

HB 3137 - H AMD 1280

By Representative Hunter

ADOPTED 02/19/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 84.36 RCW
4 to read as follows:

5 (1) Subject to the requirements of this section, farm and
6 agricultural land subject to valuation under chapter 84.34 RCW is
7 exempt from property taxes for three years.

8 (2) The farm and agricultural land must be located in a county
9 designated as a disaster area.

10 (3) The exemption under this section applies to taxes levied for
11 collection in 2008, 2009, and 2010. Any property taxes paid during
12 calendar year 2008 on land eligible for the exemption under this
13 section may be refunded under RCW 84.69.020.

14 (4) The severe storms and flooding occurring in December 2007 must
15 have rendered at least twenty-five percent of the land unsuitable for
16 the production of livestock or agricultural commodities in the
17 immediately subsequent growing season.

18 (5) A property owner must file an application by the end of
19 calendar year 2008. An application shall be filed with the county
20 assessor on forms prescribed by the department of revenue and furnished
21 by the assessor. The assessor shall verify and approve applications as
22 the assessor determines to be justified and in accordance with this
23 section.

24 (6) The definitions in this subsection apply throughout this
25 section.

26 (a) "Farm and agricultural land" has the meaning provided in RCW
27 84.34.020.

28 (b) "Disaster area" means a county designated by the president of
29 the United States as a disaster area from severe storms and flooding

1 occurring in December 2007 where citizens of the county are eligible
2 for individual assistance under the federal emergency management act.

3 **Sec. 2.** RCW 84.69.020 and 2005 c 502 s 9 are each amended to read
4 as follows:

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

7 (1) Paid more than once;

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

9 (3) Paid as a result of a clerical error in extending the tax
10 rolls;

11 (4) Paid as a result of other clerical errors in listing property;

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

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

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

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

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

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

32 (11) Paid as a state property tax levied upon property, the
33 assessed value of which has been established by the state board of tax
34 appeals for the year of such levy(~~(+—PROVIDED, HOWEVER, That))~~).
35 However, the amount refunded shall only be for the difference between
36 the state property tax paid and the amount of state property tax which

1 would, when added to all other property taxes within the one percent
2 limitation of Article VII, section 2 of the state Constitution equal
3 one percent of the assessed value established by the board;

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

10 (13) Paid on property acquired under RCW 84.60.050, and canceled
11 under RCW 84.60.050(2);

12 (14) Paid on the basis of an assessed valuation that was reduced
13 under RCW 84.48.065;

14 (15) Paid on the basis of an assessed valuation that was reduced
15 under RCW 84.40.039; (~~(or)~~)

16 (16) Abated under RCW 84.70.010; or

17 (17) Paid on the basis of property exempted later in the calendar
18 year under section 1 of this act.

19 No refunds under the provisions of this section shall be made
20 because of any error in determining the valuation of property, except
21 as authorized in subsections (9), (10), (11), and (12) of this section
22 nor may any refunds be made if a bona fide purchaser has acquired
23 rights that would preclude the assessment and collection of the
24 refunded tax from the property that should properly have been charged
25 with the tax. Any refunds made on delinquent taxes shall include the
26 proportionate amount of interest and penalties paid. However, no
27 refunds as a result of an incorrect payment authorized under subsection
28 (8) of this section made by a third party payee shall be granted. The
29 county treasurer may deduct from moneys collected for the benefit of
30 the state's levy, refunds of the state levy including interest on the
31 levy as provided by this section and chapter 84.68 RCW.

32 The county treasurer of each county shall make all refunds
33 determined to be authorized by this section, and by the first Monday in
34 February of each year, report to the county legislative authority a
35 list of all refunds made under this section during the previous year.
36 The list is to include the name of the person receiving the refund, the
37 amount of the refund, and the reason for the refund.

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately."

5 Correct the title.

EFFECT: Changes the property tax exemption from a state only
exemption to one for both state and local property taxes. Restricts
the property tax exemption to farm and agricultural land where the
growing capacity of the land has been reduced by at least 25% in the
next growing season. Specifies that the exemption applies to taxes
levied for collection in 2008, 2009, and 2010. Requires a property
owner to submit an application by the end of calendar year 2008 to
qualify for the exemption. Eliminates abatement provision for property
that has been reduced in value between 10 and 20 percent.

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