

2 ESSB 6566 - H COMM AMD

3 By Committee on Natural Resources & Parks

4

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

7 "Sec. 1. RCW 76.48.020 and 1992 c 184 s 1 are each amended to read  
8 as follows:

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

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

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

17 (3) "Cut or picked evergreen foliage," commonly known as brush,  
18 (~~shall~~) means evergreen boughs, huckleberry, salal, fern, Oregon  
19 grape, rhododendron, mosses, lichens, legumes, grasses, and other cut  
20 or picked evergreen products.

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

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

30 (6) "Processed cedar products" (~~shall~~) means cedar shakes,  
31 shingles, fence posts, hop poles, pickets, stakes, (~~or~~) rails(~~or~~),  
32 or rounds less than one foot in length.

33 (7) "Cedar processor" (~~shall~~) means any person who purchases  
34 (~~and/or~~), takes, or retains possession of cedar products or cedar  
35 salvage(~~or~~) for later sale in the same or modified form(~~or~~) following  
36 (~~their~~) removal and delivery from the land where harvested.

1 (8) "Cascara bark" (~~shall~~) means the bark of a Cascara tree.

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

4 (10) "Specialized forest products" (~~shall~~) means Christmas trees,  
5 native ornamental trees and shrubs, cut or picked evergreen foliage,  
6 cedar products, cedar salvage, processed cedar products, wild edible  
7 mushrooms, and Cascara bark.

8 (11) "Person" (~~shall~~) includes the plural and all corporations,  
9 foreign or domestic, copartnerships, firms, and associations of  
10 persons.

11 (12) "Harvest" (~~shall~~) means to separate, by cutting, prying,  
12 picking, peeling, breaking, pulling, splitting, or otherwise removing,  
13 a specialized forest product (a) from its physical connection (~~with~~)  
14 or contact with the land or vegetation upon which it (~~was or has~~  
15 ~~been~~) is or was growing(~~g~~) or (b) from the position in which it  
16 (~~has been~~) is lying upon (~~such~~) the land.

17 (13) "Transportation" means the physical conveyance of specialized  
18 forest products outside or off of a harvest site(~~, including but not~~  
19 ~~limited to conveyance by a motorized vehicle designed for use on~~  
20 ~~improved roadways, or by vessel, barge, raft, or other waterborne~~  
21 ~~conveyance. "Transportation" also means any conveyance of specialized~~  
22 ~~forest products by helicopter~~) by any means.

23 (14) "Landowner" means, with regard to (~~any~~) real property, the  
24 private owner (~~thereof~~), the state of Washington or any political  
25 subdivision (~~thereof~~), the federal government, or (~~any~~) a person  
26 who by deed, contract, or lease has authority to harvest and sell  
27 forest products of the property. "Landowner" does not include the  
28 purchaser or successful high bidder at (~~any~~) a public or private  
29 timber sale.

30 (15) "Authorization" means a properly completed preprinted form  
31 authorizing the transportation or possession of Christmas trees(~~g~~)  
32 which (~~form~~) contains the information required by RCW 76.48.080,  
33 (~~and~~) a sample of which is filed before the harvesting occurs with  
34 the sheriff of the county in which the harvesting is to occur.

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

1 (17) "Specialized forest products permit" (~~shall~~) means a printed  
2 document in a form specified by the department of natural resources, or  
3 true copy thereof, that is signed by a landowner or his (~~duly~~) or her  
4 authorized agent or representative (~~herein~~), referred to in this  
5 chapter as "permitter"(~~+~~) and validated by the county sheriff(~~+~~  
6 authorizing) and authorizes a designated person (~~herein~~), referred  
7 to in this chapter as "permittee"(~~+~~), who (~~shall~~) has also (~~have~~)  
8 signed the permit, to harvest (~~and/or~~) and transport a designated  
9 specialized forest product from land owned or controlled and specified  
10 by the permitter(~~+~~) and that is located in the county where (~~such~~)  
11 the permit is issued.

12 (18) "Sheriff" means, for the purpose of validating specialized  
13 forest products permits, the county sheriff, deputy sheriff, or an  
14 authorized employee of the sheriff's office or an agent of the office.

15 (19) "True copy" means a replica of a validated specialized forest  
16 products permit as reproduced by a copy machine capable of effectively  
17 reproducing the information contained on the permittee's copy of the  
18 specialized forest products permit. A copy is made true by the  
19 permittee or the permittee and permitter signing in the space provided  
20 on the face of the copy. A true copy will be effective until the  
21 expiration date of the specialized forest products permit unless the  
22 permittee or the permittee and permitter specify an earlier date. A  
23 permitter may require the actual signatures of both the permittee and  
24 permitter for execution of a true copy by so indicating in the space  
25 provided on the original copy of the specialized forest products  
26 permit. A permittee, or, if so indicated, the permittee and permitter,  
27 may condition the use of the true copy to harvesting only,  
28 transportation only, possession only, or any combination thereof.

29 **Sec. 2.** RCW 76.48.030 and 1979 ex.s. c 94 s 2 are each amended to  
30 read as follows:

31 It (~~shall be~~) is unlawful for any person to:

32 (1) Harvest specialized forest products as described in RCW  
33 76.48.020, in the quantities specified in RCW 76.48.060, without first  
34 obtaining a validated specialized forest products permit;

35 (2) Engage in activities or phases of harvesting specialized forest  
36 products not authorized by the permit; or

37 (3) Harvest specialized forest products in any lesser quantities  
38 than those specified in RCW 76.48.060, as now or hereafter amended,

1 without first obtaining permission from the landowner or his or her  
2 duly authorized agent or representative.

3 **Sec. 3.** RCW 76.48.040 and 1988 c 36 s 49 are each amended to read  
4 as follows:

5 Agencies charged with the enforcement of this chapter shall  
6 include, but not be limited to, the Washington state patrol, county  
7 sheriffs and their deputies, county or municipal police forces,  
8 authorized personnel of the United States forest service, and  
9 authorized personnel of the departments of natural resources, and  
10 ~~((fisheries,)) fish~~ and wildlife. ~~((Primary enforcement responsibility~~  
11 ~~lies in the county sheriffs and their deputies.))~~ The provisions of  
12 this chapter shall be strictly enforced by the agencies set out under  
13 this section.

14 **Sec. 4.** RCW 76.48.050 and 1979 ex.s. c 94 s 4 are each amended to  
15 read as follows:

16 Specialized forest products permits shall consist of properly  
17 completed permit forms validated by the sheriff of the county in which  
18 the specialized forest products are to be harvested. Each permit shall  
19 be separately numbered and the permits shall be issued by consecutive  
20 numbers. All specialized forest products permits shall expire at the  
21 end of the calendar year in which issued, or sooner, at the discretion  
22 of the permittor. A properly completed specialized forest products  
23 permit form shall include:

- 24 (1) The date of its execution and expiration;
- 25 (2) The name, address, telephone number, if any, and signature of  
26 the permittor;
- 27 (3) The name, address, telephone number, if any, and signature of  
28 the permittee;
- 29 (4) The type of specialized forest products to be harvested or  
30 transported;
- 31 (5) The approximate amount or volume of specialized forest products  
32 to be harvested or transported;
- 33 (6) The legal description of the property from which the  
34 specialized forest products are to be harvested or transported,  
35 including the name of the county, or the state or province if outside  
36 the state of Washington;

1 (7) A description by local landmarks of where the harvesting is to  
2 occur, or from where the specialized forest products are to be  
3 transported;

4 (8) The person's driver's license or valid picture identification  
5 and, if not prohibited by federal law, the person's social security  
6 number. The sheriff's office shall verify the social security number  
7 when the permit is validated. Except for the harvesting of Christmas  
8 trees, the permit or true copy thereof must be carried by the picker  
9 and available for inspection at all times. For the harvesting of  
10 Christmas trees only a single permit or true copy thereof is necessary  
11 to be available at the harvest site; and

12 (9) Any other condition or limitation which the permittor may  
13 specify.

14 **Sec. 5.** RCW 76.48.060 and 1992 c 184 s 2 are each amended to read  
15 as follows:

16 A specialized forest products permit validated by the county  
17 sheriff shall be obtained by ((any)) a person prior to harvesting from  
18 any lands, including his or her own, more than five Christmas trees,  
19 more than five native ornamental trees or shrubs, more than five pounds  
20 of cut or picked evergreen foliage, any cedar products, cedar salvage,  
21 processed cedar products, or more than five pounds of Cascara bark, or  
22 more than three United States gallons of a single species of wild  
23 edible mushroom and ((not)) more than an aggregate total of nine United  
24 States gallons of wild edible mushrooms, plus one wild edible mushroom.  
25 Specialized forest products permit forms shall be provided by the  
26 department of natural resources, and shall be made available through  
27 the office of the county sheriff to permittees or permittors in  
28 reasonable quantities. A permit form shall be completed in triplicate  
29 for each permittor's property on which a permittee harvests specialized  
30 forest products. A properly completed permit form shall be mailed or  
31 presented for validation to the sheriff of the county in which the  
32 specialized forest products are to be harvested. Before a permit form  
33 is validated by the sheriff, sufficient personal identification may be  
34 required to reasonably identify the person mailing or presenting the  
35 permit form and the sheriff may conduct ((such)) other investigations  
36 as deemed necessary to determine the validity of the information  
37 alleged on the form. When the sheriff is reasonably satisfied as to  
38 the truth of ((such)) the information, the form shall be validated with

1 the sheriff's validation stamp (~~provided by the department of natural~~  
2 ~~resources~~). Upon validation, the form shall become the specialized  
3 forest products permit authorizing the harvesting, possession (~~and/~~  
4 ~~or~~), or transportation of specialized forest products, subject to any  
5 other conditions or limitations which the permittor may specify. Two  
6 copies of the permit shall be given or mailed to the permittor, or one  
7 copy shall be given or mailed to the permittor and the other copy given  
8 or mailed to the permittee. The original permit shall be retained in  
9 the office of the county sheriff validating the permit. In the event  
10 a single land ownership is situated in two or more counties, a  
11 specialized forest product permit shall be completed as to the land  
12 situated in each county. While engaged in harvesting of specialized  
13 forest products, permittees, or their agents or employees, must have  
14 readily available at each harvest site a valid permit or true copy of  
15 the permit.

16 **Sec. 6.** RCW 76.48.070 and 1992 c 184 s 3 are each amended to read  
17 as follows:

18 (1) Except as provided in RCW 76.48.100 and 76.48.075, it (~~shall~~  
19 ~~be~~) is unlawful for any person (a) to possess, (~~and/or~~) (b) to  
20 transport, or (c) to possess and transport within the state of  
21 Washington, subject to any other conditions or limitations specified in  
22 the specialized forest products permit by the permittor, more than five  
23 Christmas trees, more than five native ornamental trees or shrubs, more  
24 than five pounds of cut or picked evergreen foliage, any processed  
25 cedar products, or more than five pounds of Cascara bark, or more than  
26 three gallons of a single species of wild edible mushrooms and (~~not~~)  
27 more than an aggregate total of nine gallons of wild edible mushrooms,  
28 plus one wild edible mushroom without having in his or her possession  
29 a written authorization, sales invoice, bill of lading, or specialized  
30 forest products permit or a true copy thereof evidencing his or her  
31 title to or authority to have possession of specialized forest products  
32 being so possessed or transported.

33 (2) It (~~shall be~~) is unlawful for any person either (a) to  
34 possess (~~and/or~~), (b) to transport, or (c) to possess and transport  
35 within the state of Washington any cedar products or cedar salvage  
36 without having in his or her possession a specialized forest products  
37 permit or a true copy thereof evidencing his or her title to or

1 authority to have possession of the materials being so possessed or  
2 transported.

3 **Sec. 7.** RCW 76.48.075 and 1979 ex.s. c 94 s 15 are each amended to  
4 read as follows:

5 (1) It is unlawful for any person to transport or cause to be  
6 transported into this state from any other state or province  
7 specialized forest products, except those harvested from that person's  
8 own property, without: (a) First acquiring and having readily  
9 available for inspection a document indicating the true origin of the  
10 specialized forest products as being outside the state, or (b) without  
11 acquiring a specialized forest products permit as provided in  
12 subsection (4) of this section.

13 (2) Any person transporting or causing to be transported  
14 specialized forest products into this state from any other state or  
15 province shall, upon request of any person to whom the specialized  
16 forest products are sold or delivered or upon request of any law  
17 enforcement officer, prepare and sign a statement indicating the true  
18 origin of the specialized forest products, the date of delivery, and  
19 the license number of the vehicle making delivery, and shall leave the  
20 statement with the person making the request.

21 (3) It is unlawful for any person to possess specialized forest  
22 products, transported into this state, with knowledge that the products  
23 were introduced into this state in violation of this chapter.

24 (4) When any person transporting or causing to be transported into  
25 this state specialized forest products elects to acquire a specialized  
26 forest products permit, the specialized forest products transported  
27 into this state shall be deemed to be harvested in the county of entry,  
28 and the sheriff of that county may validate the permit as if the  
29 products were so harvested, except that the permit shall also indicate  
30 the actual harvest site outside the state.

31 (5) A cedar processor shall comply with RCW 76.48.096 by requiring  
32 a person transporting specialized forest products into this state from  
33 any other state or province to display a specialized forest products  
34 permit, or true copy thereof, or other document indicating the true  
35 origin of the specialized forest products as being outside the state.  
36 The cedar processor shall make and maintain a record of the purchase,  
37 taking possession, or retention of cedar products and cedar salvage in  
38 compliance with RCW 76.48.094.

1 (6) If, (~~pursuant to~~) under official inquiry, investigation, or  
2 other authorized proceeding regarding specialized forest products not  
3 covered by a valid specialized forest products permit or other  
4 acceptable document, the inspecting law enforcement officer has  
5 probable cause to believe that the specialized forest products were  
6 harvested in this state or wrongfully obtained in another state or  
7 province, the officer may take into custody and detain, for a  
8 reasonable time, the specialized forest products, all supporting  
9 documents, invoices, and bills of lading, and the vehicle in which the  
10 products were transported until the true origin of the specialized  
11 forest products can be determined.

12 **Sec. 8.** RCW 76.48.096 and 1979 ex.s. c 94 s 10 are each amended to  
13 read as follows:

14 It (~~shall be~~) is unlawful for any cedar processor to purchase,  
15 take possession, or retain cedar products or cedar salvage subsequent  
16 to the harvesting and prior to the retail sale of (~~such~~) the  
17 products, unless the supplier thereof displays a specialized forest  
18 products permit, or true copy thereof(~~, which~~) that appears to be  
19 valid, or obtains the information (~~pursuant to~~) under RCW  
20 76.48.075(5).

21 **Sec. 9.** RCW 76.48.098 and 1979 ex.s. c 94 s 11 are each amended to  
22 read as follows:

23 Every cedar processor shall prominently display a valid  
24 registration certificate, or copy thereof, obtained from the department  
25 of revenue (~~pursuant to~~) under RCW 82.32.030 at each location where  
26 (~~such~~) the processor receives cedar products or cedar salvage.

27 Permittees shall sell cedar products or cedar salvage only to cedar  
28 processors displaying registration certificates which appear to be  
29 valid.

30 **Sec. 10.** RCW 76.48.100 and 1979 ex.s. c 94 s 12 are each amended  
31 to read as follows:

32 The provisions of this chapter (~~shall~~) do not apply to:

33 (1) Nursery grown products.

34 (2) Logs (except as included in the definition of "cedar salvage"  
35 under RCW 76.48.020), poles, pilings, or other major forest products  
36 from which substantially all of the limbs and branches have been

1 removed, and cedar salvage when harvested concurrently with timber  
2 stands (a) under an approved forest practices application or  
3 notification, or (b) under a contract or permit issued by an agency of  
4 the United States government.

5 (3) The activities of a landowner, his or her agent, or  
6 representative, or of a lessee of land in carrying on noncommercial  
7 property management, maintenance, or improvements on or in connection  
8 with the land of (~~such~~) the landowner or lessee.

9 **Sec. 11.** RCW 76.48.110 and 1979 ex.s. c 94 s 13 are each amended  
10 to read as follows:

11 Whenever any law enforcement officer has probable cause to believe  
12 that a person is harvesting or is in possession of or transporting  
13 specialized forest products in violation of the provisions of this  
14 chapter, he or she may, at the time of making an arrest, seize and take  
15 possession of any (~~such~~) specialized forest products found. The law  
16 enforcement officer shall provide reasonable protection for the  
17 specialized forest products involved during the period of litigation or  
18 he or she shall dispose of (~~such~~) the specialized forest products at  
19 the discretion or order of the court before which the arrested person  
20 is ordered to appear.

21 Upon any disposition of the case by the court, the court shall make  
22 a reasonable effort to return the specialized forest products to  
23 (~~their~~) its rightful owner or pay the proceeds of any sale of  
24 specialized forest products less any reasonable expenses of (~~such~~)  
25 the sale to the rightful owner. If for any reason, the proceeds of  
26 (~~such~~) the sale cannot be disposed of to the rightful owner, (~~such~~)  
27 the proceeds, less the reasonable expenses of the sale, shall be paid  
28 to the treasurer of the county in which the violation occurred. The  
29 county treasurer shall deposit the same in the county general fund.  
30 The return of the specialized forest products or the payment of the  
31 proceeds of any sale of products seized to the owner shall not preclude  
32 the court from imposing any fine or penalty upon the violator for the  
33 violation of the provisions of this chapter.

34 **Sec. 12.** RCW 76.48.120 and 1979 ex.s. c 94 s 14 are each amended  
35 to read as follows:

36 It (~~shall be~~) is unlawful for any person, upon official inquiry,  
37 investigation, or other authorized proceedings, to offer as genuine any

1 paper, document, or other instrument in writing purporting to be a  
2 specialized forest products permit, or true copy thereof,  
3 authorization, sales invoice, or bill of lading, or to make any  
4 representation of authority to possess or conduct harvesting or  
5 transporting of specialized forest products, knowing the same to be in  
6 any manner false, fraudulent, forged, or stolen.

7 Any person who knowingly or intentionally violates this section  
8 (~~shall be~~) is guilty of forgery, and shall be punished as a class C  
9 felony providing for imprisonment in a state correctional institution  
10 for a maximum term fixed by the court of not more than five years or by  
11 a fine of not more than five thousand dollars, or by both (~~such~~)  
12 imprisonment and fine.

13 Whenever any law enforcement officer reasonably suspects that a  
14 specialized forest products permit or true copy thereof, authorization,  
15 sales invoice, or bill of lading is forged, fraudulent, or stolen, it  
16 may be retained by the officer until its authenticity can be verified.

17 **Sec. 13.** RCW 76.48.130 and 1977 ex.s. c 147 s 10 are each amended  
18 to read as follows:

19 (~~Any~~) A person who violates (~~any~~) a provision of this chapter,  
20 other than the provisions contained in RCW 76.48.120, as now or  
21 hereafter amended, (~~shall be~~) is guilty of a gross misdemeanor and  
22 upon conviction thereof shall be punished by a fine of not more than  
23 one thousand dollars or by imprisonment in the county jail for not to  
24 exceed one year or by both (~~such~~) a fine and imprisonment.

25 NEW SECTION. **Sec. 14.** A new section is added to chapter 76.48 RCW  
26 to read as follows:

27 Buyers who purchase specialized forest products are required to  
28 record (1) the permit number; (2) the type of forest product purchased;  
29 (3) the permit holder's name; (4) the amount of forest product  
30 purchased; and (5) the purchase price. The buyer shall keep a record  
31 of this information for a period of one year from the date of purchase  
32 and make the records available for inspection by authorized enforcement  
33 officials.

34 The buyer of specialized forest products must record the license  
35 plate number of the vehicle transporting the forest products on the  
36 bill of sale, as well as the seller's permit number on the bill of

1 sale. This section shall not apply to transactions involving Christmas  
2 trees.

3 NEW SECTION. **Sec. 15.** A new section is added to chapter 76.48 RCW  
4 to read as follows:

5 County sheriffs may contract with other entities to serve as  
6 authorized agents to validate specialized forest product permits.  
7 These entities include the United States forest service, the bureau of  
8 land management, the department of natural resources, local police  
9 departments, and other entities as decided upon by the county sheriffs'  
10 departments. An entity that contracts with a county sheriff to serve  
11 as an authorized agent to validate specialized forest product permits  
12 may conduct other investigations as deemed necessary to reasonably  
13 determine the validity of the information alleged on the permit form.

14 NEW SECTION. **Sec. 16.** A new section is added to chapter 76.48 RCW  
15 to read as follows:

16 Records of buyers of specialized forest products collected under  
17 the requirements of section 14 of this act may be made available to  
18 colleges and universities for the purpose of research.

19 NEW SECTION. **Sec. 17.** A new section is added to chapter 76.48 RCW  
20 to read as follows:

21 Minority groups have long been participants in the specialized  
22 forest products industry. The legislature encourages agencies serving  
23 minority communities, community-based organizations, refugee centers,  
24 social service agencies, agencies and organizations with expertise in  
25 the specialized forest products industry, and other interested groups  
26 to work cooperatively to accomplish the following purposes:

27 (1) To provide assistance and make referrals on translation  
28 services and to assist in translating educational materials, laws, and  
29 rules regarding specialized forest products;

30 (2) To hold clinics to teach techniques for effective picking; and

31 (3) To work with both minority and nonminority pickers in order to  
32 protect resources and foster understanding between minority and  
33 nonminority pickers.

34 To the extent practicable within their existing resources, the  
35 commission on Asian-American affairs, the commission on Hispanic

1 affairs, and the department of natural resources are encouraged to  
2 coordinate this effort.

3 NEW SECTION. **Sec. 18.** RCW 76.48.092 and 1979 ex.s. c 94 s 8 &  
4 1977 ex.s. c 147 s 14 are each repealed.

5 NEW SECTION. **Sec. 19.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected."

--- END ---