
SUBSTITUTE SENATE BILL 5441

State of Washington

61st Legislature

2009 Regular Session

By Senate Environment, Water & Energy (originally sponsored by Senators Eide, Zarelli, Marr, Honeyford, Hargrove, Morton, Hatfield, Holmquist, Schoesler, Sheldon, Delvin, Shin, Hewitt, Kline, and Benton)

READ FIRST TIME 02/16/09.

1 AN ACT Relating to creating incentives for the use of biomass in
2 renewable energy production; adding a new section to chapter 82.04 RCW;
3 adding a new section to chapter 82.08 RCW; adding a new section to
4 chapter 82.12 RCW; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.04 RCW
7 to read as follows:

8 (1) In computing the tax imposed under this chapter, harvesters are
9 allowed a credit against the amount of tax otherwise due under this
10 chapter, as provided in this section. The credit is thirty dollars per
11 harvested green ton of forest derived biomass sold, transferred, or
12 used for production of electricity, steam, heat, or biofuel. Credit
13 may not be claimed for forest derived biomass sold, transferred, or
14 used before the effective date of this section. The amount of credit
15 allowed for a reporting period may not exceed the tax otherwise due
16 under this chapter for that reporting period. Any unused excess
17 credit in a reporting period may be carried forward to future reporting
18 periods for a maximum of two years.

1 (2) For the purposes of this section, "harvested" and "harvesters"
2 are defined in RCW 84.33.035, and "biofuel" is defined in RCW
3 43.325.010.

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

6 (1) The tax levied by RCW 82.08.020 does not apply to sales of
7 forest derived biomass used to produce electricity, steam, heat, or
8 biofuel. This exemption is available only if the buyer provides the
9 seller with an exemption certificate in a form and manner prescribed by
10 the department. The seller must retain a copy of the certificate for
11 the seller's files.

12 (2) For purposes of this section, "biofuel" is defined in RCW
13 43.325.010.

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

16 (1) The provisions of this chapter do not apply with respect to the
17 use of forest derived biomass for production of electricity, steam,
18 heat, or biofuel.

19 (2) For purposes of this section, "biofuel" is defined in RCW
20 43.325.010.

21 NEW SECTION. **Sec. 4.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act take effect
26 October 1, 2009.

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