
SENATE BILL 6530

State of Washington 53rd Legislature 1994 Regular Session

By Senators Newhouse, Snyder, Loveland, Deccio and Anderson

Read first time 01/26/94. Referred to Committee on Ways & Means.

1 AN ACT Relating to sale or transfer of open space land after death
2 of owner; and amending RCW 84.34.108.

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

4 **Sec. 1.** RCW 84.34.108 and 1992 c 69 s 12 are each amended to read
5 as follows:

6 (1) When land has once been classified under this chapter, a
7 notation of such classification shall be made each year upon the
8 assessment and tax rolls and such land shall be valued pursuant to RCW
9 84.34.060 or 84.34.065 until removal of all or a portion of such
10 classification by the assessor upon occurrence of any of the following:

11 (a) Receipt of notice from the owner to remove all or a portion of
12 such classification;

13 (b) Sale or transfer to an ownership, except a transfer that
14 resulted from a default in loan payments made to or secured by a
15 governmental agency that intends to or is required by law or regulation
16 to resell the property for the same use as before, making all or a
17 portion of such land exempt from ad valorem taxation;

18 (c) Sale or transfer of all or a portion of such land to a new
19 owner, unless the new owner has signed a notice of classification

1 continuance, except transfer to an owner who is an heir or devisee of
2 a deceased owner shall not, by itself, result in removal of
3 classification. The signed notice of continuance shall be attached to
4 the real estate excise tax affidavit provided for in RCW 82.45.120, as
5 now or hereafter amended. The notice of continuance shall be on a form
6 prepared by the department of revenue. If the notice of continuance is
7 not signed by the new owner and attached to the real estate excise tax
8 affidavit, all additional taxes calculated pursuant to subsection (3)
9 of this section shall become due and payable by the seller or
10 transferor at time of sale. The county auditor shall not accept an
11 instrument of conveyance of classified land for filing or recording
12 unless the new owner has signed the notice of continuance or the
13 additional tax has been paid. The seller, transferor, or new owner may
14 appeal the new assessed valuation calculated under subsection (3) of
15 this section to the county board of equalization. Jurisdiction is
16 hereby conferred on the county board of equalization to hear these
17 appeals;

18 (d) Determination by the assessor, after giving the owner written
19 notice and an opportunity to be heard, that all or a portion of such
20 land no longer meets the criteria for classification under this
21 chapter. The criteria for classification pursuant to this chapter
22 continue to apply after classification has been granted.

23 The granting authority, upon request of an assessor, shall provide
24 reasonable assistance to the assessor in making a determination whether
25 such land continues to meet the qualifications of RCW 84.34.020 (1) or
26 (3). The assistance shall be provided within thirty days of receipt of
27 the request.

28 (2) Within thirty days after such removal of all or a portion of
29 such land from current use classification, the assessor shall notify
30 the owner in writing, setting forth the reasons for such removal. The
31 seller, transferor, or owner may appeal such removal to the county
32 board of equalization.

33 (3) Unless the removal is reversed on appeal, the assessor shall
34 revalue the affected land with reference to full market value on the
35 date of removal from classification. Both the assessed valuation
36 before and after the removal of classification shall be listed and
37 taxes shall be allocated according to that part of the year to which
38 each assessed valuation applies. Except as provided in subsection (5)
39 of this section, an additional tax, applicable interest, and penalty

1 shall be imposed which shall be due and payable to the county treasurer
2 thirty days after the owner is notified of the amount of the additional
3 tax. As soon as possible, the assessor shall compute the amount of
4 such an additional tax, applicable interest, and penalty and the
5 treasurer shall mail notice to the owner of the amount thereof and the
6 date on which payment is due. The amount of such additional tax,
7 applicable interest, and penalty shall be determined as follows:

8 (a) The amount of additional tax shall be equal to the difference
9 between the property tax paid as "open space land", "farm and
10 agricultural land", or "timber land" and the amount of property tax
11 otherwise due and payable for the seven years last past had the land
12 not been so classified;

13 (b) The amount of applicable interest shall be equal to the
14 interest upon the amounts of such additional tax paid at the same
15 statutory rate charged on delinquent property taxes from the dates on
16 which such additional tax could have been paid without penalty if the
17 land had been assessed at a value without regard to this chapter;

18 (c) The amount of the penalty shall be as provided in RCW
19 84.34.080. The penalty shall not be imposed if the removal satisfies
20 the conditions of RCW 84.34.070.

21 (4) Additional tax, applicable interest, and penalty, shall become
22 a lien on such land which shall attach at the time such land is removed
23 from classification under this chapter and shall have priority to and
24 shall be fully paid and satisfied before any recognizance, mortgage,
25 judgment, debt, obligation or responsibility to or with which such land
26 may become charged or liable. Such lien may be foreclosed upon
27 expiration of the same period after delinquency and in the same manner
28 provided by law for foreclosure of liens for delinquent real property
29 taxes as provided in RCW 84.64.050 now or as hereafter amended. Any
30 additional tax unpaid on its due date shall thereupon become
31 delinquent. From the date of delinquency until paid, interest shall be
32 charged at the same rate applied by law to delinquent ad valorem
33 property taxes.

34 (5) The additional tax, applicable interest, and penalty specified
35 in subsection (3) of this section shall not be imposed if the removal
36 of classification pursuant to subsection (1) of this section resulted
37 solely from:

38 (a) Transfer to a government entity in exchange for other land
39 located within the state of Washington;

1 (b)(i) A taking through the exercise of the power of eminent
2 domain, or (ii) sale or transfer to an entity having the power of
3 eminent domain in anticipation of the exercise of such power, said
4 entity having manifested its intent in writing or by other official
5 action;

6 (c) Sale or transfer of land within two years after the death of
7 the owner of at least a fifty percent interest in such land;

8 (d) A natural disaster such as a flood, windstorm, earthquake, or
9 other such calamity rather than by virtue of the act of the landowner
10 changing the use of such property;

11 (~~(d)~~) (e) Official action by an agency of the state of Washington
12 or by the county or city within which the land is located which
13 disallows the present use of such land;

14 (~~(e)~~) (f) Transfer of land to a church when such land would
15 qualify for exemption pursuant to RCW 84.36.020;

16 (~~(f)~~) (g) Acquisition of property interests by state agencies or
17 agencies or organizations qualified under RCW 84.34.210 and 64.04.130
18 for the purposes enumerated in those sections: PROVIDED, That at such
19 time as these property interests are not used for the purposes
20 enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified
21 in subsection (3) of this section shall be imposed; or

22 (~~(g)~~) (h) Removal of land classified as farm and agricultural
23 land under RCW 84.34.020(2)(d).

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