

2 SHB 2865 - S COMM AMD

3 By Committee on Environment & Natural Resources

4 ADOPTED 3/3/92

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 76.48.020 and 1979 ex.s. c 94 s 1 are each amended to
8 read as follows:

9 Unless otherwise required by the context, as used in this chapter:

10 (1) "Christmas trees" shall mean any evergreen trees or the top
11 thereof, commonly known as Christmas trees, with limbs and branches,
12 with or without roots, including fir, pine, spruce, cedar, and other
13 coniferous species.

14 (2) "Native ornamental trees and shrubs" shall mean any trees or
15 shrubs which are not nursery grown and which have been removed from the
16 ground with the roots intact.

17 (3) "Cut or picked evergreen foliage," commonly known as brush,
18 shall mean evergreen boughs, huckleberry, salal, fern, Oregon grape,
19 rhododendron, and other cut or picked evergreen products.

20 (4) "Cedar products" shall mean cedar shakeboards, shake and
21 shingle bolts, and rounds one to three feet in length.

22 (5) "Cedar salvage" shall mean cedar chunks, slabs, stumps, and
23 logs having a volume greater than one cubic foot and being harvested or
24 transported from areas not associated with the concurrent logging of
25 timber stands (a) under a forest practices application approved or
26 notification received by the department of natural resources, or (b)
27 under a contract or permit issued by an agency of the United States
28 government.

1 (6) "Processed cedar products" shall mean cedar shakes, shingles,
2 fence posts, hop poles, pickets, stakes, or rails; or rounds less than
3 one foot in length.

4 (7) "Cedar processor" shall mean any person who purchases and/or
5 takes or retains possession of cedar products or cedar salvage, for
6 later sale in the same or modified form, following their removal and
7 delivery from the land where harvested.

8 (8) "Cascara bark" shall mean the bark of a Cascara tree.

9 (9) "Wild edible mushrooms" means edible mushrooms not cultivated
10 or propagated by artificial means.

11 (10) "Specialized forest products" shall mean Christmas trees,
12 native ornamental trees and shrubs, cut or picked evergreen foliage,
13 cedar products, cedar salvage, processed cedar products, wild edible
14 mushrooms, and Cascara bark.

15 ~~((10))~~ (11) "Person" shall include the plural and all
16 corporations foreign or domestic, copartnerships, firms, and
17 associations of persons.

18 ~~((11))~~ (12) "Harvest" shall mean to separate, by cutting, prying,
19 picking, peeling, breaking, pulling, splitting, or otherwise removing,
20 a specialized forest product (a) from its physical connection with or
21 contact with the land or vegetation upon which it was or has been
22 growing, or (b) from the position in which it has been lying upon such
23 land.

24 ~~((12))~~ (13) "Transportation" means the physical conveyance of
25 specialized forest products outside or off of a harvest site, including
26 but not limited to conveyance by a motorized vehicle designed for use
27 on improved roadways, or by vessel, barge, raft, or other waterborne
28 conveyance. "Transportation" also means any conveyance of specialized
29 forest products by helicopter.

1 (~~(13)~~) (14) "Landowner" means, with regard to any real property,
2 the private owner thereof, the state of Washington or any political
3 subdivision thereof, the federal government, or any person who by deed,
4 contract, or lease has authority to harvest and sell forest products of
5 the property. "Landowner" does not include the purchaser or successful
6 high bidder at any public or private timber sale.

7 (~~(14)~~) (15) "Authorization" means a properly completed preprinted
8 form authorizing the transportation or possession of Christmas trees,
9 which form contains the information required by RCW 76.48.080, and a
10 sample of which is filed before the harvesting occurs with the sheriff
11 of the county in which the harvesting is to occur.

12 (~~(15)~~) (16) "Harvest site" means each location where one or more
13 persons are engaged in harvesting specialized forest products close
14 enough to each other that communication can be conducted with an
15 investigating law enforcement officer in a normal conversational tone.

16 (~~(16)~~) (17) "Specialized forest products permit" shall mean a
17 printed document in a form specified by the department of natural
18 resources, or true copy thereof, signed by a landowner or his duly
19 authorized agent or representative (herein referred to as
20 "permitters"), and validated by the county sheriff, authorizing a
21 designated person (herein referred to as "permittee"), who shall also
22 have signed the permit, to harvest and/or transport a designated
23 specialized forest product from land owned or controlled and specified
24 by the permittor, located in the county where such permit is issued.

25 (~~(17)~~) (18) "Sheriff" means, for the purpose of validating
26 specialized forest products permits, the county sheriff, deputy
27 sheriff, or an authorized employee of the sheriff's office.

28 (~~(18)~~) (19) "True copy" means a replica of a validated
29 specialized forest products permit as reproduced by a copy machine
30 capable of effectively reproducing the information contained on the

1 permittee's copy of the specialized forest products permit. A copy is
2 made true by the permittee or the permittee and permittor signing in
3 the space provided on the face of the copy. A true copy will be
4 effective until the expiration date of the specialized forest products
5 permit unless the permittee or the permittee and permittor specify an
6 earlier date. A permittor may require the actual signatures of both
7 the permittee and permittor for execution of a true copy by so
8 indicating in the space provided on the original copy of the
9 specialized forest products permit. A permittee, or, if so indicated,
10 the permittee and permittor, may condition the use of the true copy to
11 harvesting only, transportation only, possession only, or any
12 combination thereof."

13 **"Sec. 2.** RCW 76.48.060 and 1979 ex.s. c 94 s 5 are each amended to
14 read as follows:

15 A specialized forest products permit validated by the county
16 sheriff shall be obtained by any person prior to harvesting from any
17 lands, including his or her own, more than five Christmas trees, more
18 than five ornamental trees or shrubs, more than five pounds of cut or
19 picked evergreen foliage, any cedar products, cedar salvage, processed
20 cedar products, or more than five pounds of Cascara bark, or more than
21 three United States gallons of a single species of wild edible mushroom
22 and not more than an aggregate total of nine United States gallons of
23 wild edible mushrooms, plus one wild edible mushroom. Specialized
24 forest products permit forms shall be provided by the department of
25 natural resources, and shall be made available through the office of
26 the county sheriff to permittees or permittors in reasonable
27 quantities. A permit form shall be completed in triplicate for each
28 permittor's property on which a permittee harvests specialized forest
29 products. A properly completed permit form shall be mailed or

1 presented for validation to the sheriff of the county in which the
2 specialized forest products are to be harvested. Before a permit form
3 is validated by the sheriff, sufficient personal identification may be
4 required to reasonably identify the person mailing or presenting the
5 permit form and the sheriff may conduct such other investigations as
6 deemed necessary to determine the validity of the information alleged
7 on the form. When the sheriff is reasonably satisfied as to the truth
8 of such information, the form shall be validated with the sheriff's
9 validation stamp provided by the department of natural resources. Upon
10 validation, the form shall become the specialized forest products
11 permit authorizing the harvesting, possession and/or transportation of
12 specialized forest products, subject to any other conditions or
13 limitations which the permittor may specify. Two copies of the permit
14 shall be given or mailed to the permittor, or one copy shall be given
15 or mailed to the permittor and the other copy given or mailed to the
16 permittee. The original permit shall be retained in the office of the
17 county sheriff validating the permit. In the event a single land
18 ownership is situated in two or more counties, a specialized forest
19 product permit shall be completed as to the land situated in each
20 county. While engaged in harvesting of specialized forest products,
21 permittees, or their agents or employees, must have readily available
22 at each harvest site a valid permit or true copy of the permit."

23 **"Sec. 3.** RCW 76.48.070 and 1979 ex.s. c 94 s 6 are each amended to
24 read as follows:

25 (1) Except as provided in RCW 76.48.100 and 76.48.075, it shall be
26 unlawful for any person (a) to possess, and/or (b) to transport within
27 the state of Washington, subject to any other conditions or limitations
28 specified in the specialized forest products permit by the permittor,
29 more than five Christmas trees, more than five native ornamental trees

1 or shrubs, more than five pounds of cut or picked evergreen foliage,
2 any processed cedar products, or more than five pounds of Cascara bark,
3 or more than three gallons of a single species of wild edible mushrooms
4 and not more than an aggregate total of nine gallons of wild edible
5 mushrooms, plus one wild edible mushroom without having in his or her
6 possession a written authorization, sales invoice, bill of lading, or
7 specialized forest products permit or a true copy thereof evidencing
8 his or her title to or authority to have possession of specialized
9 forest products being so possessed or transported.

10 (2) It shall be unlawful for any person (a) to possess and/or (b)
11 to transport within the state of Washington any cedar products or cedar
12 salvage without having in his or her possession a specialized forest
13 products permit or a true copy thereof evidencing his or her title to
14 or authority to have possession of the materials being so possessed or
15 transported."

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18 ADOPTED 3/3/9

19 On page 1, line 1 of the title, after "mushrooms;" strike the
20 remainder of the title and insert "and amending RCW 76.48.020,
21 76.48.060, and 76.48.070."