

C.A.  
11/16/04

Ordinance 765

Creating a chapter in the Clallam County Code titled Forest Excise Tax, imposing an excise tax on timber harvested from private lands and from public lands phased in over 10 years and credited against the state tax, providing for administration and collection by the State Department of Revenue

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Chapter 5.29**

**FOREST EXCISE TAX**

Sections:

- 5.29.010 Purpose
- 5.29.020 Tax imposed.
- 5.29.030 Tax computation.
- 5.29.040 Administration and collection.
- 5.29.050 Timber tax account created.
- 5.29.060 Contract with Department of Revenue
- 5.29.070 Consent to inspection of records.
- 5.29.080 Severability.
- 5.29.090 Repealer.
- 5.29.100 Effective date.

**5.29.010 Purpose.**

In 1984, the state legislature authorized counties to impose a 4 percent timber excise tax on timber harvested on private lands but not from timber harvested on public lands (RCW 84.33). The tax was enacted by Clallam County pursuant to Ordinance 239, 1984.

In 2004, the state legislature authorized counties to impose a timber excise tax that includes timber harvested from public lands (Chapter 177, Laws of 2004) with the tax rate phased in over 10 years and an effective date of January 1, 2005.

There is a 5 percent tax imposed by the state on timber harvested from private and public lands. The county tax will be credited against the state tax, to maintain the current total rate of 5 percent without increasing the tax burden imposed on timber harvesters.

**5.29.020 Tax imposed.**

There is imposed and shall be collected, on and after January 1, 2005 an excise tax on every person in the county engaging in business as a harvester as defined by RCW 84.33.035. The tax shall be paid, collected, and remitted to the Washington State Department of Revenue at the time and in the manner prescribed by RCW 84.33.086.

**5.29.030 Tax computation.**

The tax shall be equal to the stumpage value of the timber, as defined in RCW 84.33.035, harvested from privately owned land within the county, multiplied by a rate of 4 percent, and harvested from publicly owned land within the county, multiplied by the following rates:

- (a) For timber harvested January 1, 2005 through December 31, 2005 1.2 percent
- (b) For timber harvested January 1, 2006 through December 31, 2006 1.5 percent
- (c) For timber harvested January 1, 2007 through December 31, 2007 1.8 percent

- (d) For timber harvested January 1, 2008 through December 31, 2008 2.1 percent
- (e) For timber harvested January 1, 2009 through December 31, 2009 2.4 percent
- (f) For timber harvested January 1, 2010 through December 31, 2010 2.7 percent
- (g) For timber harvested January 1, 2011 through December 31, 2011 3.1 percent
- (h) For timber harvested January 1, 2012 through December 31, 2012 3.4 percent
- (i) For timber harvested January 1, 2013 through December 31, 2013 3.7 percent
- (j) For timber harvested January 1, 2014 and thereafter, 4.0 percent.

Any harvester, as defined in RCW 84.33.035, incurring less than \$50 tax liability in any calendar quarter, is excused from the payment of the tax imposed by section .010, but may be required by the Department of Revenue to file a return even though no tax may be due.

**5.29.040 Administration and collection.**

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW Chapter 84.33 and all sections of RCW Chapter 82.32, except RCW 82.32.045 and 82.32.270, shall apply with reference to the taxes imposed under this ordinance.

**5.29.050 Timber tax account created.**

There is created a county timber tax account for deposit of moneys distributed to the county as provided by RCW 84.33.081(1).

**5.29.060 Statutory references**

All statutory references herein are as now or hereafter amended by the legislature.

**5.29.070 Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, it shall not affect the remaining portions of this chapter. It being herein expressly declared that this chapter and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that one or more other sections, subsections, paragraphs, sentences, clauses, or phrases be declared invalid or unconstitutional.

**5.29.080 Repealer.**

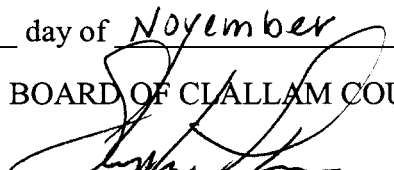
Ordinance 239, 1984 is hereby repealed.


**5.29.100 Effective date.**

This ordinance shall take effect January 1, 2005.

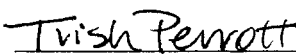
PASSED AND ADOPTED this 16<sup>th</sup> day of November 2004

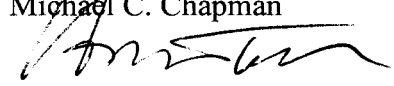
BOARD OF CLALLAM COUNTY COMMISSIONERS

  
 Stephen P. Tharinger, Chair

  
 Michael C. Chapman

ATTEST:

  
 Trish Perrott, CMC, Clerk of the Board

  
 Howard V. Doherty, Jr.