

CERTIFICATION OF ENROLLMENT

SENATE BILL 5108

57th Legislature
2001 Regular Session

Passed by the Senate March 6, 2001
YEAS 46 NAYS 0

President of the Senate

Passed by the House April 11, 2001
YEAS 89 NAYS 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5108** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5108

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senators T. Sheldon, Benton, Snyder, Hargrove, Sheahan, Gardner, Rasmussen and Stevens

Read first time 01/12/2001. Referred to Committee on Agriculture & International Trade.

1 AN ACT Relating to the growing of short-rotation hardwood trees
2 on agricultural land; and amending RCW 84.33.035, 76.09.020, and
3 82.04.213.

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

5 **Sec. 1.** RCW 84.33.035 and 1995 c 165 s 1 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions
8 in this section apply throughout this chapter.

9 (1) "Agricultural methods" means the cultivation of trees that
10 are grown on land prepared by intensive cultivation and tilling,
11 such as irrigating, plowing, or turning over the soil, and on
12 which all unwanted plant growth is controlled continuously for the
13 exclusive purpose of raising trees such as Christmas trees and
14 short-rotation hardwoods.

15 (2) "Composite property tax rate" for a county means the total
16 amount of property taxes levied upon forest lands by all taxing
17 districts in the county other than the state, divided by the total
18 assessed value of all forest land in the county.

1 (3) "Forest land" means forest land which is classified or
2 designated forest land under this chapter.

3 (4) "Harvested" means the time when in the ordinary course of
4 business the quantity of timber by species is first definitely
5 determined. The amount harvested shall be determined by the
6 Scribner Decimal C Scale or other prevalent measuring practice
7 adjusted to arrive at substantially equivalent measurements, as
8 approved by the department of revenue.

9 (5) "Harvester" means every person who from the person's own
10 land or from the land of another under a right or license granted
11 by lease or contract, either directly or by contracting with
12 others for the necessary labor or mechanical services, fells,
13 cuts, or takes timber for sale or for commercial or industrial
14 use: PROVIDED, That whenever the United States or any
15 instrumentality thereof, the state, including its departments and
16 institutions and political subdivisions, or any municipal
17 corporation therein so fells, cuts, or takes timber for sale or
18 for commercial or industrial use, the harvester is the first
19 person other than the United States or any instrumentality
20 thereof, the state, including its departments and institutions and
21 political subdivisions, or any municipal corporation therein, who
22 acquires title to or a possessory interest in such timber. The
23 term "harvester" does not include persons performing under
24 contract the necessary labor or mechanical services for a
25 harvester.

26 (6) "Short-rotation hardwoods" means hardwood trees, such as
27 but not limited to hybrid cottonwoods, cultivated by agricultural
28 methods in growing cycles shorter than (~~ten~~) fifteen years.

29 (7) "Stumpage value of timber" means the appropriate stumpage
30 value shown on tables prepared by the department of revenue under
31 RCW 84.33.091, provided that for timber harvested from public land
32 and sold under a competitive bidding process, stumpage value shall
33 mean that actual amount paid to the seller in cash or other
34 consideration. Whenever payment for the stumpage includes
35 considerations other than cash, the value shall be the fair market
36 value of the other consideration, provided that if the other
37 consideration is permanent roads, the value of the roads shall be
38 the appraised value as appraised by the seller.

1 (8) "Timber" means forest trees, standing or down, on privately
2 or publicly owned land, and except as provided in RCW 84.33.170
3 includes Christmas trees and short-rotation hardwoods.

4 (9) "Timber assessed value" for a county means a value,
5 calculated by the department of revenue before October 1 of each
6 year, equal to the total stumpage value of timber harvested from
7 privately owned land in the county during the most recent four
8 calendar quarters for which the information is available
9 multiplied by a ratio. The numerator of the ratio is the rate of
10 tax imposed by the county under RCW 84.33.051 for the year of the
11 calculation. The denominator of the ratio is the composite
12 property tax rate for the county for taxes due in the year of the
13 calculation, expressed as a percentage of assessed value.

14 (10) "Timber assessed value" for a taxing district means the
15 timber assessed value for the county multiplied by a ratio. The
16 numerator of the ratio is the total assessed value of forest land
17 in the taxing district. The denominator is the total assessed
18 value of forest land in the county. As used in this section,
19 "assessed value of forest land" means the assessed value of forest
20 land for taxes due in the year the timber assessed value for the
21 county is calculated.

22 **Sec. 2.** RCW 76.09.020 and 1999 sp.s. c 4 s 301 are each amended to
23 read as follows:

24 For purposes of this chapter:

25 (1) "Adaptive management" means reliance on scientific methods
26 to test the results of actions taken so that the management and
27 related policy can be changed promptly and appropriately.

28 (2) "Appeals board" means the forest practices appeals board
29 created by RCW 76.09.210.

30 (3) "Aquatic resources" includes water quality, salmon, other
31 species of the vertebrate classes Cephalaspidomorphi and
32 Osteichthyes identified in the forests and fish report, the
33 Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade
34 torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent
35 salamander (*Rhyacotriton olympian*), the Dunn's salamander
36 (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*),
37 the tailed frog (*Ascaphus truei*), and their respective habitats.

1 (4) "Commissioner" means the commissioner of public lands.

2 (5) "Contiguous" means land adjoining or touching by common
3 corner or otherwise. Land having common ownership divided by a
4 road or other right of way shall be considered contiguous.

5 (6) "Conversion to a use other than commercial timber
6 operation" means a bona fide conversion to an active use which is
7 incompatible with timber growing and as may be defined by forest
8 practices rules.

9 (7) "Department" means the department of natural resources.

10 (8) "Forest land" means all land which is capable of supporting
11 a merchantable stand of timber and is not being actively used for
12 a use which is incompatible with timber growing.

13 (9) "Forest landowner" means any person in actual control of
14 forest land, whether such control is based either on legal or
15 equitable title, or on any other interest entitling the holder to
16 sell or otherwise dispose of any or all of the timber on such land
17 in any manner: PROVIDED, That any lessee or other person in
18 possession of forest land without legal or equitable title to such
19 land shall be excluded from the definition of "forest landowner"
20 unless such lessee or other person has the right to sell or
21 otherwise dispose of any or all of the timber located on such
22 forest land.

23 (10) "Forest practice" means any activity conducted on or
24 directly pertaining to forest land and relating to growing,
25 harvesting, or processing timber, including but not limited to:

26 (a) Road and trail construction;

27 (b) Harvesting, final and intermediate;

28 (c) Precommercial thinning;

29 (d) Reforestation;

30 (e) Fertilization;

31 (f) Prevention and suppression of diseases and insects;

32 (g) Salvage of trees; and

33 (h) Brush control.

34 "Forest practice" shall not include preparatory work such as tree
35 marking, surveying and road flagging, and removal or harvesting of
36 incidental vegetation from forest lands such as berries, ferns,
37 greenery, mistletoe, herbs, mushrooms, and other products which

1 cannot normally be expected to result in damage to forest soils,
2 timber, or public resources.

3 (11) "Forest practices rules" means any rules adopted pursuant
4 to RCW 76.09.040.

5 (12) "Forest trees" does not include hardwood trees cultivated
6 by agricultural methods in growing cycles shorter than fifteen
7 years if the trees were planted on land that was not in forest use
8 immediately before the trees were planted and before the land was
9 prepared for planting the trees. "Forest trees" includes
10 Christmas trees.

11 (13) "Forests and fish report" means the forests and fish
12 report to the board dated April 29, 1999.

13 (~~(13)~~) (14) "Application" means the application required
14 pursuant to RCW 76.09.050.

15 (~~(14)~~) (15) "Operator" means any person engaging in forest
16 practices except an employee with wages as his or her sole
17 compensation.

18 (~~(15)~~) (16) "Person" means any individual, partnership,
19 private, public, or municipal corporation, county, the department
20 or other state or local governmental entity, or association of
21 individuals of whatever nature.

22 (~~(16)~~) (17) "Public resources" means water, fish and
23 wildlife, and in addition shall mean capital improvements of the
24 state or its political subdivisions.

25 (~~(17)~~) (18) "Timber" means forest trees, standing or down, of
26 a commercial species, including Christmas trees.

27 (~~(18)~~) (19) "Timber owner" means any person having all or any
28 part of the legal interest in timber. Where such timber is
29 subject to a contract of sale, "timber owner" shall mean the
30 contract purchaser.

31 (~~(19)~~) (20) "Board" means the forest practices board created
32 in RCW 76.09.030.

33 (~~(20)~~) (21) "Unconfined avulsing channel migration zone"
34 means the area within which the active channel of an unconfined
35 avulsing stream is prone to move and where the movement would
36 result in a potential near-term loss of riparian forest adjacent
37 to the stream. Sizeable islands with productive timber may exist
38 within the zone.

1 (~~((21))~~) (22) "Unconfined avulsing stream" means generally
2 fifth order or larger waters that experience abrupt shifts in
3 channel location, creating a complex flood plain characterized by
4 extensive gravel bars, disturbance species of vegetation of
5 variable age, numerous side channels, wall-based channels, oxbow
6 lakes, and wetland complexes. Many of these streams have dikes
7 and levees that may temporarily or permanently restrict channel
8 movement.

9 **Sec. 3.** RCW 82.04.213 and 1993 sp.s. c 25 s 302 are each amended
10 to read as follows:

11 (1) "Agricultural product" means any product of plant
12 cultivation or animal husbandry including, but not limited to: A
13 product of horticulture, grain cultivation, vermiculture,
14 viticulture, or aquaculture as defined in RCW 15.85.020;
15 plantation Christmas trees; short-rotation hardwoods as defined in
16 RCW 84.33.035; turf; or any animal including but not limited to an
17 animal that is a private sector cultured aquatic product as
18 defined in RCW 15.85.020, or a bird, or insect, or the substances
19 obtained from such an animal. "Agricultural product" does not
20 include animals intended to be pets.

21 (2) "Farmer" means any person engaged in the business of
22 growing or producing, upon the person's own lands or upon the
23 lands in which the person has a present right of possession, any
24 agricultural product whatsoever for sale. "Farmer" does not
25 include a person using such products as ingredients in a
26 manufacturing process, or a person growing or producing such
27 products for the person's own consumption. "Farmer" does not
28 include a person selling any animal or substance obtained
29 therefrom in connection with the person's business of operating a
30 stockyard or a slaughter or packing house. "Farmer" does not
31 include any person in respect to the business of taking,
32 c u l t i v a t i n g , o r r a i s i n g t i m b e r .

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