
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, 84.40.038, 84.48.010, and 84.48.065; providing an effective
3 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 84.40.038 and 1988 c 222 s 19 are each amended to read
5 as follows:

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

15 (2) The owner or person responsible for payment of taxes on any
16 property may request that the appeal be heard by the state board of tax
17 appeals without a hearing by the county board of equalization when the
18 assessor, the owner or person responsible for payment of taxes on the
19 property, and a majority of the county board of equalization agree that
20 a direct appeal to the state board of tax appeals is appropriate. The
21 state board of tax appeals may reject the appeal, in which case the
22 county board of equalization shall consider the appeal under RCW
23 84.48.010. Notice of such a rejection, together with the reason
24 therefor, shall be provided to the affected parties and the county
25 board of equalization within thirty days of receipt of the direct
26 appeal by the state board.

27 **Sec. 3.** RCW 84.48.010 and 1988 c 222 s 20 are each amended to read
28 as follows:

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

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

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

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

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

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

23 (f) The board may adjust the values of real property of taxpayers
24 who have not filed a separate appeal to the board when: (i) The
25 evidence presented at the hearing of a taxpayer's appeal makes it clear
26 that the value of other adjoining or nearby tracts, lots, or items are
27 not valued at their true and fair value, (ii) the board can determine
28 which specific tracts, lots, or items are not valued at their true and
29 fair value, and (iii) the board can determine the true and fair value
30 of such tracts, lots, or items. In such cases, the board shall give at

1 least ten days' written notice to the assessor and to the owner or
2 person responsible for payment of the taxes on the adjoining or
3 neighboring tracts or lots or items prior to making any such
4 adjustment.

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

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

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

28 (5) County legislative authorities as such shall at no time have
29 any authority to change the valuation of the property of any person or

1 to release or commute in whole or in part the taxes due on the property
2 of any person.

3 **Sec. 4.** RCW 84.48.065 and 1989 c 378 s 14 are each amended to read
4 as follows:

5 (1) The county assessor or treasurer may cancel or correct
6 assessments on the assessment or tax rolls which are erroneous due to
7 manifest errors in description, double assessments, clerical errors in
8 extending the rolls, and such manifest errors in the listing of the
9 property which do not involve a revaluation of property, such as the
10 assessment of property exempted by law from taxation or the failure to
11 deduct the exemption allowed by law to the head of a family. When the
12 county assessor cancels or corrects an assessment, the assessor shall
13 send a notice to the taxpayer in accordance with RCW 84.40.045,
14 advising the taxpayer that the action ((of the county assessor is not
15 final and shall be considered by the county board of equalization, and
16 that such notice shall constitute legal notice of such fact)) has been
17 taken and notifying the taxpayer of the right to appeal the
18 cancellation or correction to the county board of equalization, in
19 accordance with RCW 84.40.038. When the county assessor or treasurer
20 cancels or corrects an assessment, a record of such action shall be
21 prepared ((and filed with the county board of equalization)), setting
22 forth therein the facts relating to the error. The record shall also
23 set forth by legal description all property belonging exclusively to
24 the state, any county, or any municipal corporation whose property is
25 exempt from taxation, upon which there remains, according to the tax
26 roll, any unpaid taxes.

27 ~~((The county board of equalization shall consider only such matters~~
28 ~~as appear in the record filed with it by the county assessor or~~
29 ~~treasurer and shall correct only such matters as are set forth in the~~

1 ~~record, but it shall have no power to change or alter the assessment of~~
2 ~~any person, or change the aggregate value of the taxable property of~~
3 ~~the county, except insofar as it is necessary to correct the errors~~
4 ~~mentioned in this section. If the county board of equalization finds~~
5 ~~that the action of the assessor was not correct, it shall issue a~~
6 ~~supplementary roll including such corrections as are necessary, and the~~
7 ~~assessment and levy shall have the same force and effect as if made in~~
8 ~~the first instance, and the county treasurer shall proceed to collect~~
9 ~~the taxes due on the supplementary roll. The board shall make findings~~
10 ~~of the facts upon which it bases its decision on all matters submitted~~
11 ~~to it, and when so made the assessment and levy shall have the same~~
12 ~~force as if made in the first instance, and the county treasurer shall~~
13 ~~proceed to collect the taxes due on the rolls as modified.~~

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

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

19 (a) The assessor and taxpayer have signed an agreement as to the
20 true and fair value of the taxpayer's property setting forth in the
21 agreement the valuation information upon which the agreement is based;
22 and

23 (b) The following conditions are met:

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

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

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

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

6 NEW SECTION. Sec. 5. This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and shall take
9 effect June 1, 1992.