

FINAL BILL REPORT

SHB 2502

PARTIAL VETO

C 251 L 02

Synopsis as Enacted

Brief Description: Concerning the establishment of the forest products commission.

Sponsors: By House Committee on Natural Resources (originally sponsored by Representatives Sump, Doumit, Rockefeller, Pearson, Jackley and Chase).

House Committee on Natural Resources
Senate Committee on Natural Resources, Parks & Shorelines

Background:

The Legislature authorized the creation of a forest products commission during the 2001 legislative session. A forest products commission would operate similarly to the other commodity commissions in the state. It is responsible for the promotion of forest products, conducting research related to managed forests, and promoting managed forests. The commission would be funded by assessments paid by its members.

During the 2001 interim, the United States Supreme Court decided a case that relates to commodity commissions. The court found that a federal law requiring mushroom growers to pay for the establishment of a mushroom council to promote mushrooms was a violation of the First Amendment right to free speech under the United States Constitution. The court did not address in its decision whether promotion by such a commission constituted government speech that is entitled to First Amendment protection.

The statutory provisions do not specify when the director of the Department of Agriculture must call an election regarding the establishment of a forest products commission.

Summary:

Legislative intent is clarified to indicate that any advertising, marketing, or public education by the Forest Products Commission constitutes government speech and is therefore entitled to protection under the First Amendment. Additional language is added to the legislative intent section to reflect the importance of research related to forest products and managed forests to the citizens of the state.

Language is added to clarify that the director of the Department of Agriculture must call an election regarding the establishment of a forest products commission after receiving

notice from an association representing forest products producers.

The association of forest products producers interested in forming a forest products commission must reimburse the Department of Agriculture for its costs for convening the producers to nominate commission members and for conducting the election. If the commission is approved, it must reimburse the association for the costs paid to the department.

Votes on Final Passage:

House 97 0

Senate 49 0

Effective: June 13, 2002

Partial Veto Summary: The Governor vetoed a section providing legislative findings that: (1) the acts of the Forest Products Commission are government speech that provides a benefit for the people of Washington, (2) the proper promotion of forest products are vital to the state's citizens, and (3) managed forests research is critical for complying with comprehensive regulatory schemes.