

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5663

Chapter 420, Laws of 2005

59th Legislature
2005 Regular Session

CEREAL GRAINS AND GRASS GROWN FOR SEED--TAX EXEMPTION

EFFECTIVE DATE: 7/01/05

Passed by the Senate April 21, 2005
YEAS 44 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 11, 2005
YEAS 94 NAYS 2

FRANK CHOPP

Speaker of the House of Representatives

Approved May 11, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5663** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 11, 2005 - 2:30 p.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5663

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Schoesler, Doumit, Honeyford, Parlette, Jacobsen and Mulliken)

READ FIRST TIME 03/03/05.

1 AN ACT Relating to repealing and narrowing tax incentives for
2 machinery and equipment used to reduce agricultural burning of cereal
3 grains and grass grown for seed for air quality purposes; adding a new
4 section to chapter 82.08 RCW; adding a new section to chapter 82.12
5 RCW; creating a new section; repealing RCW 82.08.840, 82.12.840,
6 82.04.4459, and 84.36.580; providing an effective date; providing
7 expiration dates; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that rules enacted to
10 improve air quality in selected parts of eastern Washington created a
11 financial hardship for some growers of cereal grains and grass grown
12 for seed. As stated in RCW 70.94.656, it is "the policy of this state
13 ...to promote the development of economical and practical alternate
14 agricultural practices to such burning...". The legislature provided
15 tax incentives in 2000 to assist such growers transition to alternative
16 management systems while further improving air quality. Because those
17 incentives have been difficult to administer, the legislature finds
18 that it is necessary to refine and narrow those incentives.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.08 RCW
2 to read as follows:

3 (1) The tax levied by RCW 82.08.020 does not apply to:

4 (a) Sales of the following machinery and equipment to qualified
5 farmers: No-till drills, minimum-till drills, chisels, plows,
6 sprayers, discs, cultivators, harrows, mowers, swathers, power rakes,
7 balers, bale handlers, shredders, transplanners, tractors two hundred
8 fifty horsepower and over designed to pull conservation equipment on
9 steep hills and highly erodible lands, and combine components limited
10 to straw choppers, chaff spreaders, and stripper headers; and

11 (b) Labor and services rendered in respect to constructing hay
12 sheds for qualified farmers or to sales of tangible personal property
13 to qualified farmers that becomes an ingredient or component of hay
14 sheds during the course of the constructing.

15 (2)(a) No application is necessary for the tax exemption in this
16 section. A person taking the exemption under this section must keep
17 records necessary for the department to verify eligibility. The
18 department may request from a qualified farmer, copies of farm service
19 agency or crop insurance records for verification purposes, however
20 information obtained from farm service agency or crop insurance records
21 is deemed taxpayer information under RCW 82.32.330 and is not
22 disclosable.

23 (b) The exemption is available only when the buyer provides the
24 seller with an exemption certificate in a form and manner prescribed by
25 the department. The seller shall retain a copy of the certificate for
26 the seller's files.

27 (3) The definitions in this subsection apply to this section.

28 (a) "Qualified farmer" means a farmer as defined in RCW 82.04.213
29 who has more than fifty percent of his or her tillable acres in cereal
30 grains and/or field and turf grass grown for seed in qualified
31 counties.

32 (b) "Qualified counties" means those counties in Washington state
33 where cereal grain production within the county exceeds fifteen
34 thousand acres.

35 (4) This section expires January 1, 2011.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.12 RCW
37 to read as follows:

1 (1) The tax levied by RCW 82.12.020 does not apply in respect to:

2 (a) The use of the following machinery and equipment by qualified
3 farmers: No-till drills, minimum-till drills, chisels, plows,
4 sprayers, discs, cultivators, harrows, mowers, swathers, power rakes,
5 balers, bale handlers, shredders, transplanters, tractors two hundred
6 fifty horsepower and over designed to pull conservation equipment on
7 steep hills and highly erodible lands, and combine components limited
8 to straw choppers, chaff spreaders, and stripper headers; and

9 (b) The use of tangible personal property that will be incorporated
10 as an ingredient or component of hay sheds by a qualified farmer,
11 during the course of constructing such hay sheds;

12 (2) The eligibility requirements, conditions, and definitions in
13 section 2 of this act apply to this section.

14 (3) This section expires January 1, 2011.

15 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each
16 repealed:

17 (1) RCW 82.08.840 (Exemptions--Machinery, equipment, or structures
18 that reduce field burning) and 2000 c 40 s 2;

19 (2) RCW 82.12.840 (Exemptions--Machinery, equipment, or structures
20 that reduce field burning) and 2003 c 5 s 14 & 2000 c 40 s 3;

21 (3) RCW 82.04.4459 (Credit--Field burning reduction costs) and 2000
22 c 40 s 4; and

23 (4) RCW 84.36.580 (Property used to reduce field burning) and 2000
24 c 40 s 5.

25 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 July 1, 2005.

Passed by the Senate April 21, 2005.

Passed by the House April 11, 2005.

Approved by the Governor May 11, 2005.

Filed in Office of Secretary of State May 11, 2005.