

Cite as 4 WTD 25 (1987)

APPEALS SECTION

BEFORE THE INTERPRETATION AND

DEPARTMENT OF REVENUE
STATE OF WASHINGTON

In the Matter of the Petition)	<u>D</u> <u>E</u> <u>T</u> <u>E</u> <u>R</u> <u>M</u> <u>I</u> <u>N</u> <u>A</u> <u>T</u> <u>I</u> <u>O</u>
<u>N</u>	
For Correction of Personal Property)	
Tax Assessment and Refund of)	No. 87-271
)	
)	Registration No. . . .
)	Re: Watercraft
Valuation	
. . .) . . .
) . . .
) . . .
) . . .

[1] **BOAT TAX:** RCW 84.08.200 -- RCW 84.40.065 --
EQUALIZED VALUES -- TRUE AND FAIR VALUE -- PERSONAL
PROPERTY TAX. The Department of Revenue assesses
all ships and vessels subject to property taxation
(boat tax) and certifies to the county assessors the
equalized values thereof (RCW 84.08.200 recodified
in 1986 to RCW 84.40.065). In arriving at the
"equalized values," the Department uses "true and
fair value" computed from a depreciation schedule
based on comparative sales in prior years and
applied to the year of purchase and purchase price
of the vessel being assessed.

[2] **BOAT TAX:** SITUS -- WAC 458-12-255 -- DOMICILE OF
OWNER OF VESSEL. In effect until December 31, 1985,
WAC 458-12-255 provided that the taxable situs of a
vessel for property tax jurisdiction is the domicile
of the owner unless the vessel has acquired taxable
situs elsewhere. Taxpayer's vessels held to have
taxable situs in Washington. Taxpayer did not

establish that its vessels had taxable situs elsewhere.

[3] **BOAT TAX:** SITUS -- APPORTIONMENT --
CONSTITUTIONALITY OF NONAPPORTIONMENT. Fishing
vessels of taxpayer-corporation domiciliary of
Washington had taxable situs in Washington. Prior
to January 1, 1986, the statutes and Washington
Administrative Code (WAC) had no provision for nor
requirement to apportion property tax based upon
time period of vessels' presence in
Washington. Department cannot rule on
constitutionality of nonapportionment.

Headnotes are provided as a convenience for the reader and are
not in any way a part of the decision or in any way to be used
in construing or interpreting this Determination.

TAXPAYER REPRESENTED BY: . . .

DATE OF HEARING: October 15, 1986

NATURE OF ACTION:

Petition for apportionment of personal property tax
assessments on four commercial fishing vessels and for refund
to the extent that personal property taxes were paid on the
fishing vessels.

FACTS AND ISSUES:

Krebs, A.L.J. -- [Taxpayer], based in . . . , Washington, is a
Washington corporation. The taxpayer is the owner of the
following four commercial fishing vessels:

- (1) . . . , purchased in 1983 for \$3,500,000.
- (2) . . . , purchased in 1974 for \$750,000.
- (3) . . . , purchased in 1984 for \$1,600,000.
- (4) . . . , purchased in 1983 for \$3,500,000.

Based upon the reported purchase price for each vessel, the
Property Tax Division of the Department of Revenue issued
Notices of Value to the taxpayer for purposes of assessment of
personal property taxes:

- (1) . . . : 1984 valuation \$3,220,000; tax due in 1985:
\$10,309.28.

1985 valuation \$3,059,000; tax due in 1986:
\$9,891.73.

1986 valuation \$2,905,000; tax due in 1987:
none

assessed

The tax due in 1985 (\$10,309.28) has not been paid and is delinquent. The tax due in 1986 (\$9,891.73) plus \$49.46 interest/penalty for late payment, have been paid to the . . . County Treasurer. The vessel was not subjected to tax assessment for 1987 because the taxpayer claimed an exemption on the basis that the vessel was in Washington in 1986 solely for the purpose of undergoing repair or alteration. RCW 84.40.036(3)(a).

(2) : 1983 valuation \$718,500; tax due in 1984: none

assessed.

1984 valuation \$680,250; tax due in 1985:
\$2,177.92

.

1985 valuation \$413,250; tax due in 1986:
\$1,336.31

.

1986 valuation \$392,250; tax due in 1987: none

assessed.

The vessel was not subjected to tax assessment for 1984 because the Skagit County Treasurer did not have it on the tax roll for that year. The tax due in 1985 (\$2,177.92) was paid on April 17, 1986; there was no imposition of interest/penalty. The tax due in 1986 (\$1,336.31) plus \$6.67 interest/penalty imposed on second-half have been paid. The vessel was not subjected to tax assessment for 1987 because the taxpayer claimed an exemption on the basis that the vessel was in Washington in 1986 solely for the purpose of undergoing repair or alteration.

(3) : 1985 valuation \$1,472,000; tax due in 1986:

\$4,759.93.

1986 valuation \$1,398,400; tax due in 1987:
none

assessed.

The tax due in 1986 (\$4,759.93) plus \$23.80 interest/penalty imposed on second-half have been paid to the . . . County Treasurer. The vessel was not subjected to tax assessment for 1987 because the taxpayer claimed an exemption on the basis that the vessel was in Washington in 1986 solely for the purpose of undergoing repair or alteration.

(4) . . .: 1984 valuation \$3,220,000; tax due in 1985:

\$10,309.28.

1985 valuation \$3,059,000; tax due in 1986:

\$9,891.73.

1986 valuation \$2,905,000; tax due in 1987:
none

assessed.

The situation here is identical to that of vessel (1) The tax due in 1985 (10,309.28) has not been paid and is delinquent. The tax due in 1986 (\$9,891.73) plus \$49.46 interest/penalty for late payment have been paid to the . . . County Treasurer. The vessel was not subjected to tax assessment for 1987 because the taxpayer claimed an exemption on the basis that the vessel was in Washington in 1986 solely for the purpose of undergoing repair or alteration.

The taxpayer's petitions and/or letters dated January 2, 1986; March 3, 1986; June 23, 1986; and July 29, 1986 develop the following issues:

1. Do the taxpayer's vessels have sufficient nexus with Washington State to justify the imposition of any taxation? (Petition of January 2, 1986.)

2. Does the Department of Revenue have the legal authority to assess an unapportioned ad valorem (property) tax upon ocean-going vessels engaged in interstate and foreign commerce? (Petition/letter of January 2 and June 23, 1986.)

3. Are the valuations assigned to the vessels (1) . . . and (4) . . . the "true, fair market value" for the years 1984, 1985, and 1986? (Petition/letter of January 2, March 3, and June 23, 1986.)

4. Is Washington's unapportioned ad valorem property tax unconstitutional as violative of the due process clause and

the interstate commerce clause of the U.S. Constitution?
(Petitions of January 2 and March 3, 1986.)

5. Is the taxpayer entitled to a refund of the property taxes paid on the vessels in question? (Letter of July 29, 1986.)

DISCUSSION:

Property taxes are imposed by RCW 84.36.005 which in its entirety states:

All property now existing, or that is hereafter created or brought into this state, shall be subject to assessment and taxation for state, county, and other taxing district purposes, upon equalized valuations thereof, fixed with reference thereto on the first day of January at twelve o'clock meridian in each year, excepting such as is exempted from taxation by law. (Emphasis supplied.)

A partial exemption for ships and vessels is granted by RCW 84.36.080(1) which states:

All ships and vessels which are exempt from excise tax under subsection (2) of RCW 82.49.020 and subsection (10) of RCW 88.02.030 shall be and are hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose. (Emphasis supplied.)

In effect, RCW 84.36.080(1) provides that all ships and vessels which are exempt from the excise tax as vessels used exclusively for commercial fishing purposes (RCW 82.49.020{2}) or vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States (RCW 88.02.030(10)) are exempt from all ad valorem taxes except taxes levied for any state purpose. The state levies ad valorem taxes for support of common schools (RCW 84.52.065).

[1] RCW 84.08.200, recodified in 1986 to RCW 84.40.065, in its entirety states:

Every individual, corporation, association, partnership, trust, and estate shall list with the department of revenue all ships and vessels which are subject to their ownership, possession, or control and which are subject to ad valorem taxation

under RCW 84.36.080, and such listing shall be subject to the same requirements, penalties, and liens provided in chapters 84.40 and 84.60 RCW for all other personal property in the same manner as provided therein.

The department shall assess all ships and vessels and shall certify to the respective county assessors the equalized values thereof, subject to the same rules as other state-assessed properties in accordance with RCW 84.12.370 and 84.16.130 and chapter 84.48 RCW.

Any ship or vessel owner disputing the assessment under this section shall have the same rights of review as any other vessel owner subject to the excise tax contained in chapter 82.49 RCW in accordance with RCW 82.49.060. (Emphasis supplied.)

On or about June 4, 1985, the taxpayer-corporation listed with the Department of Revenue four fishing vessels, the years of their acquisition, and the purchase prices. See details of listing (years of acquisition and purchase prices) in the Facts and Issues part of this Determination.

RCW 84.08.200 provides that the "listing shall be subject to same requirements . . . provided in chapters 84.40" RCW 84.40.040 in pertinent part provides:

He [the assessor] shall make an alphabetical list . . . of all persons in his county liable to assessment of personal property and require each person to make a correct list and statement of such property according to the standard form proscribed by the department of revenue, which statement and list shall include, if required by the form, the year of acquisition and total original cost of personal property Upon receipt of such statement and list the assessor shall thereupon determine the true and fair value of the property included in such statement (Bracketed words and emphasis supplied.)

The Department of Revenue in arriving at the "equalized values" (RCW 84.08.200) uses "true and fair value" (RCW 84.40.040) which is what the County Board of Equalization does (RCW 84.48.010) when they "raise the valuation of each class of personal property which . . . is returned below its true

and fair value to such price or sum as they believe to be the true and fair value thereof" The Department arrives at the true and fair value by using comparative sales in prior years as a basis for forming a depreciation schedule which when applied to the year of purchase and purchase price of a vessel results in the valuations as set forth in the Notices of Value as issued to the taxpayer and which are certified to the county assessor for ad valorem taxation. See RCW 84.40.040.

The Department's Property Tax Division, in issuing Notices of Value to the taxpayer, has complied with the statutes (the most relevant is RCW 84.08.200) enacted by the Legislature.

We now turn to the issues raised by the taxpayer in seeking an apportionment of personal property tax assessments on its four fishing vessels and in seeking a refund of the property taxes paid. The issues will be dealt with in the same order as presented.

1. Do the taxpayer's vessels have sufficient nexus with Washington State to justify the imposition of any taxation?

[2] Generally, personal property may be properly assessed for taxation only in a state where it has a situs. 71 Am.Jur.2d, State and Local Taxation Sec. 453.

Washington Administrative Code (WAC) 458-12-255 (Rule 255), which has the same force and effect as law, was in effect for 1983 through 1985 valuations applicable to taxes due in 1984 through 1986. Rule 255 was repealed when the Department adopted and promulgated WAC 458-17-100 with an effective date of January 1, 1986. Rule 255 provides:

Listing of property--Ships and vessels--Taxable situs in Washington. The state of Washington has no jurisdiction to tax ships, vessels, or boats having no situs within the state. Such vessels shall therefore be totally exempt from ad valorem taxation.

The county assessor shall be governed by the following general principles in determining whether a ship or vessel has situs within the state of Washington for taxation purposes:

(1) Situs for taxation of ships and vessels is the domicile of the owner, unless the vessels have

acquired situs elsewhere. (Northwestern Lumber Co. v. Chehalis County, 25 Wash. 95 (1901)) The domicile of an individual is his permanent place of residence; the domicile of a corporation is its principal place of business. (AGO 3-25-1931)

(2) Situs for taxation is not controlled by place of home port or port registry. (AGO 2-20-1931)

(3) While the general rule is that situs is controlled by domicile of the owner, ships and vessels may be subject to taxation by a state in which they acquire actual situs. (Guiness v. King County, 32 Wn.2d 503 (1949)) In order to acquire actual situs in the state of Washington, regardless of the domicile of the owner, a ship or vessel must be more or less permanently, rather than [than] temporarily, located in this state. (Guiness v. King County, 32 Wn.2d 503 (1949)) If presence within the state is merely for the purpose of taking on and discharging cargo or passengers, or for the need of safety and convenience in conducting business, such vessels have not acquired actual situs. (AGO 2-20-1931) However, where the stay of a vessel is indefinite, and it is maintained in this state to suit the convenience of the owner or to be subjected to protracted local use, actual situs for taxation purposes is acquired. (Guiness v. King County, 32 Wn.2d 503 (1949)) (Emphasis supplied.)

Under Rule 255, "the domicile of a corporation is its principal place of business." The taxpayer-corporation is a Washington corporation registered with the Department of Revenue from October 1, 1983 to the present time with its principal place of business in . . . , Washington. We therefore find that the taxpayer, for purposes of Rule 255 and applicable property tax case law, is a domiciliary of Washington for the time period in question, that is, 1983 through the present time. Accordingly, the situs of the taxpayer's four vessels for the assessment of personal property tax is and has been Washington, the domiciliary state of the taxpayer owner. Rule 255.

The taxpayer's petition averred that the vessels were engaged in the North Pacific fisheries involving operations within Alaskan waters and on the high seas, and that Alaska has "sufficient tax nexus" with the vessels having only minimal contacts with Washington. At the conference held October 15,

1986, the taxpayer was unable to substantiate the averments with details as to time spent by the vessels in Alaska, on the high seas, and in Washington for the years 1983 through 1985. The taxpayer agreed to furnish post-conference details based on the ships' logs as to days, months, and years that the vessels were outside Washington. The taxpayer has not done so. Furthermore, there is no evidence that Alaska has asserted "tax nexus" relevant to the vessels. Accordingly, we conclude that the vessels did not acquire "actual situs" in Alaska to contravene Rule 225's principle that "situs for taxation of ships and vessels is the domicile of the owner, unless the vessels have acquired situs elsewhere." Furthermore, we conclude that the vessels had taxable situs in Washington. WAC 458-12-255.

2. Does the Department of Revenue have the legal authority to assess an unapportioned ad valorem (property) tax upon ocean-going vessels engaged in interstate and foreign commerce?

[3] By raising this issue, the taxpayer seeks apportionment of the property taxes due on the vessels for the year 1986 and prior years. For taxes levied for collection in 1987 and thereafter, RCW 84.40.036 was enacted by the 1986 Legislature and this statute apportions the value of a vessel to the state of Washington "based on the number of days or fractions of days, that the vessel is within this state during the preceding year . . ." The first preceding year was 1986.

Concomitant with RCW 84.36.005, *supra*, RCW 84.40.020 in pertinent part provides:

. . . All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its value and ownership on the first day of January of the year in which it is assessed: Provided, that if the stock of goods, wares, merchandise or material, whether in a raw or finished state or in process if manufactured, owned or held by any taxpayer on January 1 of any year does not fairly represent the average stock carried by such taxpayer, such stock shall be listed and assessed upon the basis of the monthly average of stock owned or held by such taxpayer during the preceding calendar year or during such portion thereof as the taxpayer was engaged in business. (Emphasis supplied.)

The Legislature in enacting RCW 84.40.020 obviously recognized that there were situations where assessments controlled strictly by the January 1 date required modification but did so only with respect to "stock of goods, wares, merchandise," etc. The Legislature did not modify assessments of values (until RCW 84.40.036 was enacted in 1986) with respect to ships and vessels based on the number of days present within Washington or other reasons. The enactment in 1986 of apportionment with respect to ships and vessels is a clear indication that none existed prior to 1986. It is presumed that the Legislature does not engage in useless acts.

Our research of the Washington statutes and the WAC pertaining to personal property taxation for the year 1986, and prior years, has revealed no applicable apportionment formula. Nor has the taxpayer revealed any to us. Apportionment of the personal property tax would result in the granting of an exemption and, in effect, would carve out an exemption where none existed.

The apportionment effect resulting in an exemption is evidenced by exemption statute RCW 84.36.150 (cancellation in whole or in proportionate part of the assessment on certain products shipped to points outside the state before April 30 of the year of assessment).

Nevertheless, the taxpayer has pointed to two U.S. Supreme Court decisions involving apportionment of property taxes to support its claim for apportionment, Standard Oil Corporation v. Peck, 342 U.S. 382 (1952) and Japan Line, Ltd. v. County of Los Angeles, 441 U.S. 434 (1979).

In the Standard Oil case, an Ohio corporation owned boats and barges which it employed for the transportation of oil along the Mississippi and Ohio Rivers. The vessels neither picked up nor discharged the oil in Ohio. The vessels were registered in Ohio but only stopped in Ohio for occasional fuel or repairs. The stops did not involve loading or unloading cargo. Ohio levied an ad valorem property tax on all of these vessels. The Court found that the taxing power of the state (Ohio) of domicile had no application because:

. . . most, if not all, of the barges and boats which Ohio has taxed were almost continuously outside Ohio during the taxable year. No one vessel may have been continuously in another state during the taxable year. But we do know that most, if not all, of them were operating in other waters and

therefore under Ott v. Mississippi Valley Barge Line Co. 336 U.S. 169 . . . (1949) could be taxed by the several states on an apportionment basis. The rule which permits taxation by two or more states on an apportionment basis precludes taxation of all of the property by the state of the domicile. (Emphasis supplied.)

The Court decided that Ohio could not levy an ad valorem property tax on all of the vessels. Where the Court had allowed the domiciliary state to tax the entire fleet of airplanes operating interstate (Northwest Airlines, Inc. v. Minnesota, 322 U.S. 292) or the domiciliary state to tax all the rolling stock of a railroad (New York ex rel. New York C. & H. R. R. Co. v. Miller, 202 U.S. 584), it was not shown that "a defined part of the domiciliary corpus" had acquired a taxable situs elsewhere.

The facts in this case are quite different. Here we are dealing with fishing vessels, not boats and barges transporting oil between other states excluding the domiciliary state (the Standard Oil case). Furthermore, in the Northwest Airlines case, the Court allowed the domiciliary state to tax the entire fleet of airplanes, and in the Miller case, the Court allowed the domiciliary state to tax all the rolling stock of a railroad because no part of the fleet nor rolling stock had acquired a taxable situs elsewhere. In this case, the taxpayer has not established that any of the fishing vessels had acquired a taxable situs elsewhere outside of Washington.

Where the Court spoke of an "apportionment basis," it appears to us that part ("defined part of the domiciliary corpus") of the boats and barges, part of the entire fleet and part of the rolling stock which had "acquired a taxable situs elsewhere" would not be taxable by the domiciliary state. It does not appear to us that apportionment on the basis of time period within the taxing state was considered. Rather, actual situs appeared to be the crucial factor.

Furthermore, it does not appear that any of the taxing statutes in the above cases contained a "lien date" as is present in Washington's statutes, RCW 84.36.005 and RCW 84.40.020, supra.

In the Japan Line case, counties and cities in California levied property taxes on containers owned by six shipping companies incorporated in Japan who had their principal places

of business and commercial domiciles in Japan. They operated vessels used exclusively in foreign commerce. The vessels were registered in Japan and had their home ports there. The containers, like the ships, had their home ports in Japan and were used exclusively in the transportation of cargo in foreign commerce. Each container was in constant transit save for time spent undergoing repair or awaiting loading and unloading of cargo. All the containers were subject to property tax in Japan and, in fact, were taxed there. A container's average stay in California was less than three weeks.

Property present in California on March 1 (the "lien date" under California law) of any year is subject to ad valorem property tax. A number of the containers in question were physically present in California on the lien dates in 1970, 1971, and 1972. The number was fairly representative of the containers' "average presence" during each year. The California counties and cities levied property taxes in excess of \$550,000 on the assessed value of the containers present on March 1 of the three years in question.

The U.S. Supreme Court, at page 444 of the Japan Line case, determined that the question to be decided was a narrow one, that is:

. . . whether instrumentalities of commerce that are owned, based, and registered abroad and that are used exclusively in international commerce, may be subjected to apportioned ad valorem property taxation by a State.

The Court held that the imposition by the California counties and cities of a fairly apportioned (the parties had stipulated that the number of containers present on the lien date was fairly representative of the "average presence" of all containers during each tax year) ad valorem property tax unconstitutionally conflicted with the Foreign Commerce Clause of the U.S. Constitution.

Again, the facts in this case are quite different than those in the Japan Line case. Here we are dealing with fishing vessels, not containers employed in foreign commerce. Furthermore, with respect to the fishing vessels, the taxpayer-owner is domiciled in Washington, the vessels have actual situs in Washington, and the fishing vessels are not engaged in foreign commerce. But, in the Japan Line case, the owners were domiciled in Japan, not the taxing state of

California; the containers had an "average presence" in California, not actual situs; and the containers were employed exclusively in foreign commerce.

Furthermore, where the U.S. Supreme Court has approved apportionment formulas for ad valorem property taxation in the context of railroads based upon relative railroad track mileage (Pullman's Palace Car Company v. Pennsylvania, 141 U.S. 18 [1890]), inland water transportation (Ott and Standard Oil, supra), and airlines (Braniff Airways, Inc. v. Nebraska State Board of Equalization, 347 U.S. 590 [1954]), the U.S. Supreme Court has expressly reserved the question of whether apportionment principles can be applied to ocean-going vessels engaged in interstate commerce. See Japan Line case, supra.

We conclude that there is no provision nor basis in the statutes and in the WAC pertaining to personal property taxation for the assessment years of 1983 through 1985 to allow for apportionment based solely upon the time period of the vessel's physical presence in Washington. We further conclude that the Supreme Court decisions, made upon a case by case basis where the fact situations were quite different from the one in the case at hand, do not support nor mandate apportionment in this case. Therefore, we must reject the application of apportionment to the taxes due on the vessels for the year 1986 and prior years.

3. Are the valuations assigned to the vessels (1) . . . and (4) . . . the "true, fair market value" for the years 1984, 1985, and 1986?

The taxpayer purchased the two vessels in 1983 for \$3,500,000 each. The Department valued (assessed) each vessel for 1984 at \$3,220,000; for 1985 at \$3,059,000; and for 1986 at \$2,905,000. The values were arrived at through the use of a depreciation schedule based upon comparative sales in prior years. The percentages on the schedule are 92 percent for 1984, 87.4 percent for 1985, and 83 percent for 1986. The percentages are applied against the purchase price.

The basis of all assessments is the true and fair value of property. True and fair value means market value. WAC 458-12-300. Bitney v. Morgan, 84 Wn.2d 9 (1974).

WAC 458-12-340 in pertinent part provides:

All real and personal property shall be assessed on the basis of its fair market value as of January 1

of each year. (RCW 84.40.030) Market value shall be determined utilizing manuals published or approved by the department of revenue and the approaches to value described in WAC 458-12-305. The market value appraisals made for each property shall be the basis for computation of assessed value.

The approaches to value described in WAC 458-12-305 are market data approach, cost approach, and income approach. The Department's depreciation schedule reflects both market data and cost approach to arrive at market value which is "true and fair value." WAC 458-12-300. Accordingly, we conclude that the Department's valuations of the fishing vessels were at "true and fair value."

The taxpayer was given an opportunity to submit post-conference documentation (professional appraisals, damage to vessels, etc.) to dispute the Department's valuations of the vessels. The taxpayer has not submitted such documentation.

4. Is Washington's unapportioned ad valorem property tax unconstitutional as violative of the Due Process Clause and Interstate Commerce Clause of the U.S. Constitution?

The Department of Revenue, as an administrative agency, must presume the constitutionality of the laws it administers. The Department will not and may not rule upon such assertions of unconstitutionality. The Washington State Supreme Court has directly expressed this position in Bare v. Gorton, 84 Wn.2d 380 (1975) as follows:

An administrative body does not have the authority to determine the constitutionality of the law it administers; only the courts have that power.

Accordingly, we must decline to rule on the constitutionality of Washington's unapportioned ad valorem property tax assessed on the fishing vessels.

5. Is the taxpayer entitled to a refund of the property taxes paid on the vessels in question?

Because we have concluded that the taxpayer's four fishing vessels had taxable situs in Washington (issue number 1), that apportionment cannot be applied to the taxes due for the year 1986 and prior years (issue number 2), that the valuations assigned to the vessels were "true and fair value" (issue

number 3), and that we must presume the constitutionality of the unapportioned ad valorem property tax (issue number 4), we find no basis nor provision in the law entitling the taxpayer to a refund of the property taxes paid on the vessels in question.

We note that the taxpayer is delinquent for taxes due in 1985 on the fishing vessels (1) . . . and (4) See the Facts and Issues part of this Determination.

We further note that none of the vessels were subjected to tax assessment for 1987 because the taxpayer claimed an exemption on the basis that the vessels were in Washington in 1986 solely for the purpose of undergoing repair or alteration. This exempt status is subject to review under the provisions of RCW 84.08.050 and RCW 84.36.845.

DECISION AND DISPOSITION:

The taxpayer's petitions are denied. The personal property tax levied for collection in 1985, but unpaid, plus interest and penalty will be due for payment in accordance with notice from the . . . County Treasurer. The Department's Property Tax Division will review the exempt status claimed by the taxpayer with respect to the four fishing vessels.

DATED this 14th day of August 1987.