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## Natural Resources Committee

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### HB 2502

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

**Sponsors:** Representatives Sump, Doumit, Rockefeller, Pearson, Jackley and Chase.

#### Brief Summary of Bill

- Clarifies 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.
- Clarifies when the director of the Department of Agriculture must call an election regarding the establishment of a forest products commission.

**Hearing Date:** 1/29/02

**Staff:** Bill Lynch (786-7092).

#### Background:

The Legislature authorized the creation of a forest products commission during the 2001 legislative session. The 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 issued its decision of U.S. Department of Agriculture v. United Foods. 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, however, whether promotion by such a commission constituted government speech that is entitled to First Amendment protection.

The statutory provisions regarding when the director of the Department of Agriculture must call an election regarding the establishment of a forest products commission has caused some confusion.

**Summary of Bill:**

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 when the director of the Department of Agriculture must call an election regarding the establishment of a forest products commission.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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