

HOUSE BILL REPORT

ESSB 6566

As Reported By House Committee On:
Natural Resources & Parks

Title: An act relating to specialized forest products.

Brief Description: Modifying requirements for specialized forest product permits.

Sponsors: Senator Owen.

Brief History:

Reported by House Committee on:
Natural Resources & Parks, February 23, 1994, DPA.

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass as amended. Signed by 11 members: Representatives Pruitt, Chair; R. Johnson, Vice Chair; Stevens, Ranking Minority Member; McMorris, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; B. Thomas; Valle and Wolfe.

Staff: Linda Byers (786-7129).

Background: Specialized forest products include Christmas trees, native trees and shrubs, cedar products, brush and wild edible mushrooms. Before harvesting over a certain amount of any of these products, a person must have a specialized forest products permit. These permits are issued and validated by the county sheriff's office in the county in which the products are to be harvested. The validated permit includes the signature of the landowner. If a person is harvesting an amount below the threshold required for a permit, that person must still obtain permission to harvest from the landowner.

A number of agencies may enforce the provisions of the laws regulating specialized forest products, including the Forest Service and state agency personnel. However, primary enforcement authority lies with the county sheriffs. Most violations of this law are gross misdemeanors. The forging of permits or other related documents is a class C felony.

One of the overriding characteristics of the specialized forest products industry is a lack of information: about the quantities of products being harvested, the harvest

sites, the effects of the harvesting on the forest ecosystem, etc. Enforcement of the law is challenging due to the nature of the industry.

Summary of Amended Bill: County sheriffs may contract with other entities, such as the Forest Service, the Department of Natural Resources or local police departments, to serve as authorized agents to validate specialized forest product permits. All permits are to be separately and consecutively numbered. In addition to the information already required for a permit, the applicant must also provide a driver's license or valid picture identification and a Social Security number. The sheriff's office is to verify the Social Security number when the permit is validated.

The provision of current law assigning county sheriffs with primary enforcement responsibility is removed. All agencies with enforcement authority are charged with strictly enforcing the law.

Buyers of specialized forest products must record: (1) the permit number of the seller; (2) the type of product purchased; (3) the permit holder's name; (4) the amount of product purchased; and (5) the purchase price. The buyer must also record the license plate number of the vehicle transporting the products and the seller's permit number on the bill of sale. Buyers must retain their records on purchases for one year and make the records available for inspection by authorized enforcement officials. These records may also be made available to colleges and universities for the purpose of research.

The Legislature encourages agencies serving minority communities, agencies and organizations with expertise in the industry, and other parties to work cooperatively to provide translation assistance and educational clinics and to foster understanding between minority and nonminority pickers.

Amended Bill Compared to Engrossed Substitute Bill: The amended bill removes the requirement that recreational pickers need written permission from the landowner. It clarifies that an entity which contracts with a sheriff's office to validate permits may conduct investigations to confirm the validity of information provided on the permit form. Rather than requiring various groups to work to provide translation and other services, the Legislature encourages these groups to work cooperatively. The Asian-American Affairs Commission, the Hispanic Affairs Commission, and the Department of Natural Resources are encouraged to coordinate this effort to the extent

practicable within their existing resources. The amended bill contains other clarifying and technical changes.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The problems associated with specialized forest products grow as the value of these products increases. There are a growing number of violent and dangerous situations in the woods. This bill will help discourage illegal picking and will make it more difficult for those who are picking illegally to sell the products. The bill gives law enforcement personnel additional tools to use. It is helpful from the perspective of land managers and in general with regard to protection of valuable resources.

Testimony Against: Requiring written permission for recreational pickers will cause a major burden on landowners and pickers and may result in closure of some lands to recreational picking. There should be permit fees to fund enforcement, and buyers should be required to submit data to the Department of Natural Resources on a regular basis. There is no funding to implement the provisions of this bill. Use of copies of permits has been a problem. The required tasks for the two commissions are vague; the commissions would be happy to help but cannot accomplish all the tasks given their resource constraints. There is a concern about equal treatment in the verification of information on the permit forms.

Witnesses: Linda Mitchell, representing Senator Brad Owen, prime sponsor (pro); Barbara Roman, Special Forest Harvester (pro); Ralph Hayford, Mycological Societies (pro with amendment); Greg Hanon, Western Greens Group (pro); Dan Coyne, Simpson Timber Company (pro with amendment); Stan Biles, Department of Natural Resources (pro with amendment); Ana Rojas, Commission on Hispanic Affairs (pro with comments); David Della, Commission on Asian-American Affairs (pro with amendment); David Wood, Mason County Mushroom Buyers (slight change); and Steve Taylor, Puget Sound Mycological Society (pro and con).