

ORDINANCE NO. 139 -05

AN ORDINANCE RELATING TO TAXATION AND IMPOSING
AN EXCISE TAX ON TIMBER HARVESTED FROM PUBLIC
LANDS, PHASED IN OVER TEN YEARS, AND CREDITED
AGAINST THE STATE TAX, PROVIDING FOR ADMINISTRATION
AND COLLECTION BY THE STATE DEPARTMENT
OF REVENUE; RATIFYING AND RE-ENACTING THE
PROVISIONS OF ORDINANCE NO. 103-84; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the state legislature in 1984 authorized counties to impose a four-percent timber excise tax on timber harvested on private lands but not from timber harvested on public lands (chapter 204, Laws of 1984); and

WHEREAS, on July 2, 1984, the Board of County Commissioners adopted Ordinance No. 103-84 imposing the four percent timber excise tax on timber harvested on private lands, which Ordinance has been continuously in effect since October 1, 1984; and

WHEREAS, the state legislature in 2004 extended the authorization for counties to impose a timber excise tax to include timber harvested from public lands (chapter 177, Laws of 2004), with the tax rate phased in over ten years, and with an effective date of January 1, 2005; and

WHEREAS, there currently is a five percent tax imposed by the state on timber harvested from private and public lands; and

WHEREAS, the county tax will be credited against the state tax, thus maintaining the current total rate of five percent, not increasing the tax burden imposed on timber harvesters; and

WHEREAS, state law provides that the state department of revenue will collect, administer, and distribute the proceeds of the county timber excise tax to the county; and

WHEREAS, the Board of County Commissioners, being fully informed, desires to affirm the existing timber excise tax and extend the excise tax to timber harvested from public lands in the manner prescribed by law, and contract with the state department of revenue for the administration and collection of the tax;

NOW, THEREFORE:

IT IS ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, as follows:

Section 1. Prior Ordinance Reenacted: Ordinance No. 103-84, adopted July 2, 1984, and Chapter 84.33 of the Revised Code of Wahkiakum County, imposing an excise tax of four percent (4%) on every person engaging in the County of Wahkiakum as harvester from privately owned land, are each hereby ratified, reaffirmed, and reenacted.

Section 2. Tax Imposed: There is imposed and shall be collected 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 Department of Revenue of the State of Washington at the time and in the manner prescribed by RCW 84.33.086.

Section 3. Determination of Tax: 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 \$50.00 tax liability in any calendar quarter, is excused from the payment of the tax imposed by Section 2, but may be required by the Department of Revenue to file a return even though no tax may be due.

Section 4. Administrativon and Collection: The administration and collection of the tax imposed by this Ordinance shall be in accordance with the provisions of RCW Chapter 84.33 and all sections of RCW Chapter 82.32 (as now existing or hereafter amended), except RCW 82.32.045 and 82.32.270, shall apply with reference to the taxes imposed under this ordinance.

Section 5. Contract with Department of Revenue: The County is authorized to contract with the Department of Revenue (prior to the effective date of this Ordinance) for the administration and collection of the tax imposed by Section 2 and to provide in such agreement for payment of the costs of collection and administration incurred by the Department of Revenue as directed by RCW 84.33.081. The prosecuting attorney of the county shall first approve the form and content of the contract. The Chairman of the Board of County Commissioners is authorized to execute such contract.

Section 6. Agreement to Inspection of Records: The County agrees to give to the Department of Revenue such facts and information and to permit the department to inspect its records in connection with the imposition, collection and administration of the tax imposed by Section 2 of this Ordinance, as may be necessary to permit the Department to facilitate the administration of the tax and insure the correct distribution of proceeds to the County as provided by RCW Chapter 84.33.

Section 7. Severability: If any provision of this Ordinance, or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

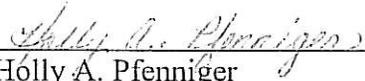
Section 8. Codification: This Ordinance shall be codified as part of Chapter 84.33 of the Revised Code of Wahkiakum County.

Section 9. Effective Date: This Ordinance shall take effect on January 12, 2005.

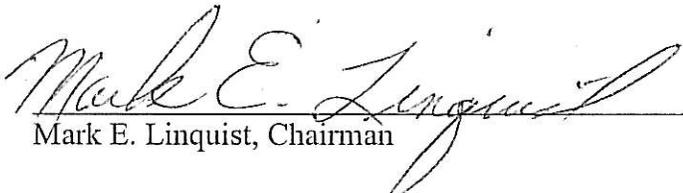
DULY PASSED AND ADOPTED FOLLOWING PUBLIC HEARING THEREON
this 11th day of January, 2005.

**BOARD OF COUNTY COMMISSIONERS
OF WAHKIAKUM COUNTY, WASHINGTON**

ATTEST:



Holly A. Pfenniger
Clerk of the Board

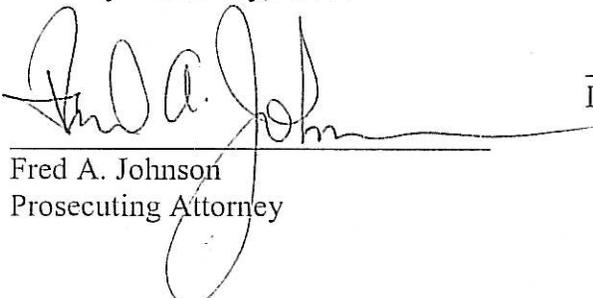


Mark E. Linqvist, Chairman

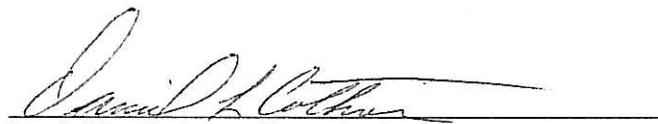


George A. Trott, Commissioner

APPROVED AS TO FORM this
11th day of January, 2005:



Fred A. Johnson
Prosecuting Attorney



Daniel L. Cothren, Commissioner