

SHB 2749 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 76.48.020 and 2005 c 401 s 1 are each amended to read
4 as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

12 (2) "Bill of lading" means a written or printed itemized list or
13 statement of particulars pertinent to the transportation or possession
14 of a specialized forest product.

15 (3) "Cascara bark" means the bark of a Cascara tree.

16 (4) "Cedar processor" means any person who purchases, takes, or
17 retains possession of cedar products or cedar salvage for later sale in
18 the same or modified form following removal and delivery from the land
19 where harvested.

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

22 (6) "Cedar salvage" means cedar chunks, slabs, stumps, and logs
23 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.

29 (7) "Christmas trees" means any evergreen trees or the top thereof,

1 commonly known as Christmas trees, with limbs and branches, with or
2 without roots, including fir, pine, spruce, cedar, and other coniferous
3 species.

4 (8) "Cut or picked evergreen foliage," commonly known as brush,
5 means evergreen boughs, huckleberry foliage, salal, fern, Oregon grape,
6 rhododendron, mosses, bear grass, scotch broom (*Cytisus scoparius*), and
7 other cut or picked evergreen products. "Cut or picked evergreen
8 foliage" does not mean cones, berries, any foliage that does not remain
9 green year-round, or seeds.

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

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

19 (11) "Huckleberry" means the edible berries of *Vaccinium ovatum* and
20 *Vaccinium parvifolium* that have not been nursery grown.

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

27 ((+12+)) (13) "Native ornamental trees and shrubs" means any trees
28 or shrubs which are not nursery grown and which have been removed from
29 the ground with the roots intact.

30 ((+13+)) (14) "Permit area" means a designated tract of land that
31 may contain single or multiple harvest sites.

32 ((+14+)) (15) "Person" includes the plural and all corporations,
33 foreign or domestic, copartnerships, firms, and associations of
34 persons.

35 ((+15+)) (16) "Processed cedar products" means cedar shakes,
36 shingles, fence posts, hop poles, pickets, stakes, rails, or rounds
37 less than one foot in length.

1 (~~(16)~~) (17) "Sheriff" means, for the purpose of validating
2 specialized forest products permits, the county sheriff, deputy
3 sheriff, or an authorized employee of the sheriff's office or an agent
4 of the office.

5 (~~(17)~~) (18) "Specialized forest products" means Christmas trees,
6 native ornamental trees and shrubs, cut or picked evergreen foliage,
7 huckleberries, cedar products, cedar salvage, processed cedar products,
8 specialty wood, wild edible mushrooms, and Cascara bark.

9 (~~(18)~~) (19) "Specialized forest products permit" means a printed
10 document in a form printed by the department of natural resources, or
11 true copy thereof, that is signed by a landowner or his or her
12 authorized agent or representative, referred to in this chapter as
13 "permitters" and validated by the county sheriff and authorizes a
14 designated person, referred to in this chapter as "permittee," who has
15 also signed the permit, to harvest and transport a designated
16 specialized forest product from land owned or controlled and specified
17 by the permitter and that is located in the county where the permit is
18 issued.

19 (~~(19)~~) (20) "Specialty wood" means wood that is:

20 (a) In logs less than eight feet in length, chunks, slabs, stumps,
21 or burls; and

22 (b) One or more of the following:

23 (i) Of the species western red cedar, Englemann spruce, Sitka
24 spruce, big leaf maple, or western red alder;

25 (ii) Without knots in a portion of the surface area at least
26 twenty-one inches long and seven and a quarter inches wide when
27 measured from the outer surface toward the center; or

28 (iii) Suitable for the purposes of making musical instruments or
29 ornamental boxes.

30 (~~(20)~~) (21) "Specialty wood buyer" means the first person that
31 receives any specialty wood product after it leaves the harvest site.

32 (~~(21)~~) (22) "Specialty wood processor" means any person who
33 purchases, takes, or retains possession of specialty wood products or
34 specialty wood salvage for later sale in the same or modified form
35 following removal and delivery from the land where harvested.

36 (~~(22)~~) (23) "Transportation" means the physical conveyance of
37 specialized forest products outside or off of a harvest site by any
38 means.

1 (~~(23)~~) (24) "True copy" means a replica of a validated
2 specialized forest products permit as reproduced by a copy machine
3 capable of effectively reproducing the information contained on the
4 permittee's copy of the specialized forest products permit. A copy is
5 made true by the permittee or the permittee and permittor signing in
6 the space provided on the face of the copy. A true copy will be
7 effective until the expiration date of the specialized forest products
8 permit unless the permittee or the permittee and permittor specify an
9 earlier date. A permittor may require the actual signatures of both
10 the permittee and permittor for execution of a true copy by so
11 indicating in the space provided on the original copy of the
12 specialized forest products permit. A permittee, or, if so indicated,
13 the permittee and permittor, may condition the use of the true copy to
14 harvesting only, transportation only, possession only, or any
15 combination thereof.

16 (~~(24)~~) (25) "Wild edible mushrooms" means edible mushrooms not
17 cultivated or propagated by artificial means.

18 **Sec. 2.** RCW 76.48.060 and 2005 c 401 s 3 are each amended to read
19 as follows:

20 (1) A specialized forest products permit validated by the county
21 sheriff shall be obtained by a person prior to harvesting from any
22 lands, including his or her own, any of the following: More than five
23 Christmas trees(~~(7)~~); more than five native ornamental trees or
24 shrubs(~~(7)~~); more than five pounds of cut or picked evergreen
25 foliage(~~(7)~~); any cedar products, cedar salvage, or processed cedar
26 products(~~(7-0x)~~); more than five pounds of Cascara bark(~~(7-0x)~~); more
27 than five United States gallons of a single species of wild edible
28 mushroom; or more than three United States gallons of huckleberries.

29 (2) Specialized forest products permit forms shall be provided by
30 the department of natural resources, and shall be made available
31 through the office of the county sheriff to permittees or permittors in
32 reasonable quantities. A permit form shall be completed in triplicate
33 for each permittor's property on which a permittee harvests specialized
34 forest products. A properly completed permit form shall be mailed or
35 presented for validation to the sheriff of the county in which the
36 specialized forest products are to be harvested.

1 (3) Before a permit form is validated by the sheriff, sufficient
2 personal identification may be required to reasonably identify the
3 person mailing or presenting the permit form and the sheriff may
4 conduct other investigations as deemed necessary to determine the
5 validity of the information alleged on the form. When the sheriff is
6 reasonably satisfied as to the truth of the information, the form shall
7 be validated with the sheriff's validation stamp.

8 (4) Upon validation, the form shall become the specialized forest
9 products permit authorizing the harvesting, possession, or
10 transportation of specialized forest products, subject to any other
11 conditions or limitations which the permittor may specify. Two copies
12 of the permit shall be given or mailed to the permittor, or one copy
13 shall be given or mailed to the permittor and the other copy given or
14 mailed to the permittee. The original permit shall be retained in the
15 office of the county sheriff validating the permit.

16 (5) In the event a single land ownership is situated in two or more
17 counties, a specialized forest product permit shall be completed as to
18 the land situated in each county.

19 (6) While engaged in harvesting of specialized forest products,
20 permittees, or their agents or employees, must have readily available
21 at each harvest site a valid permit or true copy of the permit.

22 **Sec. 3.** RCW 76.48.070 and 2005 c 401 s 4 are each amended to read
23 as follows:

24 (1) Except as provided in RCW 76.48.100 and 76.48.075, it is
25 unlawful for any person (a) to possess, (b) to transport, or (c) to
26 possess and transport within the state of Washington, subject to any
27 other conditions or limitations specified in the specialized forest
28 products permit by the permittor, more than five Christmas trees, more
29 than five native ornamental trees or shrubs, more than five pounds of
30 cut or picked evergreen foliage, any processed cedar products, ((~~or~~))
31 more than five pounds of Cascara bark, ((~~or~~)) more than five gallons of
32 a single species of wild edible mushroom, or more than three gallons of
33 huckleberries without having in his or her possession a written
34 authorization, sales invoice, bill of lading, or specialized forest
35 products permit or a true copy thereof evidencing his or her title to
36 or authority to have possession of specialized forest products being so
37 possessed or transported.

1 (2) It is unlawful for any person either (a) to possess, (b) to
2 transport, or (c) to possess and transport within the state of
3 Washington any cedar products, cedar salvage, or specialty wood without
4 having in his or her possession a specialized forest products permit or
5 a true copy thereof evidencing his or her title to or authority to have
6 possession of the materials being so possessed or transported. The
7 specialized forest products permit or true copy are valid to possess,
8 transport, or possess and transport the cedar products, cedar salvage,
9 or specialty wood from the harvest site to the first cedar or specialty
10 wood processor or buyer. For purposes of this subsection, a true copy
11 requires the actual signatures of both the permittee and the permittor
12 for the execution of a true copy.

13 **Sec. 4.** RCW 76.48.110 and 2005 c 401 s 11 are each amended to read
14 as follows:

15 (1) Whenever any law enforcement officer has probable cause to
16 believe that a person is harvesting or is in possession of or
17 transporting specialized forest products in violation of the provisions
18 of this chapter, he or she may, at the time of making an arrest, seize
19 and take possession of any specialized forest products found. If the
20 specialized forest product is a cedar product, cedar salvage, or
21 specialty wood, at the time of making an arrest the law enforcement
22 officer may seize and take possession of any equipment, vehicles,
23 tools, or paperwork. The law enforcement officer shall provide
24 reasonable protection for the equipment, vehicles, tools, paperwork, or
25 specialized forest products involved during the period of litigation or
26 he or she shall dispose of the equipment, vehicles, tools, paperwork,
27 or specialized forest products at the discretion or order of the court
28 before which the arrested person is ordered to appear.

29 (2) Except as provided in subsection (3) of this section, upon any
30 disposition of the case by the court, the court shall make a reasonable
31 effort to return the equipment, vehicles, tools, paperwork, or
32 specialized forest products to its rightful owner or pay the proceeds
33 of any sale of specialized forest products less any reasonable expenses
34 of the sale to the rightful owner. If for any reason, the proceeds of
35 the sale cannot be disposed of to the rightful owner, the proceeds,
36 less the reasonable expenses of the sale, shall be paid to the
37 treasurer of the county in which the violation occurred. The county

1 treasurer shall deposit the same in the county general fund. The
2 return of the equipment, vehicles, tools, paperwork, or specialized
3 forest products or the payment of the proceeds of any sale of products
4 seized to the owner shall not preclude the court from imposing any fine
5 or penalty upon the violator for the violation of the provisions of
6 this chapter.

7 (3) If huckleberries seized under subsection (2) of this section
8 were taken from the ceded areas of a federally recognized American
9 Indian tribe, then the huckleberries shall be turned over to the tribe
10 or its agent, without charge, for ceremonial, educational, or religious
11 uses.

12 **Sec. 5.** RCW 76.48.030 and 1995 c 366 s 2 are each amended to read
13 as follows:

14 It is unlawful for any person to:

15 (1) Harvest specialized forest products as described in RCW
16 76.48.020, in the quantities specified in RCW 76.48.060, without first
17 obtaining a validated specialized forest products permit;

18 (2) Engage in activities or phases of harvesting specialized forest
19 products not authorized by the permit; (~~or~~)

20 (3) Harvest specialized forest products in any lesser quantities
21 than those specified in RCW 76.48.060, as now or hereafter amended,
22 without first obtaining permission from the landowner or his or her
23 duly authorized agent or representative; or

24 (4) Harvest huckleberries in any amount using a rake, mechanical
25 device, or any other method that damages the huckleberry bush."

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26 On page 1, line 1 of the title, after "products;" strike the
27 remainder of the title and insert "and amending RCW 76.48.020,
28 76.48.060, 76.48.070, 76.48.110, and 76.48.030."

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