
ENGROSSED SUBSTITUTE HOUSE BILL 2925

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Revenue (originally sponsored by Representatives Wang, Brumsickle, Leonard, Wynne, Rust, Van Luven, Fraser, Winsley, Mitchell, Rasmussen, Ludwig, Brough, Carlson, Nelson, Forner and May)

Read first time 02/07/92.

1 AN ACT Relating to county boards of equalization; amending RCW
2 82.03.130, 84.08.130, 84.40.038, 84.48.010, and 84.48.065; providing an
3 effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 82.03.130 and 1989 c 378 s 4 are each amended to read
6 as follows:

7 The board shall have jurisdiction to decide the following types of
8 appeals:

9 (1) Appeals taken pursuant to RCW 82.03.190.

10 (2) Appeals from a county board of equalization pursuant to RCW
11 84.08.130.

12 (3) Appeals by an assessor or landowner from an order of the
13 director of revenue made pursuant to RCW 84.08.010 and 84.08.060, if
14 filed with the board of tax appeals within thirty days after the

1 mailing of the order, the right to such an appeal being hereby
2 established.

3 (4) Appeals by an assessor or owner of an intercounty public
4 utility or private car company from determinations by the director of
5 revenue of equalized assessed valuation of property and the
6 apportionment thereof to a county made pursuant to chapter 84.12 RCW
7 and 84.16 RCW, if filed with the board of tax appeals within thirty
8 days after mailing of the determination, the right to such appeal being
9 hereby established.

10 (5) Appeals by an assessor, landowner, or owner of an intercounty
11 public utility or private car company from a determination of any
12 county indicated ratio for such county compiled by the department of
13 revenue pursuant to RCW 84.48.075: PROVIDED, That

14 (a) Said appeal be filed after review of the ratio under RCW
15 84.48.075(3) and not later than fifteen days after the mailing of the
16 certification; and

17 (b) The hearing before the board shall be expeditiously held in
18 accordance with rules prescribed by the board and shall take precedence
19 over all matters of the same character.

20 (6) Appeals from the decisions of sale price of second class
21 shorelands on navigable lakes by the department of natural resources
22 pursuant to RCW 79.94.210.

23 (7) Appeals from urban redevelopment property tax apportionment
24 district proposals established by governmental ordinances pursuant to
25 RCW 39.88.060.

26 (8) Appeals from interest rates as determined by the department of
27 revenue for use in valuing farmland under current use assessment
28 pursuant to RCW 84.34.065.

29 (9) Appeals from revisions to stumpage value tables used to
30 determine value by the department of revenue pursuant to RCW 84.33.091.

1 (10) Appeals from denial of tax exemption application by the
2 department of revenue pursuant to RCW 84.36.850.

3 (11) Appeals pursuant to RCW 84.40.038(2).

4 **Sec. 2.** RCW 84.08.130 and 1989 c 378 s 7 are each amended to read
5 as follows:

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

27 **Sec. 3.** RCW 84.40.038 and 1988 c 222 s 19 are each amended to read
28 as follows:

1 (1) The owner or person responsible for payment of taxes on any
2 property may petition the county board of equalization for a change in
3 the assessed valuation placed upon such property by the county
4 assessor. Such petition must be made on forms prescribed or approved
5 by the department of revenue and any petition not conforming to those
6 requirements or not properly completed shall not be considered by the
7 board. The petition must be filed with the board on or before July 1st
8 of the year of the assessment or within thirty days after the date an
9 assessment or value change notice has been mailed, whichever is later.

10 (2) The owner or person responsible for payment of taxes on any
11 property may request that the appeal be heard by the state board of tax
12 appeals without a hearing by the county board of equalization when the
13 assessor, the owner or person responsible for payment of taxes on the
14 property, and a majority of the county board of equalization agree that
15 a direct appeal to the state board of tax appeals is appropriate. The
16 state board of tax appeals may reject the appeal, in which case the
17 county board of equalization shall consider the appeal under RCW
18 84.48.010. Notice of such a rejection, together with the reason
19 therefor, shall be provided to the affected parties and the county
20 board of equalization within thirty days of receipt of the direct
21 appeal by the state board.

22 **Sec. 4.** RCW 84.48.010 and 1988 c 222 s 20 are each amended to read
23 as follows:

24 (1) Prior to July 15th, the county legislative authority shall form
25 a board for the ~~((equalization of the assessment of the))~~ purpose of
26 considering taxpayer appeals concerning property ((of)) in the county.
27 The members of said board shall receive a per diem amount as set by the
28 county legislative authority for each day of actual attendance of the
29 meeting of the board of equalization to be paid out of the current

1 expense fund of the county: PROVIDED, That when the county legislative
2 authority constitute the board they shall only receive their
3 compensation as members of the county legislative authority. The board
4 of equalization shall meet in open session for this purpose annually on
5 the 15th day of July and, having each taken an oath fairly and
6 impartially to perform their duties as members of such board, they
7 shall ~~((examine and compare the returns of the assessment of the~~
8 ~~property of the county and proceed to equalize the same))~~ consider any
9 taxpayer appeals of the valuation of the taxpayer's property as
10 established by the assessor and hold hearings, as necessary, so that
11 each tract or lot of real property and each article or class of
12 personal property shall be entered on the assessment list at its true
13 and fair value, according to the measure of value used by the county
14 assessor in such assessment year, which is presumed to be correct
15 pursuant to RCW 84.40.0301, and subject to the following rules:

16 ~~((First.))~~ (a) They shall raise the valuation of each tract or lot
17 or item of real property which is ~~((returned))~~ established by the
18 assessor below its true and fair value to such price or sum as to be
19 the true and fair value thereof~~((, after at least five days' notice~~
20 ~~shall have been given in writing to the owner or agent))~~.

21 ~~((Second.))~~ (b) They shall reduce the valuation of each tract or
22 lot or item which is ~~((returned))~~ established by the assessor above its
23 true and fair value to such price or sum as to be the true and fair
24 value thereof.

25 ~~((Third.))~~ (c) They shall raise the valuation ~~((of each class))~~ of
26 personal property which is ~~((returned))~~ established by the assessor
27 below its true and fair value to such price or sum as to be the true
28 and fair value thereof, and they shall raise the aggregate value of the
29 personal property of each individual whenever the aggregate value is
30 less than the true valuation of the taxable personal property possessed

1 by such individual, to such sum or amount as to be the true value
2 thereof(~~(, after at least five days' notice shall have been given in~~
3 ~~writing to the owner or agent thereof)~~).

4 ~~((Fourth.))~~ (d) They shall reduce the valuation ~~((of each class))~~
5 of personal property enumerated on the detail and assessment list of
6 the current year, which is ~~((returned))~~ established by the assessor
7 above its true and fair value, to such price or sum as to be the true
8 and fair value thereof; and they shall reduce the aggregate valuation
9 of the personal property of such individual who has been assessed at
10 too large a sum to such sum or amount as was the true and fair value of
11 the personal property.

12 ~~((Fifth.))~~ (e) The board may review all claims for either real or
13 personal property tax exemption as determined by the county assessor,
14 and shall consider any taxpayer appeals from the decision of the
15 assessor thereon to determine ~~((+1))~~ (i) if the taxpayer is entitled
16 to an exemption, and ~~((+2))~~ (ii) if so, the amount thereof.

17 (f) The board may adjust the values of real property of taxpayers
18 who have not filed a separate appeal to the board when: (i) The
19 evidence presented at the hearing of a taxpayer's appeal makes it clear
20 that the value of other adjoining or nearby tracts, lots, or items are
21 not valued at their true and fair value, (ii) the board can determine
22 which specific tracts, lots, or items are not valued at their true and
23 fair value, and (iii) the board can determine the true and fair value
24 of such tracts, lots, or items. In such cases, the board shall give at
25 least ten days' written notice to the assessor and to the owner or
26 person responsible for payment of the taxes on the adjoining or
27 neighboring tracts or lots or items prior to making any such
28 adjustment.

29 (2) The clerk of the board shall keep an accurate journal or record
30 of the proceedings and orders of said board showing the facts and

1 evidence upon which their action is based, and the said record shall be
2 published the same as other proceedings of county legislative
3 authority, and shall make a true record of the changes of the
4 ((~~descriptions and~~)) assessed values ordered by the county board of
5 equalization. The assessor shall correct the real and personal
6 assessment rolls in accordance with the changes made by the said county
7 board of equalization, and the assessor shall make duplicate abstracts
8 of such corrected values, one copy of which shall be retained in the
9 office, and one copy forwarded to the department of revenue on or
10 before the eighteenth day of August next following the meeting of the
11 county board of equalization.

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

19 (4) No taxes, except special taxes, shall be extended upon the tax
20 rolls until the property valuations are equalized by the department of
21 revenue for the purpose of raising the state revenue.

22 (5) County legislative authorities as such shall at no time have
23 any authority to change the valuation of the property of any person or
24 to release or commute in whole or in part the taxes due on the property
25 of any person.

26 **Sec. 5.** RCW 84.48.065 and 1989 c 378 s 14 are each amended to read
27 as follows:

28 (1) The county assessor or treasurer may cancel or correct
29 assessments on the assessment or tax rolls which are erroneous due to

1 manifest errors in description, double assessments, clerical errors in
2 extending the rolls, and such manifest errors in the listing of the
3 property which do not involve a revaluation of property, such as the
4 assessment of property exempted by law from taxation or the failure to
5 deduct the exemption allowed by law to the head of a family. When the
6 county assessor cancels or corrects an assessment, the assessor shall
7 send a notice to the taxpayer in accordance with RCW 84.40.045,
8 advising the taxpayer that the action ~~((of the county assessor is not~~
9 ~~final and shall be considered by the county board of equalization, and~~
10 ~~that such notice shall constitute legal notice of such fact))~~ has been
11 taken and notifying the taxpayer of the right to appeal the
12 cancellation or correction to the county board of equalization, in
13 accordance with RCW 84.40.038. When the county assessor or treasurer
14 cancels or corrects an assessment, a record of such action shall be
15 prepared ~~((and filed with the county board of equalization))~~, setting
16 forth therein the facts relating to the error. The record shall also
17 set forth by legal description all property belonging exclusively to
18 the state, any county, or any municipal corporation whose property is
19 exempt from taxation, upon which there remains, according to the tax
20 roll, any unpaid taxes. No manifest error cancellation or correction
21 shall be made for any period more than three years preceding the year
22 in which the error is discovered.

23 ~~((The county board of equalization shall consider only such matters~~
24 ~~as appear in the record filed with it by the county assessor or~~
25 ~~treasurer and shall correct only such matters as are set forth in the~~
26 ~~record, but it shall have no power to change or alter the assessment of~~
27 ~~any person, or change the aggregate value of the taxable property of~~
28 ~~the county, except insofar as it is necessary to correct the errors~~
29 ~~mentioned in this section. If the county board of equalization finds~~
30 ~~that the action of the assessor was not correct, it shall issue a~~

1 ~~supplementary roll including such corrections as are necessary, and the~~
2 ~~assessment and levy shall have the same force and effect as if made in~~
3 ~~the first instance, and the county treasurer shall proceed to collect~~
4 ~~the taxes due on the supplementary roll. The board shall make findings~~
5 ~~of the facts upon which it bases its decision on all matters submitted~~
6 ~~to it, and when so made the assessment and levy shall have the same~~
7 ~~force as if made in the first instance, and the county treasurer shall~~
8 ~~proceed to collect the taxes due on the rolls as modified.~~

9 ~~The county board of equalization shall convene on a day fixed by~~
10 ~~the board for the purpose of considering such matters as appear in the~~
11 ~~record filed by the county assessor or treasurer.))~~

12 (2) An assessor shall make corrections that involve a revaluation
13 of property to the assessment roll when:

14 (a) The assessor and taxpayer have signed an agreement as to the
15 true and fair value of the taxpayer's property setting forth in the
16 agreement the valuation information upon which the agreement is based;
17 and

18 (b) The following conditions are met:

19 (i) The assessment roll has previously been certified in accordance
20 with RCW 84.40.320;

21 (ii) The taxpayer has timely filed a petition with the county board
22 of equalization pursuant to RCW 84.40.038 for the current assessment
23 year;

24 (iii) The county board of equalization has not yet held a hearing
25 on the merits of the taxpayer's petition.

26 (3) The assessor shall issue a supplementary roll or rolls
27 including such cancellations and corrections, and the assessment and
28 levy shall have the same force and effect as if made in the first
29 instance, and the county treasurer shall proceed to collect the taxes
30 due on the rolls as modified.

1 NEW SECTION. **Sec. 6.** 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 shall take
4 effect June 1, 1992.