
SUBSTITUTE HOUSE BILL 1515

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Finance (originally sponsored by Representatives P. Sullivan, Rodne, Simpson, Priest, Jarrett, Ericks and Morrell)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to allowing owners of property enrolled in a
2 current use property tax program to transfer the property between one
3 another or to withdraw the property on the death of the owner, without
4 penalty; amending RCW 84.34.070 and 84.34.080; providing an effective
5 date; and declaring an emergency.

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

7 **Sec. 1.** RCW 84.34.070 and 1992 c 69 s 10 are each amended to read
8 as follows:

9 (1) When land has once been classified under this chapter, it shall
10 remain under such classification and shall not be applied to other use
11 except as provided by subsection (2) of this section for at least ten
12 years from the date of classification (~~and~~). It shall continue under
13 such classification until and unless withdrawn from classification
14 after notice of request for withdrawal shall be made by the owner.

15 (a) Except as provided in (b) of this subsection, during any year
16 after eight years of the initial ten-year classification period have
17 elapsed, notice of request for withdrawal of all or a portion of the
18 land may be given by the owner to the assessor or assessors of the
19 county or counties in which (~~such~~) the land is situated. In the

1 event that a portion of a parcel is removed from classification, the
2 remaining portion must meet the same requirements as did the entire
3 parcel when (~~such~~) the land was originally granted classification
4 (~~pursuant to~~) under this chapter unless the remaining parcel has
5 different income criteria. Within seven days the assessor shall
6 transmit one copy of (~~such~~) the notice to the legislative body
7 (~~which~~) that originally approved the application. The assessor or
8 assessors, as the case may be, shall, when two assessment years have
9 elapsed following the date of receipt of such notice, withdraw (~~such~~)
10 the land from (~~such~~) the classification and the land shall be subject
11 to the additional tax and applicable interest due under RCW 84.34.108.
12 The open space taxation agreement to tax according to use shall not be
13 considered to be a contract and can be abrogated at any time by the
14 legislature in which event no additional tax or penalty shall be
15 imposed.

16 (b) In a county with a population of one million or greater, during
17 any year after the initial ten-year classification period has elapsed,
18 notice of request for withdrawal of all or a portion of the land may be
19 given by the owner to the assessor of the county in which the land is
20 situated. In the event that a portion of a parcel is removed from
21 classification, the remaining portion must meet the same requirements
22 as did the entire parcel when the land was originally granted
23 classification under this chapter unless the remaining parcel has
24 different income criteria. Within seven days the assessor shall
25 transmit one copy of the notice to the legislative body that originally
26 approved the application. Upon receipt of such notice, the assessor
27 shall withdraw the land from the classification and the land shall be
28 subject to the additional tax and applicable interest due under RCW
29 84.34.108. The open space taxation agreement to tax according to use
30 shall not be considered to be a contract and can be abrogated at any
31 time by the legislature in which event no additional tax or penalty
32 shall be imposed.

33 (2)(a) The following reclassifications are not considered
34 withdrawals or removals and are not subject to additional tax under RCW
35 84.34.108:

36 (~~(a)~~) (i) Reclassification between lands under RCW 84.34.020 (2)
37 and (3);

1 ~~((b))~~ (ii) Reclassification of land classified under RCW
2 84.34.020 (2) or (3) or chapter 84.33 RCW to open space land under RCW
3 84.34.020(1);

4 ~~((c))~~ (iii) Reclassification of land classified under RCW
5 84.34.020 (2) or (3) to forest land classified under chapter 84.33 RCW;
6 and

7 ~~((d))~~ (iv) Reclassification of land classified as open space land
8 under RCW 84.34.020(1)(c) and reclassified to farm and agricultural
9 land under RCW 84.34.020(2) if the land had been previously classified
10 as farm and agricultural land under RCW 84.34.020(2).

11 (b) In a county with a population of one million or greater, the
12 following reclassifications are not considered withdrawals or removals
13 and are not subject to additional tax under RCW 84.34.108:

14 (i) Reclassification of land from one current use classification
15 governed by this chapter to another current use classification governed
16 by this chapter;

17 (ii) Reclassification of land designated under chapter 84.33 RCW to
18 a current use classification governed by this chapter; and

19 (iii) Reclassification of land from a current use classification
20 governed by this chapter to forest land designated under chapter 84.33
21 RCW.

22 (3) Applications for reclassification shall be subject to
23 applicable provisions of RCW 84.34.037, 84.34.035, 84.34.041, and
24 chapter 84.33 RCW.

25 (4) The income criteria for land classified under RCW 84.34.020(2)
26 (b) and (c) may be deferred for land being reclassified from land
27 classified under RCW 84.34.020 (1)(c) or (3), or chapter 84.33 RCW into
28 RCW 84.34.020(2) (b) or (c) for a period of up to five years from the
29 date of reclassification.

30 **Sec. 2.** RCW 84.34.080 and 1999 sp.s. c 4 s 705 are each amended to
31 read as follows:

32 ~~((When))~~ If land ~~((which))~~ that has been classified under this
33 chapter as open space land, farm and agricultural land, or timber land
34 is applied to some other use, except through reclassification in
35 compliance with RCW 84.34.070, or except as a result solely from any
36 one of the conditions listed in RCW 84.34.108(6), the owner shall
37 within sixty days notify the county assessor of ~~((such))~~ the change in

1 use ~~((and))~~. The assessor shall impose additional real property tax
2 ~~((shall be imposed))~~ upon ~~((such))~~ the land in an amount equal to the
3 ~~((sum of the))~~ following:

4 (1) The total amount of the additional tax and applicable interest
5 due under RCW 84.34.108; plus

6 (2) Except as provided in subsection (3) of this section, a penalty
7 amounting to twenty percent of the amount determined in subsection (1)
8 of this section.

9 (3) In a county with a population of one million or greater, if the
10 change of use occurs within ten years after the date the land was
11 classified under this chapter, a penalty amounting to twenty percent of
12 the total amount of the additional tax and applicable interest due
13 under RCW 84.34.108.

14 NEW SECTION. Sec. 3. This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 July 1, 2007.

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