
SENATE BILL 5372

State of Washington

53rd Legislature

1993 Regular Session

By Senators Loveland and Winsley

Read first time 01/26/93. Referred to Committee on Government Operations.

1 AN ACT Relating to taxation; amending RCW 9.46.110, 28A.315.440,
2 35.49.130, 36.21.011, 46.44.175, 82.01.090, 84.08.130, 84.08.140,
3 84.12.360, 84.12.370, 84.16.090, 84.16.120, 84.16.130, 84.33.130,
4 84.34.230, 84.36.381, 84.38.040, 84.40.0301, 84.40.045, 84.40.080,
5 84.40.090, 84.40.170, 84.41.070, 84.44.010, 84.48.010, 84.48.050,
6 84.48.080, 84.48.110, 84.48.120, 84.48.150, 84.52.018, 84.55.005,
7 84.56.023, 84.56.340, 84.60.020, 84.60.050, 84.69.020, and 84.70.010;
8 adding a new section to chapter 82.03 RCW; adding a new section to
9 chapter 84.48 RCW; creating a new section; repealing RCW 35.49.120,
10 36.21.020, and 36.21.030; prescribing penalties; and declaring an
11 emergency.

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

13 **Sec. 1.** RCW 9.46.110 and 1991 c 161 s 1 are each amended to read
14 as follows:

15 The legislative authority of any county, city-county, city, or
16 town, by local law and ordinance, and in accordance with the provisions
17 of this chapter and rules and regulations promulgated hereunder, may
18 provide for the taxing of any gambling activity authorized by this
19 chapter within its jurisdiction, the tax receipts to go to the county,

1 city-county, city, or town so taxing the same: PROVIDED, That any such
2 tax imposed by a county alone shall not apply to any gambling activity
3 within a city or town located therein but the tax rate established by
4 a county, if any, shall constitute the tax rate throughout the
5 unincorporated areas of such county: PROVIDED FURTHER, That (1) punch
6 boards and pull-tabs, chances on which shall only be sold to adults,
7 which shall have a fifty cent limit on a single chance thereon, shall
8 be taxed on a basis which shall reflect only the gross receipts from
9 such punch boards and pull-tabs; and (2) no punch board or pull-tab may
10 award as a prize upon a winning number or symbol being drawn the
11 opportunity of taking a chance upon any other punch board or pull-tab;
12 and (3) all prizes for punch boards and pull-tabs must be on display
13 within the immediate area of the premises wherein any such punch board
14 or pull-tab is located and upon a winning number or symbol being drawn,
15 such prize must be immediately removed therefrom, or such omission
16 shall be deemed a fraud for the purposes of this chapter; and (4) when
17 any person shall win over twenty dollars in money or merchandise from
18 any punch board or pull-tab, every licensee hereunder shall keep a
19 public record thereof for at least ninety days thereafter containing
20 such information as the commission shall deem necessary: AND PROVIDED
21 FURTHER, That taxation of bingo and raffles shall never be in an amount
22 greater than ten percent of the gross revenue received therefrom less
23 the amount paid for or as prizes. Taxation of amusement games shall
24 only be in an amount sufficient to pay the actual costs of enforcement
25 of the provisions of this chapter by the county, city or town law
26 enforcement agency and in no event shall such taxation exceed two
27 percent of the gross revenue therefrom less the amount paid for as
28 prizes: PROVIDED FURTHER, That no tax shall be imposed under the
29 authority of this chapter on bingo or amusement games when such
30 activities or any combination thereof are conducted by any bona fide
31 charitable or nonprofit organization as defined in this chapter, which
32 organization has no paid operating or management personnel and has
33 gross income from bingo or amusement games, or a combination thereof,
34 not exceeding five thousand dollars per year, less the amount paid for
35 as prizes. No tax shall be imposed on the first ten thousand dollars
36 of net proceeds from raffles conducted by any bona fide charitable or
37 nonprofit organization as defined in this chapter. Taxation of punch
38 boards and pull-tabs shall not exceed five percent of gross receipts,

1 nor shall taxation of social card games exceed twenty percent of the
2 gross revenue from such games.

3 Taxes imposed under this chapter become a lien upon personal and
4 real property in the same manner as provided for under RCW 84.60.010.

5 **Sec. 2.** RCW 28A.315.440 and 1975 1st ex.s. c 275 s 99 are each
6 amended to read as follows:

7 Upon receipt of the aforesaid certificate, it shall be the duty of
8 the board of county commissioners of each county to levy on all taxable
9 property of that part of the joint school district which lies within
10 the county a tax sufficient to raise the amount necessary to meet the
11 county's proportionate share of the estimated expenditures of the joint
12 district, as shown by the certificate of the educational service
13 district superintendent of the district to which the joint school
14 district belongs. Such taxes shall be levied and collected in the same
15 manner as other taxes are levied and collected, and the proceeds
16 thereof shall be forwarded (~~(quarterly)~~) monthly by the treasurer of
17 each county, other than the county to which the joint district belongs,
18 to the treasurer of the county to which such district belongs and shall
19 be placed to the credit of said district. The treasurer of the county
20 to which a joint school district belongs is hereby declared to be the
21 treasurer of such district.

22 **Sec. 3.** RCW 35.49.130 and 1965 c 7 s 35.49.130 are each amended to
23 read as follows:

24 (~~(In county foreclosures for delinquency in the payment of general~~
25 ~~taxes, the county treasurer shall mail a copy of the published summons~~
26 ~~to the treasurer of every city and town within which any property~~
27 ~~involved in the foreclosure proceeding is situated. The copy of the~~
28 ~~summons shall be mailed within fifteen days after the first publication~~
29 ~~thereof, but the county treasurer's failure to do so shall not affect~~
30 ~~the jurisdiction of the court nor the priority of the tax sought to be~~
31 ~~foreclosed.))~~

32 If any property situated in a city or town is offered for sale for
33 general taxes by the county treasurer, the city or town shall have
34 power to protect the lien or liens of any local improvement assessments
35 outstanding against the whole or portion of such property by purchase
36 thereof or otherwise.

1 **Sec. 4.** RCW 36.21.011 and 1973 1st ex.s. c 11 s 1 are each amended
2 to read as follows:

3 Any assessor who deems it necessary to enable him or her to
4 complete the listing and the valuation of the property of his or her
5 county within the time prescribed by law, (1) may appoint one or more
6 well qualified persons to act as (~~(his)~~) assistants or deputies who
7 shall not engage in the private practice of appraising within the
8 county (~~(in which he is)~~) where employed without the written permission
9 of the county assessor filed with the county auditor; and each such
10 assistant or deputy so appointed shall, under the direction of the
11 assessor, after taking the required oath, perform all the duties
12 enjoined upon, vested in or imposed upon assessors, and (2) may
13 contract with any persons, firms or corporations, who are expert
14 appraisers, to assist in the valuation of property.

15 To assist each assessor in obtaining adequate and well qualified
16 assistants or deputies, the state department of personnel, after
17 consultation with the Washington state association of county assessors,
18 the Washington state association of counties, and the department of
19 revenue, shall establish by July 1, 1967, and shall thereafter
20 maintain, a classification and salary plan for those employees of an
21 assessor who act as appraisers. The plan shall recommend the salary
22 range and employment qualifications for each position encompassed by
23 it, and shall, to the fullest extent practicable, conform to the
24 classification plan, salary schedules and employment qualifications for
25 state employees performing similar appraisal functions.

26 (~~(If)~~) An assessor who intends to put such plan into effect (~~(in~~
27 ~~his county, he)~~) shall inform the department of revenue and the (~~(board~~
28 ~~of)~~) county (~~(commissioners)~~) legislative authority of this intent in
29 writing. The department of revenue and the (~~(board)~~) authority may
30 thereupon each designate a representative, and such representative or
31 representatives as may be designated by the department of revenue or
32 the (~~(board)~~) legislative authority, or both, shall form with the
33 assessor a committee. The committee so formed may, by unanimous vote
34 only, determine the required number of certified appraiser positions
35 and their salaries necessary to enable the county assessor to carry out
36 the requirements relating to revaluation of property in chapter 84.41
37 RCW. The determination of the committee shall be certified to the
38 (~~(board of)~~) county (~~(commissioners)~~) legislative authority. The

1 committee provided for herein may be formed only once in a period of
2 four calendar years.

3 After such determination, the assessor may provide, in each of
4 ~~((his))~~ the four next succeeding annual budget estimates, for as many
5 positions as are established in such determination. Each ~~((board of))~~
6 county ~~((commissioners))~~ legislative authority to which such a budget
7 estimate is submitted shall allow sufficient funds for such positions.
8 An employee may be appointed to a position covered by the plan only if
9 the employee meets the employment qualifications established by the
10 plan.

11 **Sec. 5.** RCW 46.44.175 and 1985 c 22 s 2 are each amended to read
12 as follows:

13 Failure of any person or agent acting for a person who causes to be
14 moved or moves a mobile home as defined in RCW 46.04.302 upon public
15 highways of this state and failure to comply with any of the provisions
16 of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a
17 penalty of not less than one hundred dollars or more than five hundred
18 dollars shall be assessed. In addition to the above penalty, the
19 department of transportation or local authority may withhold issuance
20 of a special permit or suspend a continuous special permit as provided
21 by RCW 46.44.090 and 46.44.093 for a period of not less than thirty
22 days.

23 Any person who shall alter, re-use, transfer, or forge the decal
24 required by RCW 46.44.170, or who shall display a decal knowing it to
25 have been forged, re-used, transferred, or altered, shall be guilty of
26 a gross misdemeanor.

27 Any person or agent who is denied a special permit or whose special
28 permit is suspended may upon request receive a hearing before the
29 department of transportation or the local authority having
30 jurisdiction. The department or the local authority after such hearing
31 may revise its previous action.

32 **Sec. 6.** RCW 82.01.090 and 1967 ex.s. c 26 s 6 are each amended to
33 read as follows:

34 Except for the powers and duties devolved upon the board of tax
35 appeals by the provisions of RCW 82.03.010 through 82.03.190, the
36 director of revenue shall, after July 1, 1967, exercise those powers,
37 duties and functions theretofore vested in the tax commission of the

1 state of Washington, including all powers, duties and functions of the
2 commission acting as the commission or as the (~~state board~~)
3 department of (~~equalization~~) revenue or in any other capacity.

4 NEW SECTION. Sec. 7. A new section is added to chapter 82.03 RCW
5 to read as follows:

6 In all appeals taken pursuant to RCW 84.08.130 the assessor or
7 taxpayer shall submit evidence of comparable sales to be used in a
8 hearing to the board and to all parties at least ten business days in
9 advance of such hearing. Failure to comply with the requirements set
10 forth in this section shall be grounds for the board, upon objection,
11 to continue the hearing or refuse to consider evidence not timely
12 submitted.

13 Sec. 8. RCW 84.08.130 and 1992 c 206 s 10 are each amended to read
14 as follows:

15 (1) Any taxpayer or taxing unit feeling aggrieved by the action of
16 any county board of equalization may appeal to the board of tax appeals
17 by filing with the (~~county auditor~~) board of tax appeals a notice of
18 appeal (~~in duplicate~~) within thirty days after the mailing of the
19 decision of such board of equalization, which notice shall specify the
20 actions complained of (~~(, and said auditor shall forthwith transmit one~~
21 ~~of said notices to the board of tax appeals)~~); and in like manner any
22 county assessor may appeal to the board of tax appeals from any action
23 of any county board of equalization. There shall be no fee charged for
24 the filing of an appeal. The petitioner shall (~~provide~~) serve a copy
25 of the notice of appeal (~~to~~) on all named parties within the same
26 thirty-day time period (~~provided in the rules of practice and~~
27 ~~procedure of the board of tax appeals~~). Appeals which are not filed
28 and served as provided in this section shall be (~~continued or~~)
29 dismissed. The board of tax appeals shall require the board appealed
30 from to file a true and correct copy of its decision in such action and
31 all evidence taken in connection therewith, and may receive further
32 evidence, and shall make such order as in its judgment is just and
33 proper. An appeal of an action by a county board of equalization shall
34 be deemed to have been filed and served within the thirty-day period if
35 it is postmarked on or before the thirtieth day after the mailing of
36 the decision of the board of equalization.

1 (2) The board of tax appeals may enter an order, pursuant to
2 subsection (1) of this section, that has effect up to the end of the
3 assessment cycle used by the assessor, if there has been no intervening
4 change in the assessed value during that time.

5 **Sec. 9.** RCW 84.08.140 and 1975 1st ex.s. c 278 s 157 are each
6 amended to read as follows:

7 Any taxpayer feeling aggrieved by the levy or levies of any taxing
8 district except levies authorized by a vote of the people of the
9 district may appeal therefrom to the department of revenue as
10 hereinafter provided. Such taxpayer, upon the execution of a bond,
11 with two or more sufficient sureties to be approved by the county
12 auditor, payable to the state of Washington, in the penal sum of two
13 hundred dollars and conditioned that if the petitioner shall fail in
14 his appeal for a reduction of said levy or levies (~~he~~) the taxpayer
15 will pay the taxable costs of the hearings hereinafter provided, not
16 exceeding the amount of such bond, may file a written complaint with
17 the county auditor wherein such taxing district is located not later
18 than ten days after the making and entering of such levy or levies,
19 setting forth in such form and detail as the department of revenue
20 shall by general rule prescribe, (~~his~~) the taxpayer's objections to
21 such levy or levies. Upon the filing of such complaint, the county
22 auditor shall immediately transmit a certified copy thereof, together
23 with a copy of the budget or estimates of such taxing district as
24 finally adopted, including estimated revenues and such other
25 information as the department of revenue shall by rule require, to the
26 department of revenue. The department of revenue shall fix a date for
27 a hearing on said complaint at the earliest convenient time after
28 receipt of said record, which hearing shall be held in the county in
29 which said taxing district is located, and notice of such hearing shall
30 be given to the officials of such taxing district, charged with
31 determining the amount of its levies, and to the taxpayer on said
32 complaint by registered mail at least five days prior to the date of
33 said hearing. At such hearings all interested parties may be heard and
34 the department of revenue shall receive all competent evidence. After
35 such hearing, the department of revenue shall either affirm or decrease
36 the levy or levies complained of, in accordance with the evidence, and
37 shall thereupon certify its action with respect thereto to the county
38 auditor, who, in turn, shall certify it to the taxing district or

1 districts affected, and the action of the department of revenue with
2 respect to such levy or levies shall be final and conclusive.

3 **Sec. 10.** RCW 84.12.360 and 1987 c 153 s 3 are each amended to read
4 as follows:

5 The actual cash value of the operating property assessed to a
6 company, as fixed and determined by the (~~state board~~) department of
7 (~~equalization~~) revenue, shall be apportioned by the department of
8 revenue to the respective counties and to the taxing districts thereof
9 wherein such property is located in the following manner:

10 (1) Property of steam, suburban, and interurban railroad companies,
11 telegraph companies and pipe line companies--upon the basis of that
12 proportion of the value of the total operating property within the
13 state which the mileage of track, as classified by the department of
14 revenue (in case of railroads), mileage of wire (in the case of
15 telegraph companies), and mileage of pipe line (in the case of pipe
16 line companies) within each county or taxing district bears to the
17 total mileage thereof within the state, at the end of the calendar year
18 last past. For the purpose of such apportionment the department may
19 classify railroad track.

20 (2) Property of street railroad companies, telephone companies,
21 electric light and power companies, gas companies, water companies,
22 heating companies and toll bridge companies--upon the basis of relative
23 value of the operating property within each county and taxing district
24 to the value of the total operating property within the state to be
25 determined by such factors as the department of revenue shall deem
26 proper.

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

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

35 The basis of apportionment with reference to all public utility
36 companies above prescribed shall not be deemed exclusive and the
37 department of revenue in apportioning values of such companies may also
38 take into consideration such other information, facts, circumstances,

1 or allocation factors as will enable it to make a substantially just
2 and correct valuation of the operating property of such companies
3 within the state and within each county thereof.

4 **Sec. 11.** RCW 84.12.370 and 1975 1st ex.s. c 278 s 171 are each
5 amended to read as follows:

6 When the (~~state board~~) department of (~~equalization~~) revenue
7 shall have determined the equalized assessed value of the operating
8 property of each company in each of the respective counties and in the
9 taxing districts thereof, as hereinabove provided, the department of
10 revenue shall certify such equalized assessed value to the county
11 assessor of the proper county. The county assessor shall enter the
12 company's real operating property upon the real property tax rolls and
13 the company's personal operating property upon the personal property
14 tax rolls of (~~his~~) the county assessor's county, together with the
15 values so apportioned, and the same shall be and constitute the
16 assessed valuation of the operating property of the company in such
17 county and the taxing districts therein for that year, upon which taxes
18 shall be levied and collected in the same manner as on the general
19 property of such county.

20 **Sec. 12.** RCW 84.16.090 and 1975 1st ex.s. c 278 s 181 are each
21 amended to read as follows:

22 Upon the assessment roll shall be placed after the name of each
23 company a general description of the operating property of the company,
24 which shall be considered sufficient if described in the language of
25 subdivision (3) of RCW 84.16.010 or otherwise, following which shall be
26 entered the actual cash value of the operating property as determined
27 by the department of revenue. No assessment shall be invalid by a
28 mistake in the name of the company assessed, by omission of the name of
29 the owner or by the entry of a name other than that of the true owner.
30 When the department of revenue shall have prepared the assessment roll
31 and entered thereon the actual cash value of the operating property of
32 the company, as herein required, it shall notify the company by mail of
33 the valuation determined by it and entered upon said roll; and
34 thereupon such valuation shall become the actual cash value of the
35 operating property of the company, subject to revision or correction by
36 the (~~state board~~) department of (~~equalization~~) revenue as
37 hereinafter provided; and shall be the valuation upon which, after

1 equalization by the ((state board)) department of ((equalization))
2 revenue as hereinafter provided, the taxes of such company shall be
3 based and computed.

4 **Sec. 13.** RCW 84.16.120 and 1961 c 15 s 84.16.120 are each amended
5 to read as follows:

6 The actual cash value of the property of each company as fixed and
7 determined by the ((state board)) department of ((equalization))
8 revenue as herein provided shall be apportioned to the respective
9 counties in the following manner:

10 (1) If all the operating property of the company is situated
11 entirely within a county and none of such property is located within,
12 extends into, or through or is operated into or through any other
13 county, the entire value thereof shall be apportioned to the county
14 within which such property is situate, located and operated.

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

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

28 **Sec. 14.** RCW 84.16.130 and 1975 1st ex.s. c 278 s 183 are each
29 amended to read as follows:

30 When the ((state board)) department of ((equalization)) revenue
31 shall have determined the equalized or assessed value of the operating
32 property of each company in the respective counties as hereinabove
33 provided, the department of revenue shall certify such equalized or
34 assessed value to the county assessor of the proper county; and the
35 county assessor shall apportion and distribute such assessed or
36 equalized valuation to and between the several taxing districts of
37 ((his)) the county assessor's county entitled to a proportionate value

1 thereof in the manner prescribed in RCW 84.16.120 for apportionment of
2 values between counties. The county assessor shall enter such
3 assessment upon the personal property tax rolls of (~~his~~) the county
4 assessor's county, together with the values so apportioned, and the
5 same shall be and constitute the assessed valuation of the operating
6 company in such county for that year, upon which taxes shall be levied
7 and collected the same as on general property of the county.

8 **Sec. 15.** RCW 84.33.130 and 1986 c 100 s 57 are each amended to
9 read as follows:

10 (1) An owner of land desiring that it be designated as forest land
11 and valued pursuant to RCW 84.33.120 as of January 1 of any year
12 commencing with 1972 shall make application to the county assessor
13 before such January 1.

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

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

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

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

22 (d) Whether there is a forest management plan for such land;

23 (e) If so, the nature and extent of implementation of such plan;

24 (f) Whether such land is used for grazing;

25 (g) Whether such land has been subdivided or a plat filed with
26 respect thereto;

27 (h) Whether such land and the applicant are in compliance with the
28 restocking, forest management, fire protection, insect and disease
29 control and forest debris provisions of Title 76 RCW or any applicable
30 regulations thereunder;

31 (i) Whether such land is subject to forest fire protection
32 assessments pursuant to RCW 76.04.610;

33 (j) Whether such land is subject to a lease, option or other right
34 which permits it to be used for any purpose other than growing and
35 harvesting timber;

36 (k) A summary of the past experience and activity of the applicant
37 in growing and harvesting timber;

1 (l) A summary of current and continuing activity of the applicant
2 in growing and harvesting timber;

3 (m) A statement that the applicant is aware of the potential tax
4 liability involved when such land ceases to be designated as forest
5 land;

6 (n) An affirmation that the statements contained in the application
7 are true and that the land described in the application is, by itself
8 or with other forest land not included in the application, in
9 contiguous ownership of twenty or more acres which is primarily devoted
10 to and used for growing and harvesting timber.

11 The assessor shall afford the applicant an opportunity to be heard if
12 the application so requests.

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

17 (a) The land does not contain either a ((^u))merchantable stand of
18 timber((^u)) or an ((^u))adequate stocking((^u—as defined in RCW
19 76.08.010, or any laws or regulations adopted to replace such minimum
20 standards)), except this reason under this subsection (3) (a) shall not
21 alone be sufficient for denial of the application (i) if such land has
22 been recently harvested or supports a growth of brush or noncommercial
23 type timber, and the application includes a plan for restocking within
24 three years or such longer period necessitated by unavailability of
25 seed or seedlings, or (ii) if only isolated areas within such land do
26 not meet such minimum standards due to rock outcroppings, swamps,
27 unproductive soil or other natural conditions;

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

33 (c) The land abuts a body of salt water and lies between the line
34 of ordinary high tide and a line paralleling such ordinary high tide
35 line and two hundred feet horizontally landward therefrom, except that
36 if the higher and better use determined by the assessor to exist for
37 such land would not be permitted or economically feasible by virtue of
38 any federal, state or local law or regulation such land shall be
39 assessed and valued pursuant to the procedures set forth in RCW

1 84.33.110 and 84.33.120 without being designated. The application
2 shall be deemed to have been approved unless, prior to May 1, of the
3 year after such application was mailed or delivered to the assessor, he
4 or she shall notify the applicant in writing of the extent to which the
5 application is denied.

6 For the purposes of this subsection, "adequate stocking" means a
7 stand of not less than three hundred thrifty established live seedlings
8 per acre of commercial species predominant on the area cut of which at
9 least one hundred must be well distributed, or not less than three
10 hundred surviving trees per acre that were established by artificial
11 means.

12 For the purposes of this subsection, "merchantable stand of timber"
13 means stand of timber consisting of not less than two thousand board
14 feet per acre of currently merchantable live timber as measured by the
15 Scribner Decimal C log rule, or three hundred cubic feet as measured by
16 the Sorenson log rule, or four standard cords.

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

20 **Sec. 16.** RCW 84.34.230 and 1973 1st ex.s. c 195 s 94 are each
21 amended to read as follows:

22 For the purpose of acquiring conservation futures as well as other
23 rights and interests in real property pursuant to RCW 84.34.210 and
24 84.34.220, a county may levy an amount not to exceed six and one-
25 quarter cents per thousand dollars of assessed valuation against the
26 assessed valuation of all taxable property within the county(~~(, which~~
27 ~~levy shall be in addition to that authorized by RCW 84.52.050 and~~
28 ~~84.52.043))~~).

29 **Sec. 17.** RCW 84.36.381 and 1992 c 187 s 1 are each amended to read
30 as follows:

31 A person shall be exempt from any legal obligation to pay all or a
32 portion of the amount of excess and regular real property taxes due and
33 payable in the year following the year in which a claim is filed, and
34 thereafter, in accordance with the following:

35 (1) The property taxes must have been imposed upon a residence
36 which was occupied by the person claiming the exemption as a principal
37 place of residence as of January 1st of the year for which the

1 exemption is claimed: PROVIDED, That any person who sells, transfers,
2 or is displaced from his or her residence may transfer his or her
3 exemption status to a replacement residence, but no claimant shall
4 receive an exemption on more than one residence in any year: PROVIDED
5 FURTHER, That confinement of the person to a hospital or nursing home
6 shall not disqualify the claim of exemption if:

7 (a) The residence is temporarily unoccupied ((or if));

8 (b) The residence is occupied by a spouse and/or a person
9 financially dependent on the claimant for support; or

10 (c) The residence is rented for the purpose of paying nursing home
11 or hospital costs;

12 (2) The person claiming the exemption must have owned, at the time
13 of filing, in fee, as a life estate, or by contract purchase, the
14 residence on which the property taxes have been imposed or if the
15 person claiming the exemption lives in a cooperative housing
16 association, corporation, or partnership, such person must own a share
17 therein representing the unit or portion of the structure in which he
18 or she resides. For purposes of this subsection, a residence owned by
19 a marital community or owned by cotenants shall be deemed to be owned
20 by each spouse or cotenant, and any lease for life shall be deemed a
21 life estate;

22 (3) The person claiming the exemption must be sixty-one years of
23 age or older on December 31st of the year in which the exemption claim
24 is filed, or must have been, at the time of filing, retired from
25 regular gainful employment by reason of physical disability: PROVIDED,
26 That any surviving spouse of a person who was receiving an exemption at
27 the time of the person's death shall qualify if the surviving spouse is
28 fifty-seven years of age or older and otherwise meets the requirements
29 of this section;

30 (4) The amount that the person shall be exempt from an obligation
31 to pay shall be calculated on the basis of combined disposable income,
32 as defined in RCW 84.36.383. If the person claiming the exemption was
33 retired for two months or more of the preceding year, the combined
34 disposable income of such person shall be calculated by multiplying the
35 average monthly combined disposable income of such person during the
36 months such person was retired by twelve. If the income of the person
37 claiming exemption is reduced for two or more months of the preceding
38 year by reason of the death of the person's spouse, the combined
39 disposable income of such person shall be calculated by multiplying the

1 average monthly combined disposable income of such person after the
2 death of the spouse by twelve.

3 (5)(a) A person who otherwise qualifies under this section and has
4 a combined disposable income of twenty-six thousand dollars or less
5 shall be exempt from all excess property taxes; and

6 (b)(i) A person who otherwise qualifies under this section and has
7 a combined disposable income of eighteen thousand dollars or less but
8 greater than fifteen thousand dollars shall be exempt from all regular
9 property taxes on the greater of thirty thousand dollars or thirty
10 percent of the valuation of his or her residence, but not to exceed
11 fifty thousand dollars of the valuation of his or her residence; or

12 (ii) A person who otherwise qualifies under this section and has a
13 combined disposable income of fifteen thousand dollars or less shall be
14 exempt from all regular property taxes on the greater of thirty-four
15 thousand dollars or fifty percent of the valuation of his or her
16 residence.

17 NEW SECTION. **Sec. 18.** Section 17 of this act is effective for
18 taxes levied for collection in 1993 and thereafter.

19 **Sec. 19.** RCW 84.38.040 and 1984 c 220 s 22 are each amended to
20 read as follows:

21 (1) Each claimant electing to defer payment of special assessments
22 and/or real property tax obligations under this chapter shall file with
23 the county assessor, on forms prescribed by the department and supplied
24 by the assessor, a written declaration thereof. The declaration to
25 defer special assessments and/or real property taxes for any year shall
26 be filed no later than thirty days before the tax or assessment is due
27 or thirty days after receiving notice under RCW ((84.64.030—or))
28 84.64.050, whichever is later: PROVIDED, That for good cause shown,
29 the department may waive this requirement.

30 (2) The declaration shall designate the property to which the
31 deferral applies, and shall include a statement setting forth (a) a
32 list of all members of the claimant's household, (b) the claimant's
33 equity value in his residence, (c) facts establishing the eligibility
34 for the deferral under the provisions of this chapter, and (d) any
35 other relevant information required by the rules of the department.
36 Each copy shall be signed by the claimant subject to the penalties as
37 provided in chapter ((9.72)) 9A.72 RCW for ((the)) false swearing. The

1 first declaration to defer filed in a county shall include proof of the
2 claimant's age acceptable to the assessor.

3 (3) The county assessor shall determine if each claimant shall be
4 granted a deferral for each year but the claimant shall have the right
5 to appeal this determination to the county board of equalization whose
6 decision shall be final as to the deferral of that year.

7 **Sec. 20.** RCW 84.40.0301 and 1971 ex.s. c 288 s 2 are each amended
8 to read as follows:

9 ~~((1))~~ Upon review by any court, or appellate body, of a
10 determination of the valuation of property for purposes of taxation, it
11 shall be presumed that the determination of the public official charged
12 with the duty of establishing such value is correct but this
13 presumption shall not be a defense against any correction indicated by
14 clear, cogent and convincing evidence.

15 ~~((2) In any administrative or judicial proceeding pending upon May
16 21, 1971 or arising from the property revaluation under the provisions
17 of section 4, chapter 282, Laws of 1969 ex. sess., and section 1,
18 chapter 95, Laws of 1970 ex. sess., the provisions of this section will
19 apply. This paragraph shall not be construed so as to limit in any way
20 the provisions of subsection (1) of this section.))~~

21 **Sec. 21.** RCW 84.40.045 and 1977 ex.s. c 181 s 1 are each amended
22 to read as follows:

23 The assessor shall give notice of any change in the true and fair
24 value of real property for the tract or lot of land and any
25 improvements thereon no later than thirty days after appraisal:
26 PROVIDED, That no such notice shall be mailed during the period from
27 January 15 to February 15 of each year: PROVIDED FURTHER, That no
28 notice need be sent with respect to changes in valuation of forest land
29 made pursuant to chapter 84.33 RCW.

30 The notice shall contain a statement of both the prior and the new
31 true and fair value and the ratio of the assessed value to the true and
32 fair value on which the assessment of the property is based, stating
33 separately land and improvement values, and a brief statement of the
34 procedure for appeal to the board of equalization and the time, date,
35 and place of the meetings of the board.

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

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

19 **Sec. 22.** RCW 84.40.080 and 1973 2nd ex.s. c 8 s 1 are each amended
20 to read as follows:

21 ~~((The))~~ An assessor ~~((, upon his own motion, or upon the application~~
22 ~~of any taxpayer,))~~ shall enter ~~((in the detail and assessment list of~~
23 ~~the current))~~ on the assessment roll in any year any property shown to
24 have been omitted from the assessment ((list)) roll of any preceding
25 year, at the ((valuation of that)) value for the preceding year, or if
26 not then valued, at such ((valuation)) value as the assessor shall
27 determine ((from)) for the preceding year, and such ((valuation)) value
28 shall be stated ((in a separate line)) separately from the
29 ((valuation)) value of ((the current)) any other year. ((Where
30 improvements have not been valued and assessed as a part of the real
31 estate upon which the same may be located, as evidenced by the
32 assessment rolls, they may be separately valued and assessed as omitted
33 property under this section)) When any improvement has not been placed
34 on an assessment roll as a part of the real estate upon which it is
35 located, the improvement may, subject to RCW 84.40.085, be subsequently
36 placed upon the assessment roll regardless of whether any other
37 improvement on the real estate is listed on the assessment roll. For
38 purposes of this section it is immaterial whether an assessment roll

1 lists each improvement separately: PROVIDED, That no such assessment
2 shall be made in any case where a bona fide purchaser(~~(~~
3 ~~encumbrancer~~~~)~~) or contract buyer has acquired any interest in said
4 property prior to the time such improvements are assessed. When such
5 an omitted assessment is made, the taxes levied thereon may be paid
6 within one year of the due date of the taxes for the year in which the
7 assessment is made without penalty or interest: AND PROVIDED FURTHER,
8 That in the assessment of personal property, the assessor shall assess
9 the omitted value not reported by the taxpayer as evidenced by an
10 inspection of either the property or the books and records of said
11 taxpayer by the assessor.

12 **Sec. 23.** RCW 84.40.090 and 1961 c 15 s 84.40.090 are each amended
13 to read as follows:

14 It shall be the duty of assessors, when assessing real or personal
15 property, to designate the name or number of each taxing and road
16 district in which each person and each description of property assessed
17 is liable for taxes(~~(~~
18 ~~which designation shall be made by writing the~~
19 ~~name or number of the districts opposite each assessment in the column~~
20 ~~provided for that purpose in the detail and assessment list)~~). When
21 the real and personal property of any person is assessable in several
22 taxing districts and/or road districts, the amount in each shall be
23 assessed (~~on separate detail and assessment lists, and all property~~
24 ~~assessable in incorporated cities or towns shall be assessed in~~
25 ~~consecutive books, where more than one book is necessary, separate from~~
26 ~~outside property and separately, and the name of the owner, if known,~~
27 ~~together with his post office address, placed opposite each amount)~~
separately.

28 **Sec. 24.** RCW 84.40.170 and 1961 c 15 s 84.40.170 are each amended
29 to read as follows:

30 (1) In all cases of irregular subdivided tracts or lots of land
31 other than any regular government subdivision the county assessor shall
32 outline a plat of such tracts or lots and notify the owner or owners
33 thereof with a request to have the same surveyed by the county
34 engineer, and cause the same to be platted into numbered (or lettered)
35 lots or tracts: PROVIDED, HOWEVER, That where any county has in its
36 possession the correct field notes of any such tract or lot of land a
37 new survey shall not be necessary, but such tracts may be mapped from

1 such field notes. In case the owner of such tracts or lots neglects or
2 refuses to have the same surveyed or platted, the county assessor shall
3 notify the (~~board of~~) county (~~commissioners~~) legislative authority
4 in and for the county, who may order and direct the county engineer to
5 make the proper survey and plat of the tracts and lots. A plat shall
6 be made on which said tracts or lots of land shall be accurately
7 described by lines, and numbered (or lettered), which numbers (or
8 letters) together with number of the section, township and range shall
9 be distinctly marked on such plat, and the field notes of all such
10 tracts or lots of land shall describe each tract or lot according to
11 the survey, and such tract or lot shall be numbered (or lettered) to
12 correspond with its number (or letter) on the map. The plat shall be
13 given a designated name by the surveyor thereof. When the survey,
14 plat, field notes and name of plat, shall have been approved by the
15 (~~board of~~) county (~~commissioners~~) legislative authority, the plat
16 and field notes shall be filed and recorded in the office of the county
17 auditor, and the description of any tract or lot of land described in
18 said plats by number (or letter), section, township and range, shall be
19 a sufficient and legal description for revenue and all other purposes.

20 (2) If the county performs the duties under subsection (1) of this
21 section, the county assessor may charge for actual costs and file a
22 lien against the subject property if the costs are not repaid within
23 ninety days of notice of completion, which may be collected as if such
24 charges had been levied as a property tax.

25 **Sec. 25.** RCW 84.41.070 and 1975 1st ex.s. c 278 s 198 are each
26 amended to read as follows:

27 If the department of revenue finds upon its own investigation, or
28 upon a showing by others, that the revaluation program for any county
29 is not proceeding for any reason as herein directed, (~~or is not~~
30 ~~proceeding for any reason with sufficient rapidity to be completed~~
31 ~~before June 1, 1958,~~) the department of revenue shall advise both the
32 (~~board of~~) county (~~commissioners~~) legislative authority and the
33 county assessor of such finding. Within thirty days after receiving
34 such advice, the (~~board of~~) county (~~commissioners~~) legislative
35 authority, at regular or special session, either (1) shall authorize
36 such expenditures as will enable the assessor to complete the
37 revaluation program as herein directed, or (2) shall direct the

1 assessor to request special assistance from the department of revenue
2 for aid in effectuating the county's revaluation program.

3 **Sec. 26.** RCW 84.44.010 and 1961 c 15 s 84.44.010 are each amended
4 to read as follows:

5 Personal property, except such as is required in this title to be
6 listed and assessed otherwise, shall be listed and assessed in the
7 county where it is situated. (~~The personal property pertaining to the~~
8 ~~business of a merchant or of a manufacturer shall be listed in the town~~
9 ~~or place where his business is carried on.))~~)

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

12 Prior to July 15th, the county legislative authority shall form a
13 board for the equalization of the assessment of the property of the
14 county. The members of said board shall receive a per diem amount as
15 set by the county legislative authority for each day of actual
16 attendance of the meeting of the board of equalization to be paid out
17 of the current expense fund of the county: PROVIDED, That when the
18 county legislative authority constitute the board they shall only
19 receive their compensation as members of the county legislative
20 authority. The board of equalization shall meet in open session for
21 this purpose annually on the 15th day of July and, having each taken an
22 oath fairly and impartially to perform their duties as members of such
23 board, they shall examine and compare the returns of the assessment of
24 the property (~~of the county~~) presented in an individual appeal and
25 proceed to equalize the same, so that each tract or lot of real
26 property and each article or class of personal property shall be
27 entered on the assessment list at its true and fair value, according to
28 the measure of value used by the county assessor in such assessment
29 year, which is presumed to be correct pursuant to RCW 84.40.0301, and
30 subject to the following rules:

31 First. They shall raise the valuation of each tract or lot or item
32 of real property which is returned below its true and fair value to
33 such price or sum as to be the true and fair value thereof, after at
34 least five days' notice shall have been given in writing to the owner
35 or agent.

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

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

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

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

24 The clerk of the board shall keep an accurate journal or record of
25 the proceedings and orders of said board showing the facts and evidence
26 upon which their action is based, and the said record shall be
27 published the same as other proceedings of county legislative
28 authority, and shall make a true record of the changes of the
29 descriptions and assessed values ordered by the county board of
30 equalization. The assessor shall correct the real and personal
31 assessment rolls in accordance with the changes made by the said county
32 board of equalization, and the assessor shall make duplicate abstracts
33 of such corrected values, one copy of which shall be retained in the
34 office, and one copy forwarded to the department of revenue on or
35 before the eighteenth day of August next following the meeting of the
36 county board of equalization.

37 The county board of equalization shall meet on the 15th day of July
38 and may continue in session and adjourn from time to time during a
39 period not to exceed four weeks, but shall remain in session not less

1 than three days: PROVIDED, That the county board of equalization with
2 the approval of the county legislative authority may convene at any
3 time when petitions filed exceed twenty-five, or ten percent of the
4 number of appeals filed in the preceding year, whichever is greater.

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

8 County legislative authorities as such shall at no time have any
9 authority to change the valuation of the property of any person or to
10 release or commute in whole or in part the taxes due on the property of
11 any person.

12 **Sec. 28.** RCW 84.48.050 and 1961 c 15 s 84.48.050 are each amended
13 to read as follows:

14 The county assessor shall, on or before the fifteenth day of
15 January in each year, make out and transmit to the state auditor, in
16 such form as may be prescribed, a complete abstract of the tax rolls of
17 the county, showing the number of acres of land assessed, the value of
18 such land, including the structures thereon; the value of town and city
19 lots, including structures; the total value of all taxable personal
20 property in the county; the aggregate amount of all taxable property in
21 the county; the total amount as equalized and the total amount of taxes
22 levied in the county for state, county, city and other taxing district
23 purposes, for that year. Should the assessor of any county fail to
24 transmit to the (~~state board~~) department of (~~equalization~~) revenue
25 the abstract provided for in RCW 84.48.010 by the (~~time the state~~
26 ~~board of equalization convenes~~) eighteenth of August next following
27 the meeting of the county board of equalization, and if, by reason of
28 such failure to transmit such abstract, any county shall fail to
29 collect and pay to the state its due proportion of the state tax for
30 any year, the (~~state board~~) department of (~~equalization~~) revenue
31 shall, at its next annual session, ascertain what amount of state tax
32 said county has failed to collect, and certify the same to the state
33 auditor, who shall charge the amount to the proper county and notify
34 the auditor of said county of the amount of said charge; said sum shall
35 be due and payable immediately by warrant in favor of the state on the
36 current expense fund of said county.

1 **Sec. 29.** RCW 84.48.080 and 1990 c 283 s 1 are each amended to read
2 as follows:

3 Annually during the months of September and October, the department
4 of revenue shall examine and compare the returns of the assessment of
5 the property in the several counties of the state, and the assessment
6 of the property of railroad and other companies assessed by the
7 department, and proceed to equalize the same, so that each county in
8 the state shall pay its due and just proportion of the taxes for state
9 purposes for such assessment year, according to the ratio the valuation
10 of the property in each county bears to the total valuation of all
11 property in the state.

12 First. The department shall classify all property, real and
13 personal, and shall raise and lower the valuation of any class of
14 property in any county to a value that shall be equal, so far as
15 possible, to the true and fair value of such class as of January 1st of
16 the current year for the purpose of ascertaining the just amount of tax
17 due from each county for state purposes. In equalizing personal
18 property as of January 1st of the current year, the department shall
19 use the assessment level of the preceding year. Such classification
20 may be on the basis of types of property, geographical areas, or both.
21 For purposes of this section, for each county that has not provided the
22 department with an assessment return by December 1st, the department
23 shall proceed, using facts and information and in a manner it deems
24 appropriate, to estimate the value of each class of property in the
25 county.

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

28 The department shall levy the state taxes authorized by law:
29 PROVIDED, That the amount levied in any one year for general state
30 purposes shall not exceed the lawful dollar rate on the dollar of the
31 assessed value of the property of the entire state, which assessed
32 value shall be one hundred percent of the true and fair value of such
33 property in money. The department shall apportion the amount of tax
34 for state purposes levied by the department, among the several
35 counties, in proportion to the valuation of the taxable property of the
36 county for the year as equalized by the department: PROVIDED, That for
37 purposes of this apportionment, the department shall recompute the
38 previous year's levy and the apportionment thereof to correct for
39 changes and errors in taxable values reported to the department after

1 October 1 of the preceding year and shall adjust the apportioned amount
2 of the current year's state levy for each county by the difference
3 between the apportioned amounts established by the original and revised
4 levy computations for the previous year. For purposes of this section,
5 changes in taxable values mean a final adjustment made by a county
6 board of equalization, the state board of tax appeals, or a court of
7 competent jurisdiction and shall include additions of omitted property,
8 other additions or deletions from the assessment or tax rolls, any
9 assessment return provided by a county to the department subsequent to
10 December 1st, or a change in the indicated ratio of a county. Errors
11 in taxable values mean errors corrected by a final reviewing body.

12 The department shall have authority to adopt rules and regulations
13 to enforce obedience to its orders in all matters in relation to the
14 returns of county assessments, the equalization of values, and the
15 apportionment of the state levy by the department.

16 After the completion of the duties hereinabove prescribed, the
17 director of the department shall certify the record of the proceedings
18 of the department under this section, the tax levies made for state
19 purposes and the apportionment thereof among the counties, and the
20 certification shall be available for public inspection.

21 **Sec. 30.** RCW 84.48.110 and 1987 c 168 s 1 are each amended to read
22 as follows:

23 Within three days after the record of the proceedings of the
24 (~~state board~~) department of (~~equalization~~) revenue is certified by
25 the director of the department, the department shall transmit to each
26 county assessor a copy of the record of the proceedings of the
27 (~~board~~) department, specifying the amount to be levied and collected
28 on said assessment books for state purposes for such year, and in
29 addition thereto it shall certify to each county assessor the amount
30 due to each state fund and unpaid from such county for the fifth
31 preceding year, and such delinquent state taxes shall be added to the
32 amount levied for the current year. The department shall close the
33 account of each county for the fifth preceding year and charge the
34 amount of such delinquency to the tax levy of the current year. These
35 delinquent taxes shall not be subject to chapter 84.55 RCW. All taxes
36 collected on and after the first day of July last preceding such
37 certificate, on account of delinquent state taxes for the fifth
38 preceding year shall belong to the county and by the county treasurer

1 be credited to the current expense fund of the county in which
2 collected.

3 **Sec. 31.** RCW 84.48.120 and 1987 c 168 s 2 are each amended to read
4 as follows:

5 It shall be the duty of the county assessor of each county, when he
6 shall have received from the state department of revenue the assessed
7 valuation of the property of railroad and other companies assessed by
8 the department of revenue and apportioned to the county, and placed the
9 same on the tax rolls, and received the report of the department of
10 revenue of the amount of taxes levied for state purposes, to compute
11 the required percent on the assessed value of property in the county,
12 and such state taxes shall be extended on the tax rolls in the proper
13 column: PROVIDED, That the rates so computed shall not be such as to
14 raise a surplus of more than five percent over the total amount
15 required by the ~~((state board))~~ department of ((equalization)) revenue:
16 PROVIDED FURTHER, That any surplus raised shall be remitted to the
17 state in accordance with RCW 84.56.280.

18 **Sec. 32.** RCW 84.48.150 and 1973 1st ex.s. c 30 s 1 are each
19 amended to read as follows:

20 The assessor shall, upon the request of any taxpayer who petitions
21 the board of equalization for review of a tax claim or valuation
22 dispute, make available to said taxpayer a compilation of comparable
23 sales utilized by the assessor in establishing such taxpayer's property
24 valuation. If valuation criteria other than comparable sales were
25 used, the assessor shall furnish the taxpayer with such other factors
26 and the addresses of such other property used in making the
27 determination of value.

28 The assessor shall within ~~((thirty))~~ sixty days of such request but
29 at least ten business days prior to such taxpayer's appearance before
30 the board of equalization make available to the taxpayer the valuation
31 criteria and/or comparable~~((s))~~ sales which shall not be subsequently
32 changed ~~((or modified))~~ by the assessor ~~((during review or appeal
33 proceedings))~~ unless the assessor has found new evidence supporting the
34 assessor's valuation, in which situation the assessor shall provide
35 such additional evidence to the taxpayer and the board of equalization
36 at least ten business days prior to the hearing ~~((on appeal or review
37 proceedings))~~ at the board of equalization. A taxpayer who lists

1 comparable sales on ((his)) a notice of appeal ((shall not thereafter
2 use other comparables during the review of appeal proceedings:
3 PROVIDED, That the taxpayer may change the comparable sales he is using
4 in proceedings subsequent to the county board of equalization only if
5 he provides a listing of such different comparables to the assessor at
6 least five business days prior to such subsequent proceedings:
7 PROVIDED FURTHER, That the board of equalization may waive the
8 requirements contained in the preceding proviso or allow the assessor
9 a continuance of reasonable duration to check the comparables furnished
10 by the taxpayer)) shall not subsequently change such sales unless the
11 taxpayer has found new evidence supporting the taxpayer's proposed
12 valuation in which case the taxpayer shall provide such additional
13 evidence to the assessor and board of equalization at least ten
14 business days prior to the hearing. If either the assessor or taxpayer
15 do not meet the requirements of this section the board of equalization
16 may continue the hearing to provide the parties an opportunity to
17 review all evidence or, upon objection, refuse to consider sales not
18 submitted in a timely manner.

19 NEW SECTION. Sec. 33. A new section is added to chapter 84.48 RCW
20 to read as follows:

21 The board of equalization may enter an order that has effect up to
22 the end of the assessment cycle used by the assessor, if there has been
23 no intervening change in the assessed value during that time.

24 **Sec. 34.** RCW 84.52.018 and 1989 c 378 s 15 are each amended to
25 read as follows:

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

36 ((When the state board of tax appeals or court of competent
37 jurisdiction makes its final determination, the proper amount of tax

1 shall be extended and collected for each taxing district if this has
2 not already been done. The amount of tax collected and extended shall
3 include interest at the rate of nine percent per year on the amount of
4 the board's final determination minus the amount not in controversy.
5 The interest shall accrue from the date the amount not in controversy
6 was first due and payable.)) Before such appeal shall be heard by the
7 state board of tax appeals or court of competent jurisdiction or when
8 taxes are regularly due under RCW 84.56.020, whichever is first in
9 time, the amount of tax, determined by extending the levy rate
10 calculation in accordance with this section, or should the county
11 assessor be unable to calculate such levy rate, the most recent levy
12 rate increased by twenty-five percent multiplied by the dollar
13 difference between the total value asserted by the taxpayer and the
14 total value asserted by the opposing party, shall be paid to the county
15 treasurer and shall be placed in escrow by the county treasurer until
16 such time as the state board of tax appeals or court of competent
17 jurisdiction makes its final determination. Funds held in escrow by
18 the county treasurer under this section shall be invested and shall
19 accrue interest at a rate commensurate with that rate available to
20 units of local government through the Washington state local government
21 investment pool. Upon final determination by the state board of tax
22 appeals or court of competent jurisdiction, an amount calculated by
23 extending the levy rate used to determine the deposit placed in escrow
24 under this section multiplied by that portion of the valuation in
25 controversy determined to be true and correct by the state board of tax
26 appeals or court of competent jurisdiction, together with accrued
27 interest earnings thereon, shall be withdrawn by the county treasurer
28 and the tax amounts distributed to each taxing district in the same
29 manner as regular tax collections and the accrued interest shall be
30 deposited in the current expense fund of the county. Funds held in
31 escrow in excess of the amount so calculated shall be remitted to the
32 taxpayer, together with the accrued interest earnings thereon.

33 Any amount extended in excess of that permitted by chapter 84.55
34 RCW shall be held in abeyance and used to reduce the levy rates of the
35 next succeeding levy.

36 **Sec. 35.** RCW 84.55.005 and 1983 1st ex.s. c 62 s 11 are each
37 amended to read as follows:

1 As used in this chapter, the term "regular property taxes" has the
2 meaning given it in RCW 84.04.140, and also includes amounts received
3 in lieu of regular property taxes (~~(under RCW 84.09.080)~~).

4 **Sec. 36.** RCW 84.56.023 and 1989 c 378 s 38 are each amended to
5 read as follows:

6 In the payment of taxes, interest, ~~((and))~~ penalties, and costs,
7 the county treasurer may only accept ~~((in lieu of cash))~~ full payment
8 of the amount due by a credit or debit card issued by a bank or other
9 financial institution ((if the bank or financial institution guarantees
10 full payment of the amount due, without discount or other cost or
11 charge, to the county)). The cost of processing a credit or debit card
12 transaction by the county shall be borne by the taxpayer desiring to
13 pay taxes by a credit or debit card. Claims for refunds authorized
14 under chapter 84.69 RCW may be made by a credit transaction to the
15 account of the holder of a credit or debit card when the original
16 payment was made by credit or debit card.

17 **Sec. 37.** RCW 84.56.340 and 1985 c 395 s 4 are each amended to read
18 as follows:

19 Any person desiring to pay taxes upon any part or parts of real
20 property heretofore or hereafter assessed as one parcel, or tract, may
21 do so by applying to the county assessor, who must carefully
22 investigate and ascertain the relative or proportionate value said part
23 bears to the whole tract assessed, on which basis the assessment must
24 be divided, and the assessor shall forthwith certify such proportionate
25 value to the county treasurer: PROVIDED, That excepting when property
26 is being acquired for public use, or where a person or financial
27 institution desires to pay the taxes and any penalties and interest on
28 a mobile home upon which they have a lien by mortgage or otherwise, no
29 segregation of property for tax purposes shall be made unless all
30 delinquent taxes and assessments on the entire tract have been paid in
31 full(~~(: AND PROVIDED FURTHER, That where the assessed valuation of the~~
32 ~~tract to be divided exceeds two thousand dollars a notice by registered~~
33 ~~mail must be given by the assessor to the several owners interested in~~
34 ~~said tract, if known, and if no protest against said division be filed~~
35 ~~with the county assessor within twenty days from date of notice,))~~.
36 The county assessor shall duly certify the proportionate value to the
37 county treasurer. The county treasurer, upon receipt of certification,

1 shall duly accept payment and issue receipt on the apportionment
2 certified by the county assessor. In cases where protest is filed to
3 said division appeal shall be made to the county commissioners at their
4 next regular session for final division, and the county treasurer shall
5 accept and receipt for said taxes as determined and ordered by county
6 commissioners. Any person desiring to pay on an undivided interest in
7 any real property may do so by paying to the county treasurer a sum
8 equal to such proportion of the entire taxes charged on the entire
9 tract as interest paid on bears to the whole.

10 **Sec. 38.** RCW 84.60.020 and 1985 c 395 s 5 are each amended to read
11 as follows:

12 The taxes assessed upon real property, including mobile homes
13 assessed thereon, and other mobile homes as defined in RCW
14 ((82.50.010)) 46.04.302 shall be a lien thereon from and including the
15 first day of January in the year in which they are levied until the
16 same are paid, but as between the grantor or vendor and the grantee or
17 purchaser of any real property or any such mobile home, when there is
18 no express agreement as to payment of the taxes thereon due and payable
19 in the calendar year of the sale or the contract to sell, the grantor
20 or vendor shall be liable for the same proportion of such taxes as the
21 part of the calendar year prior to the day of the sale or the contract
22 to sell bears to the whole of such calendar year, and the grantee or
23 purchaser shall be liable for the remainder of such taxes and
24 subsequent taxes. The lien for the property taxes assessed on a mobile
25 home shall be terminated and absolved for the year subsequent to the
26 year of its removal from the state, when notice is given to the county
27 treasurer describing the mobile home, if all property taxes due at the
28 time of removal are satisfied. The taxes assessed upon each item of
29 personal property assessed shall be a lien upon such personal property
30 except mobile homes as above provided from and after the date upon
31 which the same is listed with and valued by the county assessor, and no
32 sale or transfer of such personal property shall in any way affect the
33 lien for such taxes upon such property. The taxes assessed upon
34 personal property shall be a lien upon each item of personal property
35 of the person assessed, distrained by the treasurer as provided in RCW
36 84.56.070, from and after the date of the distraint and no sale or
37 transfer of such personal property so distrained shall in any way
38 affect the lien for such taxes upon such property. The taxes assessed

1 upon personal property shall be a lien upon the real property of the
2 person assessed, selected by the county treasurer and designated and
3 charged upon the tax rolls as provided in RCW 84.60.040, from and after
4 the date of such selection and charge and no sale or transfer of such
5 real property so selected and charged shall in any way affect the lien
6 for such personal property taxes upon such property.

7 **Sec. 39.** RCW 84.60.050 and 1971 ex.s. c 260 s 2 are each amended
8 to read as follows:

9 (1) When real property is acquired by purchase or condemnation by
10 the state of Washington, any county or municipal corporation or is
11 placed under a recorded agreement for immediate possession and use or
12 an order of immediate possession and use pursuant to RCW 8.04.090, such
13 property shall continue to be subject to the tax lien for the years
14 prior to the year in which the property is so acquired or placed under
15 such agreement or order, of any tax levied by the state, county,
16 municipal corporation or other tax levying public body, except as is
17 otherwise provided in RCW 84.60.070.

18 (2) The lien for taxes applicable to the real property being
19 acquired or placed under immediate possession and use for the year in
20 which such real property is so acquired or placed under immediate
21 possession and use shall be for only the pro rata portion of taxes
22 allocable to that portion of the year prior to the date of execution of
23 the instrument vesting title, date of recording such agreement of
24 immediate possession and use, date of such order of immediate
25 possession and use, or date of judgment. No taxes levied or tax lien on
26 such property allocable to a period subsequent to the dates identified
27 in this subsection shall be valid and any such taxes levied shall be
28 canceled as provided in RCW (~~(84.56.400)~~) 84.48.065. In the event the
29 owner has paid taxes allocable to that portion of the year subsequent
30 to the dates identified in this subsection he or she shall be entitled
31 to a pro rata refund of the amount paid on the property so acquired or
32 placed under a recorded agreement or an order of immediate possession
33 and use. If the dates identified in this subsection precede February
34 15th of the year in which such taxes become payable, no lien for such
35 taxes shall be valid and any such taxes levied but not payable shall be
36 canceled as provided in RCW (~~(84.56.400)~~) 84.48.065.

1 **Sec. 40.** RCW 84.69.020 and 1991 c 245 s 31 are each amended to
2 read as follows:

3 On the order of the county treasurer, ad valorem taxes paid before
4 or after delinquency shall be refunded if they were:

5 (1) Paid more than once; or

6 (2) Paid as a result of manifest error in description; or

7 (3) Paid as a result of a clerical error in extending the tax
8 rolls; or

9 (4) Paid as a result of other clerical errors in listing property;
10 or

11 (5) Paid with respect to improvements which did not exist on
12 assessment date; or

13 (6) Paid under levies or statutes adjudicated to be illegal or
14 unconstitutional; or

15 (7) Paid as a result of mistake, inadvertence, or lack of knowledge
16 by any person exempted from paying real property taxes or a portion
17 thereof pursuant to RCW 84.36.381 through 84.36.389, as now or
18 hereafter amended; or

19 (8) Paid (~~or overpaid~~) as a result of mistake, inadvertence, or
20 lack of knowledge by either a public official or employee or by any
21 person (~~paying the same or paid as a result of mistake, inadvertence,~~
22 ~~or lack of knowledge by either a public official or employee or by any~~
23 ~~person paying the same~~) with respect to real property in which the
24 person paying the same has no legal interest; or

25 (9) Paid on the basis of an assessed valuation which was appealed
26 to the county board of equalization and ordered reduced by the board;
27 or

28 (10) Paid on the basis of an assessed valuation which was appealed
29 to the state board of tax appeals and ordered reduced by the board:
30 PROVIDED, That the amount refunded under subsections (9) and (10) of
31 this section shall only be for the difference between the tax paid on
32 the basis of the appealed valuation and the tax payable on the
33 valuation adjusted in accordance with the board's order; or

34 (11) Paid as a state property tax levied upon property, the
35 assessed value of which has been established by the state board of tax
36 appeals for the year of such levy: PROVIDED, HOWEVER, That the amount
37 refunded shall only be for the difference between the state property
38 tax paid and the amount of state property tax which would, when added
39 to all other property taxes within the one percent limitation of

1 Article VII, section 2 (Amendment 59) of the state Constitution equal
2 one percent of the assessed value established by the board;

3 (12) Paid on the basis of an assessed valuation which was
4 adjudicated to be unlawful or excessive: PROVIDED, That the amount
5 refunded shall be for the difference between the amount of tax which
6 was paid on the basis of the valuation adjudged unlawful or excessive
7 and the amount of tax payable on the basis of the assessed valuation
8 determined as a result of the proceeding; or

9 (13) Paid on property acquired under RCW 84.60.050, and canceled
10 under RCW 84.60.050(2).

11 No refunds under the provisions of this section shall be made
12 because of any error in determining the valuation of property, except
13 as authorized in subsections (9), (10), (11), and (12) of this section
14 nor may any refunds be made if a bona fide purchaser has acquired
15 rights (~~((that would preclude the assessment and collection of the~~
16 ~~refunded tax from))~~ in the property that should properly have been
17 charged with the tax. Any refunds made on delinquent taxes shall
18 include the proportionate amount of interest and penalties paid.

19 The county treasurer of each county shall make all refunds
20 determined to be authorized by this section, and by the first Monday in
21 January of each year, report to the county legislative authority a list
22 of all refunds made under this section during the previous year. The
23 list is to include the name of the person receiving the refund, the
24 amount of the refund, and the reason for the refund.

25 **Sec. 41.** RCW 84.70.010 and 1987 c 319 s 6 are each amended to read
26 as follows:

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

34 (a) First take the true cash value of such taxable property before
35 destruction or reduction in value and deduct therefrom the true cash
36 value of the remaining property after destruction or reduction in
37 value.

1 (b) Then divide any amount remaining by the number of days in the
2 year and multiply the quotient by the number of days remaining in the
3 calendar year after the date of the destruction or reduction in value
4 of the property.

5 (2) No reduction in the true cash value shall be made more than
6 three years after the date of destruction or reduction in value.

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

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

15 (5) The taxpayer may appeal the amount of reduction to the county
16 board of equalization within thirty days of notification or July
17 ((15th)) 1st of the year of reduction, whichever is later. The board
18 shall reconvene, if necessary, to hear the appeal.

19 NEW SECTION. **Sec. 42.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 35.49.120 and 1965 c 7 s 35.49.120;

22 (2) RCW 36.21.020 and 1963 c 4 s 36.21.020; and

23 (3) RCW 36.21.030 and 1963 c 4 s 36.21.030.

24 NEW SECTION. **Sec. 43.** Sections 17 and 18 of this act are
25 necessary for the immediate preservation of the public peace, health,
26 or safety, or support of the state government and its existing public
27 institutions, and shall take effect immediately.

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