

HOUSE BILL REPORT

ESB 5011

As Reported By House Committee On:
Natural Resources

Title: An act relating to forest products.

Brief Description: Concerning specialized forest product permits.

Sponsors: Senator Owen.

Brief History:

Committee Activity:

Natural Resources: 3/24/95, 3/28/95 [DPA].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 12 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon and Thompson.

Minority Report: Do not pass. Signed by 3 members: Representatives Pennington, Vice Chairman; Stevens and B. Thomas.

Staff: Linda Byers (786-7129).

Background: Specialized forest products include Christmas trees, native brush and floral greens, cedar products, and wild, edible mushrooms. Before harvesting over a certain amount of these products, a person must obtain a specialized forest products permit. These permits are provided by the Department of Natural Resources and are issued and validated by the county sheriff's office in the county in which the products are to be harvested. If a person is harvesting an amount below the threshold where a permit is required, 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. Primary enforcement responsibility is assigned to the county sheriffs.

One of the overriding characteristics of the specialized forest products industry is a lack of information: about the quantities of products being harvested and sold, the harvest sites, and the effects of harvesting on forest ecology. Enforcement of the law is challenging due to the nature of the industry.

Summary of Amended Bill: A county sheriff may require the number from a driver's license or other picture identification on the specialized forest products permit form. Each permit is to be separately numbered, and the permits are to be issued with consecutive numbers. County sheriffs may contract with other entities to serve as authorized agents to validate specialized forest product permits. Other possible entities include the Forest Service, the Department of Natural Resources, and local police departments.

Buyers of specialized forest products must collect information about their purchases. Specifically, the buyer must record the permit holder's name, the permit number, the type of product purchased, and the amount purchased. The buyer must retain this information for a year and make it available for inspection by authorized enforcement officials. The buyer must also record the seller's permit number on the bill of sale. These record keeping requirements do not apply to buyers of these products at the retail sales level. Records of buyers of specialized forest products may be made available to colleges and universities for research purposes.

The U.S. Forest Service and the Department of National Resources are removed from the list of agencies charged with enforcing the specialized forest products laws.

The Legislature encourages agencies and organizations serving minority communities to work cooperatively to provide information and to foster understanding between minority and nonminority permit holders. The Commission on Asian-American Affairs, the Commission on Hispanic Affairs, and the Department of Natural Resources are encouraged to coordinate this effort to the extent practicable within their existing resources.

Other provisions in the chapter are clarified and updated.

Amended Bill Compared to Engrossed Bill: The amended bill changes the definition of cut or picked evergreen foliage, removes the Forest Service and the Department of Natural Resources as enforcement agencies, and returns primary enforcement authority to the county sheriffs. The amended bill deletes the requirement for a person to provide a Social Security number on the permit form and leaves a requirement for a picture identification number at the discretion of the county sheriff rather than mandatory. Buyers are no longer required to keep records of the product purchase price, nor are they required to record the seller's license plate number on the bill of sale. Record-keeping requirements do not apply to buyers at the retail sales level.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is a large and valuable industry. People will simply pull off of the road and harvest on someone's land without asking permission, while others have gone to the trouble to get the permit and permission. There are conflicts going on. It has gotten to the point where guns are being drawn. The bill will provide the simplest way to discourage those who don't have permission and the right to be harvesting. It will assist law enforcement.

Testimony Against: They already have to get permits, and there are laws on the books on murders, so why have another bill? This will make us spend more time filling out forms. People bring the products for us to buy at dusk, so we will be out there in the dark and could be a target for crime. This is overkill government regulation. There is no violence.

Testified: Senator Brad Owen, prime sponsor (in favor); Ellen Givens, Golden Pheasant Mushroom Company; Tammy Sem, Albers Mushroom Company; and Dave Wood (all opposed).