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HOUSE BILL 2107

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Doumit, Sump and Pearson

Read first time 02/14/2001. Referred to Committee on Natural Resources.

1 AN ACT Relating to the authority for reviewing and amending rules  
2 regarding state timber sales; adding a new section to chapter 79.01  
3 RCW; creating new sections; and providing expiration dates.

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

5 NEW SECTION. **Sec. 1.** Congress enacted the forest resources  
6 conservation and shortage relief act in 1990 to prevent the sale of  
7 unprocessed logs from federal lands. This law also prohibits the  
8 "substitution" of timber, which is the continued export of private  
9 timber by a company that also buys timber from federal lands for  
10 domestic processing. When congress enacted this legislation, it  
11 granted the state and its political subdivisions the authority to  
12 prohibit substitution of state timber for private timber that is  
13 exported.

14 In 1991, the state adopted rules to implement the federal ban on  
15 the export of unprocessed timber. These rules, chapter 240-15 WAC,  
16 prohibit firms that export unprocessed logs from bidding on state  
17 timber. Some concerns have been raised that these rules may contribute  
18 to the lack of bidders on state and local government timber sales. No  
19 state agency or official, however, has a clear grant of authority to

1 review or amend this policy. The legislature finds that a state agency  
2 or official should be designated with this authority on behalf of the  
3 state.

4 The legislature finds that a joint select legislative task force,  
5 assisted by an advisory committee, should be established to evaluate  
6 and make recommendations regarding the state exercise of authority  
7 under the forest resources conservation and shortage relief act, and  
8 also to identify and evaluate factors that contribute to the amount of  
9 competition for state and local government timber sales.

10 NEW SECTION. Sec. 2. (1) A joint select legislative task force is  
11 created to review the state's exercise of authority under the federal  
12 forest resources conservation and shortage relief act, and to identify  
13 and evaluate factors that contribute to the amount of competition for  
14 state and local government timber sales.

15 (2) The joint select legislative task force shall be composed of  
16 the chair and ranking minority member of the senate natural resources,  
17 parks and shorelines committee; the co-chairs of the house of  
18 representatives natural resources committee; the chair and ranking  
19 minority member of the senate ways and means committee; and the co-  
20 chairs of the house of representatives appropriations committee. Staff  
21 support for the committee shall be provided by senate committee  
22 services and the house of representatives office of program research.

23 (3) The task force shall gather information regarding:

24 (a) Changes in the forest products industry in Washington state  
25 since the rules were adopted;

26 (b) The current market for state and local timber;

27 (c) Factors that contribute to the sale of, and competition for,  
28 state and local government timber, including but not limited to,  
29 appraisal practices and the processes used by state and local  
30 governments for offering timber sales; and

31 (d) Other factors that the task force considers appropriate.

32 (4) The task force may recommend which agency or official of state  
33 government should have the authority to review and amend the  
34 substitution of timber rules contained in chapter 240-15 WAC; any  
35 changes to such rules; changes to state and local government timber  
36 appraisal and bidding practices; and related legislation that the  
37 legislature should consider during the 2002 session. In developing the

1 recommendations, the task force shall consult with the advisory  
2 committee created pursuant to section 3 of this act.

3 (5) The task force shall report its findings and recommendations to  
4 the appropriate legislative committees by January 1, 2002.

5 (6) This section expires December 31, 2002.

6 NEW SECTION. **Sec. 3.** (1) An advisory committee is established to  
7 assist the joint select legislative task force established pursuant to  
8 section 2 of this act. The advisory committee shall provide assistance  
9 upon request of the task force. Administrative support for the  
10 advisory committee shall be provided by senate committee services and  
11 the house of representatives office of program research.

12 (2) The advisory committee shall be composed of the following  
13 members or their designees:

14 (a) The commissioner of public lands;

15 (b) The superintendent of public instruction;

16 (c) The president of Washington State University;

17 (d) The president of the University of Washington;

18 (e) A representative of a county that manages its own timber lands  
19 directly, selected by the Washington association of counties;

20 (f) A representative of a county that is a beneficiary of forest  
21 board transfer lands managed on its behalf by the department of natural  
22 resources, selected by the Washington association of counties;

23 (g) The director of the office of financial management;

24 (h) The director of the department of revenue;

25 (i) A representative of companies that purchase timber sales under  
26 current rules from the department of natural resources, selected by  
27 representatives of those companies;

28 (j) A representative of companies that operate forest product  
29 manufacturing facilities in this state that are currently ineligible  
30 under current rules to purchase department of natural resources timber  
31 sales, selected by representatives of those companies;

32 (k) A representative of a labor union representing workers in  
33 forest product manufacturing facilities in this state under a  
34 collective bargaining agreement, chosen by the state labor council; and

35 (l) A representative of a longshore union, chosen by  
36 representatives of those unions.

37 (3) The advisory committee shall select a chair or cochair from  
38 among its members for the purpose of conducting meetings and

1 transmitting information from the advisory committee as a group to the  
2 joint select legislative task force. Any advisory committee member may  
3 provide additional information to the task force.

4 (4) This section expires December 31, 2002.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 79.01 RCW  
6 to read as follows:

7 (1) Subject to the provisions of subsection (2) of this section,  
8 the board of natural resources may adopt, amend, or repeal rules on  
9 behalf of the state under the forest resources conservation and  
10 shortage relief act, 16 U.S.C. Sec. 620c, including any rules contained  
11 in chapter 240-15 WAC, subject to approval by the United States  
12 secretary of commerce.

13 (2) The board of natural resources may not initiate any rule that  
14 adopts, amends, or repeals any rule under subsection (1) of this  
15 section before the adjournment of the 2002 legislative session. Any  
16 action to adopt, amend, or repeal rules under this section is not  
17 effective until approved or deemed approved by the United States  
18 secretary of commerce. If the joint select legislative task force  
19 recommends that a different state agency or official be given the  
20 authority to adopt, amend, or repeal rules on behalf of the state under  
21 the forest resources conservation and shortage relief act, then the  
22 authority of the board to initiate rules under this section is null and  
23 void.

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