

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 2502

57th Legislature
2002 Regular Session

Passed by the House February 12, 2002
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 6, 2002
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2502** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2502

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

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

Read first time 01/29/2002. Referred to Committee on .

1 AN ACT Relating to the forest products commission; amending RCW
2 15.100.010, 15.100.030, and 15.100.040; and adding a new section to
3 chapter 15.100 RCW.

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

5 **Sec. 1.** RCW 15.100.010 and 2001 c 314 s 1 are each amended to read
6 as follows:

7 (1) The legislature finds that the creation of a forest products
8 commission would assist in expanding the state's economy, because:

9 ~~((1))~~ (a) Marketing is a dynamic and changing part of the
10 Washington forest products industry and a vital element in expanding
11 the state economy;

12 ~~((2))~~ (b) The sale in the state and export to other states and
13 abroad of forest products made in the state contribute substantial
14 benefits to the economy of the state, provide a large number of jobs
15 and sizeable tax revenues, and are key components of the health of many
16 local communities because many secondary businesses are largely
17 dependent on the health of the forest products industry; ~~((and~~

18 ~~(3))~~ (c) Forest products are made from a renewable resource and
19 are more environmentally sound than many alternative products;

1 (d) Proper promotion of forest products is vital to the producers
2 of these products and the continued economic well-being of the citizens
3 of the state; and

4 (e) Research related to managed forests and the promotion of
5 managed forests can yield critical information for complying with the
6 existing comprehensive state and federal scheme regulating timber
7 harvest.

8 (2) The legislature also finds that any advertising, marketing, and
9 public education related to the sale of forest products by the forest
10 products commission is government speech that provides a benefit for
11 the citizens of the state and is thereby entitled to first amendment
12 protection.

13 **Sec. 2.** RCW 15.100.030 and 2001 c 314 s 3 are each amended to read
14 as follows:

15 (1)(a) There is created a commodity commission to be known and
16 designated as the Washington forest products commission. The
17 commission is composed of nine voting members. The commission may, in
18 its sole discretion, add or remove nonvoting ex officio members to the
19 commission. Of the members, six shall be from western Washington, and
20 three shall be from eastern Washington. After the initial election of
21 commission members, however, if a position cannot be filled by a member
22 from eastern Washington within sixty days from the date on which
23 nominations may first be received because of a lack of candidates, the
24 position may be filled by a member from western Washington. Under no
25 circumstances will there be less than two board members from eastern
26 Washington. If a position was filled by a member from western
27 Washington because of a lack of candidates from eastern Washington, and
28 districts are not used for the nomination and election of members, then
29 a person from eastern Washington must fill the next available vacancy
30 or open position at the next election to bring the number of
31 representatives from eastern Washington up to three members. All
32 members shall be elected by the entire group of producers unless the
33 commission creates districts for the members as authorized in RCW
34 15.100.050. If districts are used for the nomination and election of
35 commission members, and it does not appear that one of the positions
36 from eastern Washington will be filled because of a lack of candidates,
37 then a commission member who resides in western Washington must be
38 elected by the entire group of producers as an at-large member. The

1 position of the western Washington member who is elected as an at-large
2 member shall be filled by a member from eastern Washington at the
3 expiration of the term of the at-large member. If districts are not
4 used for the nomination and election of members, the commission shall
5 strive to achieve representation on the commission from the different
6 geographic regions of the state.

7 (b) Of the six members from western Washington, three members must
8 have annual harvests of more than seventy-five million board feet, and
9 three members must have annual harvests between two million board feet
10 and seventy-five million board feet.

11 (c) Of the two members from eastern Washington, one member must
12 have an annual harvest greater than forty million board feet, and one
13 member must have an annual harvest between two million board feet and
14 forty million board feet. If there is a third member from eastern
15 Washington, the only harvest requirement is that the member have an
16 annual harvest of at least two million board feet.

17 (2) The members must be citizens and residents of this state, and
18 over the age of twenty-one years. Each member must currently, and for
19 the five years last preceding his or her election, be actually engaged
20 in producing forest products within the state of Washington, either
21 individually or as an officer of a corporation, firm, partnership,
22 trust, association, or business organization at the level of production
23 required to qualify as a producer. Each member must also derive a
24 substantial amount of his or her income from the production of forest
25 products. The qualifications set forth in this section apply
26 throughout each member's term of office.

27 (3) No more than one member of the commission may be employed by,
28 or connected in a proprietary capacity with, the same corporation,
29 firm, partnership, trust, association, or business organization.

30 (4) Five voting members of the commission constitute a quorum for
31 the transaction of all business and the carrying out of the duties of
32 the commission.

33 (5) The regular term of office of the members is four years from
34 November 1st following their election and until their successors are
35 elected and qualified. However, the first terms of the members elected
36 in the initial November 1st((~~7~~—2001~~7~~)) election is as follows:
37 Positions one, four, and seven terminate on November 1st, ((2003)) two
38 years after the initial election is held; positions two, five, and
39 eight terminate on November 1st, ((2004)) three years after the initial

1 election is held; and positions three, six, and nine terminate on
2 November 1st, ((2005)) four years after the initial election is held.

3 **Sec. 3.** RCW 15.100.040 and 2001 c 314 s 4 are each amended to read
4 as follows:

5 (1) The director shall call the initial meeting of producers of
6 forest products for the purpose of nominating their respective members
7 of the commission after receiving notice from an association
8 representing producers of forest products that substantial interest
9 exists in forming a forest products commission. Public notice of the
10 meeting shall be given by the director in the manner the director
11 determines is appropriate. A producer may on his or her own motion
12 file his or her name with the director for the purpose of receiving
13 notice of the meeting. The nonreceipt of the notice by any interested
14 person does not invalidate the proceedings.

15 (2) Prior to the nomination of commission members, the department
16 of revenue shall provide the director with a list of all qualified
17 producers within the state based upon tax records of the department.

18 (3) For the initial election of commission members, any qualified
19 producer may be nominated orally for a commissioner position at the
20 meeting convened by the director. Nominations may also be made within
21 five days prior to the meeting by a written petition filed with the
22 department, signed by at least five producers who reside in the state.
23 If the director determines that one of the positions from eastern
24 Washington will go unfilled because of a lack of candidates, the
25 director shall announce that this position shall be filled by a member
26 from western Washington. If the position designated for eastern
27 Washington is filled by a member from western Washington because of a
28 lack of candidates from eastern Washington, this position shall be
29 designated as position number seven by the director for purposes of RCW
30 15.100.030(5). Under no circumstances will there be less than two
31 board members from eastern Washington.

32 (4) The initial members of the commission shall be elected by
33 secret mail ballot under the supervision of the director at the same
34 time the referendum is submitted under RCW 15.100.120 calling for the
35 creation of the commission and the imposition of the initial
36 assessment. If a nominee does not receive a majority of the votes on
37 the first ballot, a run-off election shall be held by mail in a similar

1 manner between the two candidates for the position receiving the
2 largest number of votes.

3 (5) If the director determines under RCW 15.100.120(3) that the
4 requisite approval for the establishment of a commission has not been
5 given, any subsequent efforts to create a commission must follow the
6 procedures established under this chapter for the initial nomination
7 and election of members.

8 NEW SECTION. Sec. 4. A new section is added to chapter 15.100 RCW
9 to read as follows:

10 The association responsible for giving the director notice under
11 RCW 15.100.040 that substantial interest exists in forming a forest
12 products commission shall reimburse the department for its costs
13 associated with conducting a proceeding to initiate a commission under
14 RCW 15.100.040 and 15.100.120. If the necessary approval is received
15 for the creation of a commission, the commission shall reimburse the
16 association for the costs paid to the department when funds become
17 available.

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