

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5108**

57th Legislature  
2001 Regular Session

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

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**President of the Senate**

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

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Approved

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**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.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 5108**

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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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