county
29 board of equalization. The assessor shall recalculate assessed values
30 and correct the real and personal assessment rolls in accordance with

1 the changes made by the said county board of equalization, and the
2 assessor shall make duplicate abstracts of such corrected values, one
3 copy of which shall be retained in the office, and one copy forwarded
4 to the department of revenue on or before the eighteenth day of August
5 next following the meeting of the county board of equalization.

6 The county board of equalization shall meet on the 15th day of July
7 and may continue in session and adjourn from time to time during a
8 period not to exceed four weeks, but shall remain in session not less
9 than three days: PROVIDED, That the county board of equalization with
10 the approval of the county legislative authority may convene at any
11 time when petitions filed exceed twenty-five, or ten percent of the
12 number of appeals filed in the preceding year, whichever is greater.

13 No taxes, except special taxes, shall be extended upon the tax
14 rolls until the property valuations are equalized by the department of
15 revenue for the purpose of raising the state revenue.

16 County legislative authorities as such shall at no time have any
17 authority to change the valuation of the property of any person or to
18 release or commute in whole or in part the taxes due on the property of
19 any person.

20 **Sec. 10.** RCW 84.48.065 and 1989 c 378 s 14 are each amended to
21 read as follows:

22 The county assessor or treasurer may cancel or correct assessments
23 on the assessment or tax rolls which are erroneous due to manifest
24 errors in description, double assessments, clerical errors in extending
25 the rolls, clerical errors in calculating the assessed value under
26 section 5 of this act, and such manifest errors in the listing of the
27 property which do not involve a revaluation of property, such as the
28 assessment of property exempted by law from taxation or the failure to
29 deduct the exemption allowed by law to the head of a family. When the

1 county assessor cancels or corrects an assessment, the assessor shall
2 send a notice to the taxpayer advising the taxpayer that the action of
3 the county assessor is not final and shall be considered by the county
4 board of equalization, and that such notice shall constitute legal
5 notice of such fact. When the county assessor or treasurer cancels or
6 corrects an assessment, a record of such action shall be prepared and
7 filed with the county board of equalization, setting forth therein the
8 facts relating to the error. The record shall also set forth by legal
9 description all property belonging exclusively to the state, any
10 county, or any municipal corporation whose property is exempt from
11 taxation, upon which there remains, according to the tax roll, any
12 unpaid taxes.

13 The county board of equalization shall consider only such matters
14 as appear in the record filed with it by the county assessor or
15 treasurer and shall correct only such matters as are set forth in the
16 record, but it shall have no power to change or alter the assessment of
17 any person, or change the aggregate value of the taxable property of
18 the county, except insofar as it is necessary to correct the errors
19 mentioned in this section. If the county board of equalization finds
20 that the action of the assessor was not correct, it shall issue a
21 supplementary roll including such corrections as are necessary, and the
22 assessment and levy shall have the same force and effect as if made in
23 the first instance, and the county treasurer shall proceed to collect
24 the taxes due on the supplementary roll. The board shall make findings
25 of the facts upon which it bases its decision on all matters submitted
26 to it, and when so made the assessment and levy shall have the same
27 force as if made in the first instance, and the county treasurer shall
28 proceed to collect the taxes due on the rolls as modified.

1 The county board of equalization shall convene on a day fixed by
2 the board for the purpose of considering such matters as appear in the
3 record filed by the county assessor or treasurer.

4 **Sec. 11.** RCW 84.48.075 and 1988 c 222 s 23 are each amended to
5 read as follows:

6 (1) The department of revenue shall annually, prior to the first
7 Monday in September, determine and submit to each assessor a
8 preliminary indicated ratio for each county: PROVIDED, That the
9 department shall establish rules and regulations pertinent to the
10 determination of the indicated ratio, the indicated real property ratio
11 and the indicated personal property ratio: PROVIDED FURTHER, That
12 these rules and regulations may provide that data, as is necessary for
13 said determination, which is available from the county assessor of any
14 county and which has been audited as to its validity by the department,
15 shall be utilized by the department in determining the indicated ratio.

16 (2) To such extent as is reasonable, the department may define use
17 classes of property for the purposes of determination of the indicated
18 ratio. Such use classes may be defined with respect to property use
19 and may include agricultural, open space, timber and forest lands.

20 (3) The department shall review each county's preliminary ratio
21 with the assessor, a landowner, or an owner of an intercounty public
22 utility or private car company of that county, if requested by the
23 assessor, a landowner, or an owner of an intercounty public utility or
24 private car company of that county, respectively, between the first and
25 third Mondays of September. Prior to equalization of assessments
26 pursuant to RCW 84.48.080 and after the third Monday of September, the
27 department shall certify to each county assessor the real and personal
28 property ratio for that county.

1 (4) The department of revenue shall also examine procedures used by
2 the assessor to assess real and personal property in the county,
3 including calculations, use of prescribed value schedules, and efforts
4 to locate all taxable property in the county. If any examination by
5 the department discloses other than market value is being listed as
6 appraised value on the county assessment rolls of the county by the
7 assessor and, after due notification by the department, is not
8 corrected, the department of revenue shall, in accordance with rules
9 adopted by the department, adjust the ratio of that type of property,
10 which adjustment shall be used for determining the county's indicated
11 ratio.

12 **Sec. 12.** RCW 84.48.080 and 1990 c 283 s 1 are each amended to read
13 as follows:

14 Annually during the months of September and October, the department
15 of revenue shall examine and compare the returns of the assessment of
16 the property in the several counties of the state, and the assessment
17 of the property of railroad and other companies assessed by the
18 department, and proceed to equalize the same, so that each county in
19 the state shall pay its due and just proportion of the taxes for state
20 purposes for such assessment year, according to the ratio the assessed
21 valuation of the property in each county bears to the total assessed
22 valuation of all property in the state.

23 First. The department shall classify all property, real and
24 personal, and shall raise and lower the assessed valuation of any class
25 of property in any county to a value that shall be equal, so far as
26 possible, to the (~~true and fair~~) correct assessed value of such class
27 as of January 1st of the current year, after determining the correct
28 appraised value, and any adjustment applicable under section 5 of this
29 act for the property, for the purpose of ascertaining the just amount

1 of tax due from each county for state purposes. In equalizing personal
2 property as of January 1st of the current year, the department shall
3 use the assessment level of the preceding year. Such classification
4 may be on the basis of types of property, geographical areas, or both.

5 Second. The department shall keep a full record of its proceedings
6 and the same shall be published annually by the department.

7 The department shall levy the state taxes authorized by law:
8 PROVIDED, That the amount levied in any one year for general state
9 purposes shall not exceed the lawful dollar rate on the dollar of the
10 assessed value of the property of the entire state(~~(, which assessed~~
11 ~~value shall be one hundred percent of the true and fair value of such~~
12 ~~property in money)) as equalized under this section. The department
13 shall apportion the amount of tax for state purposes levied by the
14 department, among the several counties, in proportion to the assessed
15 valuation of the taxable property of the county for the year as
16 equalized by the department: PROVIDED, That for purposes of this
17 apportionment, the department shall recompute the previous year's levy
18 and the apportionment thereof to correct for changes and errors in
19 taxable values reported to the department after October 1 of the
20 preceding year and shall adjust the apportioned amount of the current
21 year's state levy for each county by the difference between the
22 apportioned amounts established by the original and revised levy
23 computations for the previous year. For purposes of this section,
24 changes in taxable values mean a final adjustment made by a county
25 board of equalization, the state board of tax appeals, or a court of
26 competent jurisdiction and shall include additions of omitted property,
27 other additions or deletions from the assessment or tax rolls, or a
28 change in the indicated ratio of a county. Errors in taxable values
29 mean errors corrected by a final reviewing body.~~

1 The department shall have authority to adopt rules and regulations
2 to enforce obedience to its orders in all matters in relation to the
3 returns of county assessments, the equalization of values, and the
4 apportionment of the state levy by the department.

5 After the completion of the duties hereinabove prescribed, the
6 director of the department shall certify the record of the proceedings
7 of the department under this section, the tax levies made for state
8 purposes and the apportionment thereof among the counties, and the
9 certification shall be available for public inspection.

10 **Sec. 13.** RCW 84.12.270 and 1975 1st ex.s. c 278 s 165 are each
11 amended to read as follows:

12 The department of revenue shall annually make an assessment of the
13 operating property of all companies; and between the fifteenth day of
14 March and the first day of July of each of said years shall prepare an
15 assessment roll upon which it shall enter and assess the ((~~true cash~~))
16 assessed value of all the operating property of each of such companies
17 as of the first day of January of the year in which the assessment is
18 made. For the purpose of determining the ((~~true cash~~)) assessed value
19 of such property the department of revenue may inspect the property
20 belonging to said companies and may take into consideration any
21 information or knowledge obtained by it from such examination and
22 inspection of such property, or of the books, records and accounts of
23 such companies, the statements filed as required by this chapter, the
24 reports, statements or returns of such companies filed in the office of
25 any board, office or commission of this state or any county thereof,
26 the earnings and earning power of such companies, the franchises owned
27 or used by such companies, the assessed valuation of any and all
28 property of such companies, whether operating or nonoperating property,
29 and whether situated within or outside the state, and any other facts,

1 evidence or information that may be obtainable bearing upon the value
2 of the operating property: PROVIDED, That in no event shall any
3 statement or report required from any company by this chapter be
4 conclusive upon the department of revenue in determining the amount,
5 character and (~~true cash~~) assessed value of the operating property of
6 such company.

7 **Sec. 14.** RCW 84.12.280 and 1987 c 153 s 2 are each amended to read
8 as follows:

9 (1) In making the assessment of the operating property of any
10 railroad or logging railroad company and in the apportionment of the
11 values and the taxation thereof, all land occupied and claimed
12 exclusively as the right-of-way for railroads, with all the tracks and
13 substructures and superstructures which support the same, together with
14 all side tracks, second tracks, turn-outs, station houses, depots,
15 round houses, machine shops, or other buildings belonging to the
16 company, used in the operation thereof, without separating the same
17 into land and improvements, shall be assessed as real property. And
18 the rolling stock and other movable property belonging to any railroad
19 or logging railroad company shall be considered as personal property
20 and taxed as such: PROVIDED, That all of the operating property of
21 street railway companies shall be assessed and taxed as personal
22 property.

23 (2) All of the operating property of airplane companies, telegraph
24 companies, pipe line companies, water companies and toll bridge
25 companies; the floating equipment of steamboat companies, and all of
26 the operating property other than lands and buildings of electric light
27 and power companies, telephone companies, gas companies and heating
28 companies shall be assessed and taxed as personal property.

1 (3) Notwithstanding subsections (1) and (2) of this section, the
2 limit provided under section 5 of this act shall be applied in the
3 assessment of property under this section to the same extent as that
4 limit is generally applied to property not assessed under this chapter.

5 **Sec. 15.** RCW 84.12.310 and 1975 1st ex.s. c 278 s 167 are each
6 amended to read as follows:

7 For the purpose of determining the system value of the operating
8 property of any such company, the department of revenue shall deduct
9 from the ((~~actual-cash~~)) assessed value of the total assets of such
10 company, the ((~~actual-cash~~)) assessed value of all nonoperating
11 property owned by such company. For such purpose the department of
12 revenue may require of the assessors of the various counties within
13 this state a detailed list of such company's properties assessed by
14 them, together with the assessable or assessed value thereof:
15 PROVIDED, That such assessed or assessable value shall be advisory only
16 and not conclusive on the department of revenue as to the value
17 thereof.

18 **Sec. 16.** RCW 84.12.330 and 1975 1st ex.s. c 278 s 168 are each
19 amended to read as follows:

20 Upon the assessment roll shall be placed after the name of each
21 company a general description of the operating property of the company,
22 which shall be considered sufficient if described in the language of
23 subdivision (17) of RCW 84.12.200, as applied to said company,
24 following which shall be entered the ((~~actual-cash~~)) assessed value of
25 the operating property as determined by the department of revenue. No
26 assessment shall be invalidated by reason of a mistake in the name of
27 the company assessed, or the omission of the name of the owner or by
28 the entry as owner of a name other than that of the true owner. When

1 the department of revenue shall have prepared the assessment roll and
2 entered thereon the ((~~actual-cash~~)) assessed value of the operating
3 property of the company, as herein required, it shall notify the
4 company by mail of the valuation determined by it and entered upon said
5 roll.

6 **Sec. 17.** RCW 84.12.350 and 1967 ex.s. c 26 s 17 are each amended
7 to read as follows:

8 Upon determination by the department of revenue of the true and
9 correct ((~~actual-cash~~)) assessed value of the property appearing on
10 such rolls it shall apportion such value to the respective counties
11 entitled thereto, as hereinafter provided, and shall determine the
12 equalized assessed valuation of such property in each such county and
13 in the several taxing districts therein, by applying to such actual
14 apportioned value the same ratio as the ratio of assessed to ((~~actual~~))
15 true and fair value of the general property in such county: PROVIDED,
16 That, whenever the amount of the true and correct assessed value of the
17 operating property of any company otherwise apportionable to any county
18 or other taxing district shall be less than two hundred fifty dollars,
19 such amount need not be apportioned to such county or taxing district
20 but may be added to the amount apportioned to an adjacent county or
21 taxing district.

22 **Sec. 18.** RCW 84.12.360 and 1987 c 153 s 3 are each amended to read
23 as follows:

24 The ((~~actual-cash~~)) assessed value of the operating property
25 assessed to a company, as fixed and determined by the state board of
26 equalization, shall be apportioned by the department of revenue to the
27 respective counties and to the taxing districts thereof wherein such
28 property is located in the following manner:

1 (1) Property of steam, suburban, and interurban railroad companies,
2 telegraph companies and pipe line companies--upon the basis of that
3 proportion of the value of the total operating property within the
4 state which the mileage of track, as classified by the department of
5 revenue (in case of railroads), mileage of wire (in the case of
6 telegraph companies) and mileage of pipe line (in the case of pipe line
7 companies) within each county or taxing district bears to the total
8 mileage thereof within the state, at the end of the calendar year last
9 past. For the purpose of such apportionment the department may
10 classify railroad track.

11 (2) Property of street railroad companies, telephone companies,
12 electric light and power companies, gas companies, water companies,
13 heating companies and toll bridge companies--upon the basis of relative
14 value of the operating property within each county and taxing district
15 to the value of the total operating property within the state to be
16 determined by such factors as the department of revenue shall deem
17 proper.

18 (3) Planes or other aircraft of airplane companies and watercraft
19 of steamboat companies--upon the basis of such factor or factors of
20 allocation, to be determined by the department of revenue, as will
21 secure a substantially fair and equitable division between counties and
22 other taxing districts.

23 All other property of airplane companies and steamboat companies--
24 upon the basis set forth in (~~subdivision~~) subsection (2) (~~hereof~~)
25 of this section.

26 The basis of apportionment with reference to all public utility
27 companies above prescribed shall not be deemed exclusive and the
28 department of revenue in apportioning values of such companies may also
29 take into consideration such other information, facts, circumstances,
30 or allocation factors as will enable it to make a substantially just

1 and correct valuation of the operating property of such companies
2 within the state and within each county thereof.

3 **Sec. 19.** RCW 84.16.040 and 1975 1st ex.s. c 278 s 179 are each
4 amended to read as follows:

5 The department of revenue shall annually make an assessment of the
6 operating property of each private car company; and between the first
7 day of May and the first day of July of each of said years shall
8 prepare an assessment roll upon which it shall enter and assess the
9 (~~true-cash~~) assessed value of all the operating property of each of
10 such companies as of the first day of January of the year in which the
11 assessment is made. For the purpose of determining the (~~true-cash~~)
12 assessed value of such property the department of revenue may take into
13 consideration any information or knowledge obtained by it from an
14 examination and inspection of such property, or of the books, records
15 and accounts of such companies, the statements filed as required by
16 this chapter, the reports, statements or returns of such companies
17 filed in the office of any board, office or commission of this state or
18 any county thereof, the earnings and earning power of such companies,
19 the franchises owned or used by such companies, the assessed valuation
20 of any and all property of such companies, whether operating property
21 or nonoperating property, and whether situated within or without the
22 state, and any other facts, evidences or information that may be
23 obtainable bearing upon the value of the operating property: PROVIDED,
24 That in no event shall any statement or report required from any
25 company by this chapter be conclusive upon the department of revenue in
26 determining the amount, character and (~~true-cash~~) assessed value of
27 the operating property of such company.

1 **Sec. 20.** RCW 84.16.050 and 1975 1st ex.s. c 278 s 180 are each
2 amended to read as follows:

3 The department of revenue may, in determining the (~~actual-cash~~)
4 assessed value of the operating property to be placed on the assessment
5 roll value the entire property as a unit. If the company owns, leases,
6 operates or uses property partly within and partly without the state,
7 the department of revenue may determine the value of the operating
8 property within this state by the proportion that the value of such
9 property bears to the value of the entire operating property of the
10 company, both within and without this state. In determining the
11 operating property which is located within this state the department of
12 revenue may consider and base such determination on the proportion
13 which the number of car miles of the various classes of cars made in
14 this state bears to the total number of car miles made by the same cars
15 within and without this state, or to the total number of car miles made
16 by all cars of the various classes within and without this state. If
17 the value of the operating property of the company cannot be fairly
18 determined in such manner the department of revenue may use any other
19 reasonable and fair method to determine the value of the operating
20 property of the company within this state.

21 **Sec. 21.** RCW 84.16.090 and 1975 1st ex.s. c 278 s 181 are each
22 amended to read as follows:

23 Upon the assessment roll shall be placed after the name of each
24 company a general description of the operating property of the company,
25 which shall be considered sufficient if described in the language of
26 subdivision (3) of RCW 84.16.010 or otherwise, following which shall be
27 entered the (~~actual-cash~~) assessed value of the operating property as
28 determined by the department of revenue. No assessment shall be
29 invalid by a mistake in the name of the company assessed, by omission

1 of the name of the owner or by the entry of a name other than that of
2 the true owner. When the department of revenue shall have prepared the
3 assessment roll and entered thereon the ((~~actual-cash~~)) assessed value
4 of the operating property of the company, as herein required, it shall
5 notify the company by mail of the valuation determined by it and
6 entered upon said roll; and thereupon such valuation shall become the
7 ((~~actual-cash~~)) assessed value of the operating property of the
8 company, subject to revision or correction by the state board of
9 equalization as hereinafter provided; and shall be the valuation upon
10 which, after equalization by the state board of equalization as
11 hereinafter provided, the taxes of such company shall be based and
12 computed.

13 **Sec. 22.** RCW 84.16.110 and 1967 ex.s. c 26 s 18 are each amended
14 to read as follows:

15 Upon determination by the department of revenue of the true and
16 correct ((~~actual-cash~~)) assessed value of the property appearing on
17 such rolls the department shall apportion such value to the respective
18 counties entitled thereto as hereinafter provided, and shall determine
19 the equalized or assessed valuation of such property in such counties
20 by applying to such actual apportioned value the same ratio as the
21 ratio of assessed to actual value of the general property of the
22 respective counties: PROVIDED, That, whenever the amount of the true
23 and correct assessed value of the operating property of any company
24 otherwise apportionable to any county shall be less than two hundred
25 fifty dollars, such amount need not be apportioned to such county but
26 may be added to the amount apportioned to an adjacent county.

27 **Sec. 23.** RCW 84.16.120 and 1961 c 15 s 84.16.120 are each amended
28 to read as follows:

1 The (~~actual-cash~~) assessed value of the property of each company
2 as fixed and determined by the state board of equalization as herein
3 provided shall be apportioned to the respective counties in the
4 following manner:

5 (1) If all the operating property of the company is situated
6 entirely within a county and none of such property is located within,
7 extends into, or through or is operated into or through any other
8 county, the entire value thereof shall be apportioned to the county
9 within which such property is situate, located and operated.

10 (2) If the operating property of any company is situated or located
11 within, extends into or is operated into or through more than one
12 county, the value thereof shall be apportioned to the respective
13 counties into or through which its cars are operated in the proportion
14 that the length of main line track of the respective railroads moving
15 such cars in such counties bears to the total length of main line track
16 of such respective railroads in this state.

17 (3) If the property of any company is of such character that it
18 will not be reasonable, feasible or fair to apportion the value as
19 hereinabove provided, the value thereof shall be apportioned between
20 the respective counties into or through which such property extends or
21 is operated or in which the same is located in such manner as may be
22 reasonable, feasible and fair.

23 **Sec. 24.** RCW 84.24.040 and 1975 1st ex.s. c 278 s 186 are each
24 amended to read as follows:

25 A hearing shall be had at the time and place set forth in the
26 notice provided for in RCW 84.24.030, and thereafter the department of
27 revenue shall determine, as of the original assessment date, and in the
28 manner provided by existing law, the (~~cash-market~~) assessed value of
29 the property in question(~~(, and the ratio between cash market value and~~

1 ~~assessed value of the other taxable property in the county where such~~
2 ~~property is located, and shall fix the equalized value of the property~~
3 ~~in question at that percentage of its cash market value as of the~~
4 ~~original assessment date, which the equalized assessed value of the~~
5 ~~general taxable property in the county where such reassessed property~~
6 ~~is located, bore to its cash market value)): PROVIDED, HOWEVER, That~~
7 in case of a protest, complaint or petition based upon an alleged
8 excessive assessment, the reassessment shall not exceed the original
9 assessment.

10 **Sec. 25.** RCW 84.36.041 and 1989 c 379 s 2 are each amended to read
11 as follows:

12 (1) All real and personal property used by a nonprofit home for the
13 aging that is reasonably necessary for the purposes of the home is
14 exempt from taxation if the benefit of the exemption inures to the home
15 and:

16 (a) At least fifty percent of the occupied dwelling units in the
17 home are occupied by eligible residents; or

18 (b) The home is subsidized under a federal department of housing
19 and urban development program. The department of revenue shall provide
20 by rule a definition of homes eligible for exemption under this
21 subsection (b), consistent with the purposes of this section.

22 (2) A home for the aging is eligible for a partial exemption if the
23 home does not meet the requirements of subsection (1) of this section
24 because fewer than fifty percent of the occupied dwelling units are
25 occupied by eligible residents. The amount of exemption shall be
26 calculated by multiplying the assessed value of the property reasonably
27 necessary for the purposes of the home by a fraction. The numerator of
28 the fraction is the number of dwelling units occupied by eligible
29 persons multiplied by two. The denominator of the fraction is the

1 total number of occupied dwelling units. The fraction shall never
2 exceed one.

3 (3) To be exempt under this section, the property must be used
4 exclusively for the purposes for which the exemption is granted, except
5 as provided in RCW 84.36.805.

6 (4) A home for the aging is exempt from taxation only if the
7 organization operating the home is exempt from income tax under section
8 501(c) of the federal internal revenue code as existing on January 1,
9 1989, or such subsequent date as the director may provide by rule
10 consistent with the purposes of this section.

11 (5) Each eligible resident of a home for the aging shall submit the
12 form required under RCW 84.36.385 to the county assessor by July 1st of
13 the assessment year. An eligible resident who has filed a form for a
14 previous year need not file a new form until there is a change in
15 status affecting the person's eligibility.

16 (6) In determining the (~~true and fair~~) appraised value of a home
17 for the aging for purposes of the partial exemption provided by
18 subsection (2) of this section, the assessor shall apply the
19 computation method provided by RCW 84.34.060 and shall consider only
20 the use to which such property is applied during the years for which
21 such partial exemptions are available and shall not consider potential
22 uses of such property.

23 (7) A home for the aging that was exempt for taxes levied for
24 collection in 1990 and is not fully exempt under this section is
25 entitled to partial exemptions as follows:

26 (a) For taxes levied for collection in 1991, two-thirds of the
27 assessed value that would otherwise be subject to tax under this
28 section is exempt from taxation.

1 (b) For taxes levied for collection in 1992, one-third of the
2 assessed value that would otherwise be subject to tax under this
3 section is exempt from taxation.

4 (8) As used in this section:

5 (a) "Eligible resident" means a person who would be eligible for an
6 exemption under RCW 84.36.381 if the person owned a single-family
7 dwelling. For the purposes of determining eligibility under this
8 section, a "cotenant" as used in RCW 84.36.383 means a person who
9 resides with an eligible resident and who shares personal financial
10 resources with the eligible resident.

11 (b) "Home for the aging" means a residential housing facility that
12 (i) provides a housing arrangement chosen voluntarily by the resident,
13 the resident's guardian or conservator, or another responsible person;
14 (ii) has only residents who are at least sixty-two years of age or who
15 have needs for care generally compatible with persons who are at least
16 sixty-two years of age; and (iii) provides varying levels of care and
17 supervision, as agreed to at the time of admission or as determined
18 necessary at subsequent times of reappraisal.

19 **Sec. 26.** RCW 84.52.063 and 1973 1st ex.s. c 195 s 105 are each
20 amended to read as follows:

21 A rural library district may impose a regular property tax levy in
22 an amount equal to that which would be produced by a levy of fifty
23 cents per thousand dollars of assessed value multiplied by an equalized
24 assessed valuation (~~((equal to one hundred percent of the true and fair~~
25 ~~value of the taxable property in the rural library district))), as~~
26 determined by the department of revenue's indicated county ratio:
27 PROVIDED, That when any county assessor shall find that the aggregate
28 rate of levy on any property will exceed the limitation set forth in
29 RCW 84.52.043 and RCW 84.52.050, as now or hereafter amended, before

1 recomputing and establishing a consolidated levy in the manner set
2 forth in RCW 84.52.010, the assessor shall first reduce the levy of any
3 rural library district, by such amount as may be necessary, but the
4 levy of any rural library district shall not be reduced to less than
5 fifty cents per thousand dollars against the value of the taxable
6 property, as determined by the county, prior to any further adjustments
7 pursuant to RCW 84.52.010. For purposes of this section "regular
8 property tax levy" shall mean a levy subject to the limitations
9 provided for in Article VII, section 2 of the state Constitution and/or
10 by statute.

11 **Sec. 27.** RCW 84.70.010 and 1987 c 319 s 6 are each amended to read
12 as follows:

13 (1) If, on or before December 31 in any calendar year, any real or
14 personal property placed upon the assessment roll of that year is
15 destroyed in whole or in part, or is in an area that has been declared
16 a disaster area by the governor and has been reduced in value by more
17 than twenty percent as a result of a natural disaster, the ((true
18 cash)) assessed value of such property shall be reduced for that year
19 by an amount determined as follows:

20 (a) First take the ((true-cash)) assessed value of such taxable
21 property before destruction or reduction in value and deduct therefrom
22 the true cash value of the remaining property after destruction or
23 reduction in value.

24 (b) Then divide any amount remaining by the number of days in the
25 year and multiply the quotient by the number of days remaining in the
26 calendar year after the date of the destruction or reduction in value
27 of the property.

1 (2) No reduction in the (~~true-cash~~) assessed value shall be made
2 more than three years after the date of destruction or reduction in
3 value.

4 (3) The assessor shall make such reduction on his or her own
5 motion; however, the taxpayer may make application for reduction on
6 forms prepared by the department and provided by the assessor. The
7 assessor shall notify the taxpayer of the amount of reduction.

8 (4) If destroyed property is replaced prior to the valuation dates
9 contained in RCW 36.21.080 and 36.21.090, the total taxable value for
10 that year shall not exceed the value as of the appropriate valuation
11 date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

12 (5) The taxpayer may appeal the amount of reduction to the county
13 board of equalization within thirty days of notification or July 15th
14 of the year of reduction, whichever is later. The board shall
15 reconvene, if necessary, to hear the appeal.

16 NEW SECTION. **Sec. 28.** If the proposed amendment to Article VII
17 of the state Constitution authorizing averaging of large property tax
18 valuation increases over four years is validly submitted to and is
19 approved and ratified by the voters at a general election held in
20 November 1991, sections 1 through 27 of this act shall take effect
21 immediately upon certification of the election and shall be effective
22 for taxes levied for collection in 1992 and thereafter. The department
23 of revenue and the county assessors shall take all necessary steps to
24 ensure that this act is implemented immediately upon becoming
25 effective. If the proposed amendment is not so approved and ratified,
26 sections 1 through 27 of this act are void in their entirety.