

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1038

Chapter 245, Laws of 2009

61st Legislature
2009 Regular Session

SPECIALIZED FOREST PRACTICES--PERMITS

EFFECTIVE DATE: 07/26/09

Passed by the House April 16, 2009
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 7, 2009
Yeas 44 Nays 0

BRAD OWEN

President of the Senate

Approved April 28, 2009, 3:49 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1038** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 29, 2009

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1038

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House General Government Appropriations (originally sponsored by Representatives Orcutt, Blake, Kretz, Van De Wege, Warnick, McCune, Pearson, Kristiansen, and Kessler)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to forest products addressed by chapter 76.48 RCW;
2 amending RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050,
3 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120,
4 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210,
5 76.48.150, 76.48.200, 76.48.902, and 76.48.910; adding new sections to
6 chapter 76.48 RCW; creating a new section; recodifying RCW 76.48.010,
7 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094,
8 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140,
9 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200,
10 76.48.900, 76.48.902, and 76.48.910; decodifying RCW 76.48.901;
11 repealing RCW 76.48.070, 76.48.086, 76.48.096, and 76.48.075; and
12 prescribing penalties.

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

14 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
15 specialized forest products work group created pursuant to section 2,
16 chapter 392, Laws of 2007 produced a number of consensus
17 recommendations to the legislature as to how the permitting
18 requirements of chapter 76.48 RCW can be improved. In making

1 recommendations, the work group focused on the goals enumerated in RCW
2 76.48.010 (as recodified by this act).

3 (2) It is the intent of the legislature to enact those
4 recommendations contained in the report submitted to the legislature
5 from the specialized forest products work group in December 2008 that
6 require statutory modifications.

7 (3) It is also the intent of the legislature for the department of
8 natural resources, along with other state and local agencies, to take
9 those administrative actions necessary to execute the recommendations
10 contained in the report that do not require statutory changes. When
11 taking administrative actions regarding specialized forest products,
12 those actions should, when appropriate, be conducted consistent with
13 recommendations contained in the report submitted to the legislature
14 from the specialized forest products work group.

15 **Sec. 2.** RCW 76.48.010 and 1967 ex.s. c 47 s 2 are each amended to
16 read as follows:

17 (1) It is in the public interest of this state to protect ((a
18 great)) an important natural resource and to provide ((a high degree
19 of)) protection to the landowners of the state of Washington from the
20 theft of specialized forest products.

21 (2) To satisfy this public interest, this chapter is intended to:

22 (a) Provide law enforcement with reasonable tools;

23 (b) Reasonably protect landowners from theft;

24 (c) Ensure that requirements are not unduly burdensome to those
25 harvesting, transporting, possessing, and purchasing specialized forest
26 products;

27 (d) Craft requirements that are clear and readily understandable;
28 and

29 (e) Establish requirements that are able to be administered and
30 enforced consistently statewide.

31 **Sec. 3.** RCW 76.48.020 and 2008 c 191 s 9 are each amended to read
32 as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

35 (1) "Artistic cedar product" means a product made from the wood of
36 a cedar tree, including western red cedar, that is not included in the

1 definition of "cedar products" and has been carved, turned, or
2 otherwise manipulated to more than an insignificant degree with the
3 objective intent to be an artistic expression and that would be or is
4 recognized by the applicable local market as having an economic value
5 greater than the value of the raw materials used. Examples of artistic
6 cedar products include, but are not limited to:

7 (a) Chainsaw carvings;

8 (b) Hand carvings;

9 (c) Decorative bowls and boxes.

10 (2) "Authorization" means a properly completed preprinted form
11 authorizing the transportation or possession of Christmas trees ((which
12 contains the information required by)) prepared consistent with RCW

13 76.48.080 ((, a sample of which is filed before the harvesting occurs
14 with the sheriff of the county in which the harvesting is to occur))
15 (as recodified by this act).

16 ~~((2))~~ (3) "Bill of lading" means a written or printed itemized
17 list or statement of particulars pertinent to the transportation or
18 possession of a specialized forest product prepared consistent with RCW
19 76.48.080 (as recodified by this act).

20 ~~((3))~~ (4) "Cascara bark" means the bark of a Cascara tree.

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

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

27 ~~(6) "Cedar salvage" means cedar chunks, slabs, stumps, and logs~~
28 ~~having a volume greater than one cubic foot and being harvested or~~
29 ~~transported from areas not associated with the concurrent logging of~~
30 ~~timber stands (a) under a forest practices application approved or~~
31 ~~notification received by the department of natural resources, or (b)~~
32 ~~under a contract or permit issued by an agency of the United States~~
33 ~~government.))~~ (a) "Cedar products" means the following if made from the
34 wood of a cedar tree, including western red cedar:

35 (i) Shake and shingle bolts;

36 (ii) Fence posts and fence rails;

37 (iii) Logs not covered by a valid approved forest practices
38 application or notification under chapter 76.09 RCW; and

1 (iv) Other pieces measuring fifteen inches or longer.

2 (b) "Cedar products" does not include those materials identified in
3 the definition of "processed cedar products" or "artistic cedar
4 products."

5 ~~((+7))~~ (6) "Christmas trees" means any evergreen trees (or the
6 top thereof, commonly known as Christmas trees, with limbs and
7 branches, with or without roots, including fir, pine, spruce, cedar,
8 and other coniferous species) including fir, pine, spruce, cedar, and
9 other coniferous species commonly known as Christmas trees. The
10 definition of Christmas trees includes trees with or without the roots
11 intact and the tops of the trees. The definition of Christmas trees
12 does not include trees without limbs or branches.

13 ~~((+8))~~ (7) "Cut or picked evergreen foliage(~~(," commonly known as~~
14 brush~~,"~~)" means evergreen boughs, huckleberry foliage, salal, fern,
15 Oregon grape, rhododendron, mosses, bear grass, (~~scotch broom (Cytisus~~
16 scoparius~~,"~~) and other cut or picked evergreen products. "Cut or
17 picked evergreen foliage" does not (~~mean~~) include cones, berries, any
18 foliage that does not remain green year-round, (~~or~~) seeds, or any
19 plant listed on the state noxious weed list under RCW 17.10.080.

20 ~~((+9))~~ (8) "Department" means the department of natural resources.

21 (9) "First specialized forest products buyer" means the first
22 person that receives any specialized forest products after they leave
23 the harvest site.

24 (10) "Harvest" means to separate, by cutting, prying, picking,
25 peeling, breaking, pulling, splitting, or otherwise removing, a
26 specialized forest product (~~(a) from its physical connection or~~
27 contact with the land or vegetation upon which it is or was growing or
28 (b) from the position in which it is lying upon the land)). "Harvest"
29 includes both removing a specialized forest product from its original
30 physical connection with the land and collecting a specialized forest
31 product that has been previously separated from the land.

32 ~~((+10))~~ (11) "Harvest site" means each location where one or more
33 persons are engaged in harvesting specialized forest products close
34 enough to each other that communication can be conducted with an
35 investigating law enforcement officer in a normal conversational tone.

36 ~~((+11))~~ (12) "Huckleberry" means the following species of edible
37 berries, if they are not nursery grown: Big huckleberry (Vaccinium
38 membranaceum), Cascade blueberry (Vaccinium deliciosum), evergreen

1 huckleberry __ (*Vaccinium ovatum*), red __ huckleberry __ (*Vaccinium*
2 parvifolium), globe __ huckleberry __ (*Vaccinium globulare*), oval-leaf
3 huckleberry __ (*Vaccinium ovalifolium*), Alaska __ huckleberry __ (*Vaccinium*
4 alaskaense), dwarf __ huckleberry __ (*Vaccinium caespitosum*), western
5 huckleberry __ (*Vaccinium occidentale*), bog __ blueberry __ (*Vaccinium*
6 uliginosum), dwarf __ bilberry __ (*Vaccinium myrtillus*), and grouse
7 whortleberry (*Vaccinium scoparium*).

8 ((+12)) (13) "Landowner" means, with regard to real property, the
9 private owner, the state of Washington or any political subdivision,
10 the federal government, or a person who by deed, contract, or lease has
11 authority to harvest and sell the specialized forest products of the
12 property. "Landowner" does not include the purchaser or successful
13 high bidder at a public or private timber sale.

14 ((+13)) (14) "Native ornamental trees and shrubs" means any trees
15 or shrubs which are not nursery grown and which have been removed from
16 the ground with the roots intact.

17 ((+14) "~~Permit area~~" means ~~a designated tract of land that may~~
18 ~~contain single or multiple harvest sites~~) (15) "Permittee" means a
19 person who is authorized by a permit issued consistent with this
20 chapter to harvest, possess, and transport specialized forest products
21 or to sell huckleberries.

22 ((+15)) (16) "Permittor" means the landowner of the land from
23 where specialized forest products were, or are planned to be, harvested
24 under a permit issued consistent with this chapter.

25 (17) "Person" includes the plural and all corporations, foreign or
26 domestic, copartnerships, firms, and associations of persons.

27 ((+16)) (18) "Processed cedar products" means (~~cedar shakes,~~
28 ~~shingles, fence posts, hop poles, pickets, stakes, rails, or rounds~~
29 ~~less than one foot in length~~) products made from the wood of a cedar
30 tree, including western red cedar, that have undergone more than an
31 insignificant degree of value-added processing and are not included in
32 the definition of "cedar products." Examples of processed cedar
33 products include, but are not limited to:

- 34 (a) Shakes;
- 35 (b) Shingles;
- 36 (c) Hop poles;
- 37 (d) Pickets; and
- 38 (e) Stakes.

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

4 ~~(18))~~ (19) "Sales invoice" means a written or printed itemized
5 list or statement of particulars pertinent to the transportation or
6 possession of a specialized forest product prepared consistent with RCW
7 76.48.080 (as recodified by this act).

8 (20) "Secondary specialized forest products buyer" means any person
9 who receives any specialized forest products after the transaction with
10 the first specialized forest products buyer.

11 (21) "Specialized forest products" means ((Christmas trees, native
12 ornamental trees and shrubs, cut or picked evergreen foliage, cedar
13 products, cedar salvage, processed cedar products, specialty wood, wild
14 edible mushrooms, and Cascara bark)) the following:

15 (a) Specialty wood;

16 (b) More than five Christmas trees;

17 (c) More than five native ornamental trees and shrubs;

18 (d) More than twenty pounds of cut or picked evergreen foliage;

19 (e) More than five pounds of Cascara bark; and

20 (f) More than five United States gallons of wild edible mushrooms.

21 ~~((19))~~ (22) "Specialized forest products permit" or "permit"
22 means a printed document ((in a form printed by the department of
23 natural resources, or true copy thereof, that is signed by a landowner
24 or his or her authorized agent or representative, referred to in this
25 chapter as "permitters" and validated by the county sheriff and
26 authorizes a designated person, referred to in this chapter as
27 "permittee," who has also signed the permit, to harvest and transport
28 a designated specialized forest product from land owned or controlled
29 and specified by the permitter and that is located in the county where
30 the permit is issued, or sell raw or unprocessed huckleberries)) and
31 all attachments completed in compliance with the requirements of this
32 chapter and includes both validated permits and verifiable permits.

33 ~~((20))~~ (23) "Specialty wood" means ((wood)):

34 (a) A cedar product; or

35 (b) Englemann spruce, Sitka spruce, big leaf maple, or western red
36 alder that ((is)):

37 ~~((a))~~ (i) Is in logs ((less than eight feet in length)), chunks,
38 slabs, stumps, or burls; ((and

1 ~~(b) One or more of the following:~~
2 ~~(i) Of the species western red cedar, Englemann spruce, Sitka~~
3 ~~spruce, big leaf maple, or western red alder;))~~
4 (ii) Is capable of being cut into a segment that is without knots
5 in a portion of the surface area at least ((twenty-one)) nineteen
6 inches long and seven and a quarter inches wide when measured from the
7 outer surface toward the center; ((or
8 ~~(iii) Suitable for the purposes of making musical instruments or~~
9 ~~ornamental boxes))~~
10 (iii) Measures:
11 (A) Nineteen inches or longer;
12 (B) Greater than one and three-quarter inches thick; and
13 (C) Seven and one-quarter inches or greater in width; and
14 (iv) Is being harvested or transported from areas not associated
15 with the concurrent logging of timber stands:
16 (A) Under a forest practices application approval or notification
17 received by the department under chapter 76.09 RCW; or
18 (B) Under a contract or permit issued by an agency of the United
19 States government.
20 ~~((21) "Specialty wood buyer" means the first person that receives~~
21 ~~any specialty wood product after it leaves the harvest site.~~
22 ~~(22))~~ (24) "Specialty wood processor" means any person who
23 purchases, takes, or retains possession of specialty wood ~~((products or~~
24 ~~specialty wood salvage))~~ for later sale in the same or modified form
25 following removal and delivery from the land where harvested.
26 ~~((23))~~ (25) "Transportation" means the physical conveyance of
27 specialized forest products outside or off of a harvest site by any
28 means.
29 ~~((24))~~ (26) "True copy" means a replica of a ~~((validated))~~
30 specialized forest products permit ~~((as))~~ reproduced ~~((by a copy~~
31 ~~machine capable of effectively reproducing the information contained on~~
32 ~~the permittee's copy of the specialized forest products permit. A copy~~
33 ~~is made true by the permittee or the permittee and permitter signing in~~
34 ~~the space provided on the face of the copy. A true copy will be~~
35 ~~effective until the expiration date of the specialized forest products~~
36 ~~permit unless the permittee or the permittee and permitter specify an~~
37 ~~earlier date. A permitter may require the actual signatures of both~~
38 ~~the permittee and permitter for execution of a true copy by so~~

1 ~~indicating in the space provided on the original copy of the~~
2 ~~specialized forest products permit. A permittee, or, if so indicated,~~
3 ~~the permittee and permitter, may condition the use of the true copy to~~
4 ~~harvesting only, transportation only, possession only, or any~~
5 ~~combination thereof)) as provided in section 6 of this act.~~

6 ~~((+25)) (27) "Validated permit" means a permit that is validated~~
7 ~~as required under this chapter prior to the harvest, transportation, or~~
8 ~~possession of specialized forest products.~~

9 ~~(28) "Verifiable permit" means a permit that contains the required~~
10 ~~information allowing a law enforcement officer to verify the validity~~
11 ~~of the information contained on the permit but that does not require~~
12 ~~validation prior to the harvest, transportation, or possession of~~
13 ~~specialized forest products.~~

14 ~~(29) "Wild edible mushrooms" means edible mushrooms not cultivated~~
15 ~~or propagated by ((artificial)) domestic means.~~

16 **Sec. 4.** RCW 76.48.060 and 2008 c 191 s 3 are each amended to read
17 as follows:

18 (1) Except as provided in RCW 76.48.100 (as recodified by this
19 act), a completed specialized forest products permit ((validated by the
20 county sheriff shall be obtained by a person prior to)) issued under
21 this chapter is required prior to engaging in the following activities:

22 (a) Harvesting any specialized forest products from any lands,
23 including his or her own(~~, more than five Christmas trees, more than~~
24 ~~five native ornamental trees or shrubs, more than five pounds of cut or~~
25 ~~picked evergreen foliage, any cedar products, cedar salvage, processed~~
26 ~~cedar products, or more than five pounds of Cascara bark, or more than~~
27 ~~five United States gallons of a single species of wild edible mushroom;~~
28 or

29 ~~(b) Selling, or offering for sale, any amount of raw or unprocessed~~
30 ~~huckleberries.~~

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

1 ~~presented for validation to the sheriff of the county in which the~~
2 ~~specialized forest products are to be harvested.~~

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

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

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

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

25 (b) Possessing or transporting any specialized forest products,
26 unless the person has in his or her possession either of the following
27 in lieu of a permit:

28 (i) A true copy of the permit;

29 (ii) If the person is transporting the specialized forest product
30 from a location other than the harvest site or is a first or secondary
31 specialized forest products buyer, a sales invoice, bill of lading, or,
32 for the possession and transportation of Christmas trees only, an
33 authorization if a copy of the authorization has been filed prior to
34 the harvest of the Christmas trees with the sheriff's office for the
35 county in which the Christmas trees are to be harvested;

36 (iii) A bill of lading or documentation issued in or by another
37 state, a Canadian province, or the federal government indicating the

1 true origin of the specialized forest products as being outside of
2 Washington; or

3 (iv) If the products were harvested within the operational area
4 defined by a valid forest practices application or notification under
5 chapter 76.09 RCW, a sequentially numbered load ticket generated by the
6 landowner or the landowner's agent that includes, at a minimum, all
7 information required on a bill of lading and the forest practices
8 application number.

9 (c) Selling, or offering for sale, any amount of raw or unprocessed
10 huckleberries, regardless if the huckleberries were harvested with the
11 consent of the landowner, unless the possessor of the huckleberries
12 being offered for sale is able to show that the huckleberries
13 originated on land owned by the United States forest service and
14 displays a valid permit from the United States forest service that
15 lawfully entitles the possessor to harvest the huckleberries in
16 question.

17 (2)(a) Unless otherwise designated by the permittor as provided in
18 this subsection, a permit or true copy must be readily available for
19 inspection at each harvest site.

20 (b) An individual permit or true copy must be carried and made
21 readily available for inspection by each individual permittee at a
22 harvest site if the permittor designated an individual permit or true
23 copy as an additional condition or limitation specified on the permit
24 under RCW 76.48.050 (as recodified by this act).

25 **Sec. 5.** RCW 76.48.080 and 1979 ex.s. c 94 s 7 are each amended to
26 read as follows:

27 ~~((The))~~ An authorization, sales invoice, or bill of lading
28 ~~((required by RCW 76.48.070 shall))~~ must specify the following in order
29 to satisfy the requirements of this chapter:

- 30 (1) The date of ~~((its execution))~~ the product's transportation.
- 31 (2) The ~~((number))~~ amount and type of specialized forest products
32 ~~((sold or))~~ being transported.
- 33 (3) The name and address of the ~~((owner, vendor, or donor of the~~
34 ~~specialized forest products.~~
- 35 ~~((4) The name and address of the vendee, donee, or receiver of the))~~
36 person receiving the specialized forest products.

1 ~~((5) The location of origin of the specialized forest products.))~~

2 (4) The name and address of the first or secondary specialized forest
3 products buyer, specialty wood processor, or other person from where
4 the specialized forest products are being transported.

5 (5) The name of the driver transporting the specialized forest
6 products.

7 (6) The license plate number of the vehicle transporting the
8 specialized forest product.

9 **NEW SECTION. Sec. 6.** A new section is added to chapter 76.48 RCW
10 to read as follows:

11 (1) A true copy of a specialized forest products permit is valid
12 if:

13 (a) The copy is reproduced by a copy machine capable of effectively
14 reproducing the permit information required under RCW 76.48.050 (as
15 recodified by this act); and

16 (b)(i) The permittee has provided an original signature in the
17 space provided on the face of the copy.

18 (ii) An actual signature of the permittor is also required for a
19 true copy to be valid if the permittor indicates on the space provided
20 for signatures on the original permit that the actual signature of the
21 permittor is required for the validation of any copies.

22 (2) A true copy is effective until the expiration date of the
23 underlying permit unless an earlier date is provided by the signatories
24 to the copy.

25 (3) Either signatory to a permit may condition the use of the true
26 copy for only harvesting, only possessing, only transporting, or a
27 combination of harvesting, possessing, and transporting the associated
28 specialized forest products by indicating the limitations of the true
29 copy on the permit or the copy.

30 (4) Any permittee issuing a true copy must record and retain for
31 one year the following information:

32 (a) The date the true copy is issued;

33 (b) The license plate number and make and model of the vehicle to
34 be used with the true copy;

35 (c) The name and address of the person receiving the true copy;

36 (d) The unique number assigned to a valid state identification
37 document issued to the person; and

1 (e) The expiration date of the true copy.

2 NEW SECTION. **Sec. 7.** A new section is added to chapter 76.48 RCW
3 to read as follows:

4 (1)(a) Except for the sale of huckleberries, the permit
5 requirements of RCW 76.48.060 (as recodified by this act) may be
6 satisfied with either a validated permit or a verifiable permit. The
7 decision to use a validated or verifiable permit must be made and
8 agreed upon jointly by the permittee and the permittor.

9 (b) For the sale of huckleberries, only a validated permit
10 satisfies the requirements of RCW 76.48.060 (as recodified by this
11 act).

12 (2)(a) Forms for both validated permits and verifiable permits must
13 be provided by the department and be made available in reasonable
14 quantities through county sheriff offices and other locations deemed
15 appropriate by the department.

16 (b) In designing the forms, the department shall ensure that:

17 (i) All mandatory requirements of this chapter are satisfied;

18 (ii) The type of permit is clearly marked on the form;

19 (iii) Each permit is separately numbered and the issuance of the
20 permits are by unique numbers; and

21 (iv) The form is designed in a manner allowing a permittor to
22 require his or her signature on all true copies as provided in section
23 6 of this act.

24 (3) Permit forms must be completed in triplicate for each property
25 and in each county in which specialized forest products are proposed to
26 be harvested or huckleberries sold.

27 (4)(a) Within five business days after the signature of the
28 permittor on the form for a verifiable permit, as required in RCW
29 76.48.050 (as recodified by this act), the original permit form must be
30 provided by the permittee to the sheriff of the county in which the
31 specialized forest products are to be harvested. The permittee may
32 provide the permit form in a manner convenient to the permittee and the
33 sheriff's office, including in-person presentation or by mail. If
34 mailed, the permit form must be postmarked within the time window
35 established under this subsection.

36 (b) Upon full completion, as provided in RCW 76.48.050 (as
37 recodified by this act), the permit form for a validated permit must,

1 except for permits to sell huckleberries, be mailed or presented for
2 validation to the sheriff of the county in which the specialized forest
3 products are to be harvested. Validated permits relating to the sale
4 of huckleberries may be validated by the sheriff of any county in the
5 state.

6 (5) Two copies of the permit must be retained by the permittee, of
7 which one copy must be given or mailed to the permittor by the
8 permittee. The original permit must be retained in the office of the
9 county sheriff for the purposes of verifying the permit, if necessary.

10 (6) All permits expire no later than the end of the calendar year
11 in which they are issued.

12 (7) Permits provided under this section are subject to any other
13 conditions or limitations that the permittor may specify.

14 (8) Before a permit form is accepted or validated by a sheriff,
15 sufficient personal identification may be required to reasonably
16 identify the person mailing or presenting the permit form. The sheriff
17 may conduct other investigations as deemed necessary to determine the
18 validity of the information alleged on the form.

19 (9) In the event a single land ownership is situated in two or more
20 counties, a permit form must be completed, as provided in this section,
21 for the portions of the ownership situated in each county.

22 (10) Permits that are validated by or provided to a sheriff's
23 office under this section must be maintained by that office for a
24 length of time determined by the appropriate records retention
25 schedule.

26 NEW SECTION. **Sec. 8.** A new section is added to chapter 76.48 RCW
27 to read as follows:

28 (1) Forms for a verifiable permit become valid for the purposes of
29 RCW 76.48.060 (as recodified by this act) upon the completion of all
30 information required by RCW 76.48.050 (as recodified by this act).

31 (2) Forms for a validated permit become valid for the purposes of
32 RCW 76.48.060 (as recodified by this act) upon the validation of the
33 form by the appropriate county sheriff.

34 **Sec. 9.** RCW 76.48.050 and 2008 c 191 s 2 are each amended to read
35 as follows:

36 (1) (~~Except as otherwise provided in subsection (3) of this~~

1 ~~section,~~) A specialized forest products (~~(permits shall consist of~~
2 ~~properly completed permit forms validated by the sheriff of the county~~
3 ~~in which the specialized forest products are to be harvested. Each~~
4 ~~permit shall be separately numbered and the issuance of the permits~~
5 ~~shall be by consecutive numbers. All specialized forest products~~
6 ~~permits shall expire at the end of the calendar year in which issued,~~
7 ~~or sooner, at the discretion of the permitter)) permit form may not be
8 validated or accepted for verification by a sheriff unless the permit
9 satisfies the requirements of this section.~~

10 (2) A properly completed (~~(specialized forest products))~~ permit
11 form shall include:

12 (a) The date of its execution and expiration;

13 (b) The name, address, up to three telephone numbers, (~~(if any,~~)
14 and signature of the (~~(permitter))~~ permittee and permittor;

15 (~~(The name, address, telephone number, if any, and signature of~~
16 ~~the permittee;~~

17 ~~(d))~~ The type of specialized forest products to be harvested or
18 transported;

19 (~~(e))~~ (d) The approximate amount or volume of specialized forest
20 products to be harvested or transported;

21 (~~(f))~~ (e)(i) For validated permits only, the parcel number or the
22 legal description of the property from which the specialized forest
23 products are to be harvested or transported(, ~~(including))~~;

24 (ii) For verifiable permits only:

25 (A) The parcel number for where the harvesting is to occur, unless
26 the owner of the parcel actually lives at the parcel and the parcel's
27 boundaries comprise an area one acre in size or smaller;

28 (B) The address of the property where the harvesting is to occur if
29 the owner of the property lives at the parcel and the parcel's
30 boundaries comprise an area less than one acre;

31 (C) The name of the county(, ~~(or the state or province if outside~~
32 ~~the state of Washington))~~ where the harvesting is to occur; and

33 (D) An accurate report or statement from the county assessor of the
34 county where the specialized forest products are to be harvested that
35 provides clear evidence that the permittor named on the verifiable
36 permit is the owner of the parcel named on the permit;

37 (~~(g))~~ (f) A description by local landmarks of where the

1 harvesting is to occur, or from where the specialized forest products
2 are to be transported;

3 ~~((h))~~ (g) For ~~((cedar products, cedar salvage, and))~~ specialty
4 wood, a copy of a map or aerial photograph, with defined permitted
5 boundaries, included as an attachment to the permit;

6 ~~((i))~~ (h)(i) For validated permits, a copy of a valid picture
7 identification of the permittee on the copy of the permit form that is
8 presented to the sheriff; and

9 (ii) For verifiable permits, the unique number assigned to a valid
10 state identification document for both the permittee and permittor; and

11 ~~((j))~~ (i) The details of any other condition or limitation which
12 the ~~((permitter))~~ permittor may specify.

13 (3) For permits intended to satisfy the requirements of RCW
14 ~~((76.48.210))~~ 76.48.060 (as recodified by this act) relating ~~((only))~~
15 to the sale of huckleberries, the ~~((specialized-forest-products))~~
16 permit:

17 ~~((a))~~ ~~((May be obtained from the department of natural resources or~~
18 ~~the sheriff of any county in the state;~~

19 ~~((b))~~ Must, in addition to the requirements of subsection (2) of
20 this section, also contain information relating to where the
21 huckleberries were, or plan to be, harvested, and the approximate
22 amount of huckleberries that are going to be offered for sale; and

23 ~~((c))~~ (b) Must include a statement designed to inform the
24 possessor that permission from the landowner is still required prior to
25 the harvesting of huckleberries.

26 ~~((4))~~ ~~Except for the harvesting of Christmas trees, the permit or~~
27 ~~true copy thereof must be carried by the permittee and the permittee's~~
28 ~~agents and be available for inspection at all times. For the~~
29 ~~harvesting of Christmas trees only a single permit or true copy thereof~~
30 ~~is necessary to be available at the harvest site.))~~

31 **Sec. 10.** RCW 76.48.062 and 1995 c 366 s 15 are each amended to
32 read as follows:

33 (1) County sheriffs may contract with other entities to serve as
34 authorized agents to ~~((validate specialized forest product))~~ accept and
35 validate permits under section 7 of this act. ~~((These))~~ Entities that
36 a county sheriff may contract with include the department, the United

1 States forest service, the bureau of land management(~~(, the department~~
2 ~~of natural resources)~~), local police departments, and other entities as
3 decided upon by the county sheriffs' departments.

4 (2) An entity that contracts with a county sheriff to serve as an
5 authorized agent (~~(to validate specialized forest product permits)~~)
6 under this section may make reasonable efforts to verify the
7 information provided on the permit form such as the (~~(section,~~
8 ~~township, and range)~~) legal description or parcel number of the area
9 where harvesting is to occur.

10 (3) All processes and requirements applicable to county sheriffs
11 under section 7 of this act also apply to entities contracted under
12 this section.

13 **Sec. 11.** RCW 76.48.094 and 2005 c 401 s 7 are each amended to read
14 as follows:

15 (1) (~~(Cedar or)~~) It is unlawful for any first or secondary
16 specialized forest products buyer, or for any other person, to
17 purchase, take possession of, or retain specialized forest products
18 subsequent to the harvesting and prior to the retail sale of the
19 products unless the supplier of the product displays:

20 (a) An apparently valid permit required by RCW 76.48.060 (as
21 recodified by this act);

22 (b) A true copy of an apparently valid permit; or

23 (c) When applicable:

24 (i) A bill of lading, authorization, sales invoice, or a
25 government-issued documentation, prepared consistent with RCW 76.48.060
26 (as recodified by this act) indicating the true origin of the
27 specialized forest products as being outside of Washington;

28 (ii) If the products were harvested within the operational area
29 defined by a valid forest practices application or notification under
30 chapter 76.09 RCW, a sequentially numbered load ticket generated by the
31 landowner or the landowner's agent that includes, at a minimum, all
32 information required on a bill of lading and the forest practices
33 application number; or

34 (iii) A statement claiming the products offered for sale are
35 otherwise exempt from the permit requirements of this chapter under RCW
36 76.48.100 (as recodified by this act).

1 (2) In addition to the requirements of RCW 76.48.085 (as recodified
2 by this act), specialty wood processors ((shall make and maintain a
3 record of the purchase, taking possession, or retention of cedar
4 products, cedar salvage, or specialty wood for at least one year after
5 the date of receipt. The record must be legible and must be made at
6 the time each delivery is made.

7 ~~(2) The~~ are required to ensure that a bill of lading ~~((must~~
8 accompany)), authorization, or sales invoice accompanies all ~~((cedar~~
9 products, cedar salvage, or)) specialty wood ~~((products after the~~
10 products are received by the cedar or specialty wood processor)) upon
11 the receipt of the specialty wood into or the shipping of the specialty
12 wood out of the property of the specialty wood processor. ((The bill
13 of lading must include the specialized forest products permit number or
14 the information provided for in RCW 76.48.075(5) and must also specify:

15 ~~(a) The date of transportation;~~

16 ~~(b) The name and address of the first cedar or specialty wood~~
17 processor or buyer who recorded the specialized forest products
18 information;

19 ~~(c) The name and address from where the cedar or specialty wood~~
20 products are being transported;

21 ~~(d) The name of the person receiving the cedar or specialty wood~~
22 products;

23 ~~(e) The address to where the cedar or specialty wood products are~~
24 being transported;

25 ~~(f) The name of the driver;~~

26 ~~(g) The vehicle license number;~~

27 ~~(h) The type of cedar or specialty wood product being shipped; and~~

28 ~~(i) The amount of cedar or specialty wood product being shipped.)~~

29 **Sec. 12.** RCW 76.48.085 and 2008 c 191 s 4 are each amended to read
30 as follows:

31 (1) ~~((Buyers who purchase specialized forest products or~~
32 huckleberries)) (a) First and secondary specialized forest products
33 buyers and huckleberry buyers are required to record:

34 ~~((a))~~ (i) If the person is a first specialized forest product
35 buyer, the permit number or, if applicable, a sequentially numbered
36 load ticket generated by the landowner or the landowner's agent that
37 includes, at a minimum, all information required on a bill of lading

1 and the forest practices application or notification number if the
2 seller claims the specialized forest product in question is exempt from
3 the permit requirements of this chapter, as provided in RCW 76.48.100
4 (as recodified by this act), due to its harvest within the operational
5 area defined by a valid forest practices application or notification
6 under chapter 76.09 RCW;

7 ~~((b))~~ (ii) Whether or not the products were accompanied by a bill
8 of lading, authorization, or sales invoice;

9 (iii) The type of specialized forest product purchased, and
10 ~~(whether)),~~ if applicable, an indication that huckleberries were
11 purchased;

12 ~~((c))~~ (iv) The ~~(permit holder's)~~ name of the seller; (and
13 ~~(d))~~ (v) The amount of specialized forest product or huckleberries
14 purchased;

15 (vi) The date of delivery;

16 (vii) The name of the person driving the vehicle in which the
17 specialized forest products were transported to the buyer, as confirmed
18 by a visual inspection of the applicable driver's license, unless the
19 buyer has previously recorded the driver's information in an accessible
20 record; and

21 (viii) Except for transactions involving Christmas trees, the
22 license plate number of the vehicle in which the specialized forest
23 products were transported to the buyer.

24 ~~((2) The buyer or processor)~~ (b) First and secondary specialized
25 forest products buyers shall keep a record of this information, along
26 with any accompanying bill of lading, sales invoice, or authorization,
27 for a period of one year from the date of purchase and must make the
28 records available for inspection upon demand by (authorized)
29 enforcement officials authorized under RCW 76.48.040 (as recodified by
30 this act) to enforce this chapter.

31 ~~((3) The buyer of specialized forest products must record the~~
32 ~~license plate number of the vehicle transporting the forest products or~~
33 ~~huckleberries on the bill of sale, as well as the seller's permit~~
34 ~~number on the bill of sale. This section shall not apply to~~
35 ~~transactions involving Christmas trees.~~

36 ~~(4))~~ (c) In lieu of a permit number or forest practices
37 identification and load ticket number, the buyer may, when applicable,
38 note that the seller claims that the products offered for sale are

1 exempt from the permit requirements of this chapter under RCW 76.48.100
2 (as recodified by this act), or were lawfully transported into
3 Washington from out of state. All other information required by this
4 section must be recorded.

5 (2) This section (~~shall~~) does not apply to buyers of specialized
6 forest products at the retail sales level.

7 (3) Records of buyers of specialized forest products and
8 huckleberries collected under this section may be made available to
9 colleges and universities for the purpose of research.

10 **Sec. 13.** RCW 76.48.098 and 2005 c 401 s 9 are each amended to read
11 as follows:

12 Every (~~cedar or~~) first or secondary specialized forest products
13 buyer purchasing specialty wood and specialty wood (~~buyer or~~)
14 processor shall prominently display a (~~valid registration~~
15 ~~certificate,~~) master license issued by the department of licensing
16 under RCW 19.02.070 or a copy (~~thereof~~) of the license (~~, obtained~~
17 ~~from the department of revenue under RCW 82.32.030~~) at each location
18 where the buyer or processor receives (~~cedar products, cedar salvage,~~
19 ~~or~~) specialty wood if the first or secondary specialized forest
20 products buyer or specialty wood processor is required to possess a
21 license incorporated into the master license system created in chapter
22 19.02 RCW.

23 (~~Permittees shall sell cedar products, cedar salvage, or specialty~~
24 ~~wood products only to cedar or specialty wood processors displaying~~
25 ~~registration certificates which appear to be valid.~~)

26 **Sec. 14.** RCW 76.48.030 and 2007 c 392 s 4 are each amended to read
27 as follows:

28 It is unlawful for any person to:

29 (1) (~~Harvest~~) Sell or attempt to sell huckleberries, or harvest,
30 possess, or transport specialized forest products (~~as described in RCW~~
31 ~~76.48.020, in the quantities specified~~) in violation of RCW
32 76.48.060 (~~, without first obtaining a validated specialized forest~~
33 ~~products permit~~) (as recodified by this act);

34 (2) Engage in activities or phases of harvesting specialized forest
35 products not authorized by (~~the~~) a permit under this chapter;

1 (3) Harvest specialized forest products in any lesser quantities
2 than those specified in RCW 76.48.060(~~(, as now or hereafter amended,~~)
3 (as recodified by this act) without first obtaining permission from the
4 landowner or (~~(his or her duly)~~) the landowner's authorized agent or
5 representative; or

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

8 **Sec. 15.** RCW 76.48.120 and 2008 c 191 s 7 are each amended to read
9 as follows:

10 (1) It is unlawful for any person, upon official inquiry,
11 investigation, or other authorized proceedings, to:

12 (a) Offer as genuine any paper, document, or other instrument in
13 writing purporting to be a specialized forest products permit, (~~(or)~~)
14 true copy (~~(thereof)~~) of a permit, authorization, sales invoice, (~~(or)~~)
15 bill of lading, or other document required under this chapter; or

16 (b) To make any representation of authority to possess or conduct
17 harvesting or transporting of specialized forest products, or to
18 conduct the sale of huckleberries, (~~(knowing the same to be)~~) with
19 knowledge that the representation of authority is in any manner false,
20 fraudulent, forged, or stolen.

21 (2) It is unlawful for any person to produce a document for a first
22 or secondary specialized forest products buyer purporting to be a true
23 and genuine permit when delivering or attempting to deliver a
24 specialized forest product with knowledge that the document is in any
25 manner false, fraudulent, forged, or stolen.

26 (3) Any person who knowingly or intentionally violates this section
27 is guilty of a class C felony punishable by imprisonment in a state
28 correctional institution for a maximum term fixed by the court of not
29 more than five years or by a fine of not more than five thousand
30 dollars, or by both imprisonment and fine.

31 (~~(3) Whenever any law enforcement officer reasonably suspects that~~
32 ~~a — specialized — forest — products — permit — or — true — copy — thereof,~~
33 ~~authorization, sales invoice, or bill of lading is forged, fraudulent,~~
34 ~~or stolen, it may be retained by the officer until its authenticity can~~
35 ~~be verified.))~~

1 **Sec. 16.** RCW 76.48.130 and 2007 c 392 s 1 are each amended to read
2 as follows:

3 (1) Except as provided in RCW 76.48.120 (as recodified by this
4 act), a person who violates a provision of this chapter (~~(, other than~~
5 ~~the provisions contained in RCW 76.48.120, as now or hereafter~~
6 ~~amended,)~~) is guilty of a gross misdemeanor (~~(and upon conviction~~
7 ~~thereof shall be punished)~~) punishable by a fine of not more than one
8 thousand dollars (~~(or by)~~), imprisonment in the county jail for a term
9 not to exceed one year, or by both a fine and imprisonment.

10 (2) In any prosecution for a violation of this chapter's
11 requirements to obtain or possess a specialized forest products permit
12 (~~(or)~~), true copy ((thereof, an authorization, sales invoice, or)),
13 bill of lading, authorization, or sales invoice, it is an affirmative
14 defense, if established by the defendant by a preponderance of the
15 evidence, that:

16 (a) The specialized forest products were harvested from the
17 defendant's own land; or

18 (b) The specialized forest products were harvested with the
19 permission of the landowner.

20 NEW SECTION. **Sec. 17.** A new section is added to chapter 76.48 RCW
21 to read as follows:

22 (1) The court presiding over the conviction of any person for a
23 violation of RCW 76.48.120 or 76.48.130 (as recodified by this act) who
24 has been convicted of violating either RCW 76.48.120 or 76.48.130 (as
25 recodified by this act) at least two other times shall order up to a
26 three-year suspension of that person's privilege to obtain a
27 specialized forest products permit under this chapter.

28 (2) If a court issues a suspension under this section after a
29 conviction involving the misuse of a permit with a specified permittor,
30 the legislature requests that the court notify the permittor listed on
31 the permit of the suspension.

32 (3) Nothing in this section limits the ability of a court to order
33 the suspension of any privileges related to specialized forest products
34 as a condition of probation regardless of whether the person has any
35 past convictions.

1 **Sec. 18.** RCW 76.48.140 and 2005 c 401 s 12 are each amended to
2 read as follows:

3 All fines collected for violations of (~~any provision of~~) this
4 chapter shall be paid into the general fund of the county treasury of
5 the county in which the violation occurred and distributed equally
6 among the district courts in the county, the county sheriff's office,
7 and the (~~county's general fund~~) state treasurer. The portion of the
8 revenue provided to the state treasurer must be distributed to the
9 specialized forest products outreach and education account created in
10 section 26 of this act.

11 **Sec. 19.** RCW 76.48.040 and 1995 c 366 s 3 are each amended to read
12 as follows:

13 (~~Agencies charged with the enforcement of this chapter shall~~
14 ~~include, — but — not — be — limited — to, —~~) (1) Primary enforcement
15 responsibility of this chapter belongs with county sheriffs. However,
16 other entities that may enforce this chapter include:

17 (a) The department;

18 (b) The Washington state patrol(~~(county sheriffs and their~~
19 ~~deputies)~~);

20 (c) County or municipal police forces(~~(county)~~);

21 (d) Authorized personnel of the United States forest service(~~(county)~~);

22 and

23 (e) Authorized personnel of the department(~~(s of natural resources~~
24 ~~and)) of fish and wildlife. (Primary enforcement responsibility lies
25 ~~in the county sheriffs and their deputies.)~~)~~

26 (2) The legislature encourages county sheriffs' offices to enter
27 into interlocal agreements with these other agencies in order to
28 receive additional assistance with their enforcement responsibilities.

29 NEW SECTION. Sec. 20. A new section is added to chapter 76.48 RCW
30 to read as follows:

31 (1) A law enforcement officer may take into custody and detain for
32 a reasonable time any specialized forest products, authorizations,
33 sales invoices, bills of lading, other documents, and vehicles in which
34 the specialized forest products were transported if, under official
35 inquiry, investigation, or other authorized proceeding regarding
36 specialized forest products not covered by a valid permit or other

1 acceptable document as provided in this chapter, the inspecting law
2 enforcement officer has probable cause to believe that the specialized
3 forest products were obtained in violation of this chapter until the
4 true origin of the specialized forest products can be determined.

5 (2) A law enforcement officer may retain a specialized forest
6 products permit, true copy of a permit, authorization, sales invoice,
7 bill of lading, or other document required under this chapter if the
8 officer reasonably suspects that the document is forged in violation of
9 RCW 76.48.120 (as recodified by this act), fraudulent, or stolen, until
10 the authenticity of the document can be verified.

11 (3)(a) If no arrest is made at the conclusion of the official
12 inquiry, investigation, or other authorized proceeding for a violation
13 of this chapter or another state law, all materials detained under this
14 section must be returned to the person or persons from whom the
15 materials were taken.

16 (b)(i) If an arrest does follow the inquiry, investigation, or
17 authorized proceeding, and the law enforcement officer has probable
18 cause to believe that a person is selling or attempting to sell
19 huckleberries, or is harvesting, in possession of, or transporting
20 specialized forest products in violation of this chapter, any
21 specialized forest products or huckleberries found at the time of
22 arrest may be seized.

23 (ii) If the specialized forest product triggering the arrest is
24 specialty wood, the law enforcement officer may also seize any
25 equipment, vehicles, tools, or paperwork associated with the arrest.

26 (c) Materials seized under this chapter are subject to the
27 provisions of RCW 76.48.110 (as recodified by this act).

28 **Sec. 21.** RCW 76.48.110 and 2008 c 191 s 6 are each amended to read
29 as follows:

30 ~~(1) ((Whenever any law enforcement officer has probable cause to
31 believe that a person is harvesting or is in possession of or
32 transporting specialized forest products, or selling or attempting to
33 sell huckleberries, in violation of the provisions of this chapter, he
34 or she may, at the time of making an arrest, seize and take possession
35 of any specialized forest products or huckleberries found.~~

36 ~~If the specialized forest product is a cedar product, cedar
37 salvage, or specialty wood, at the time of making an arrest the law~~

1 enforcement officer may seize and take possession of any equipment,
2 vehicles, tools, or paperwork. The law enforcement officer shall
3 provide)) (a) Reasonable protection must be provided for ((the)) any
4 equipment, vehicles, tools, paperwork, huckleberries, or specialized
5 forest products ((involved)) seized under section 20 of this act during
6 the period of ((litigation or he or she shall dispose of the equipment,
7 vehicles, tools, paperwork, or specialized forest products at the
8 discretion or order of)) adjudication unless the court before which the
9 arrested person is ordered to appear orders the disposal of any or all
10 of the seized materials.

11 (b) Given the perishable nature of huckleberries and specialized
12 forest products, the seizing agency may sell the product at fair market
13 value and retain all proceeds until a final disposition of the case has
14 been reached.

15 (2) Upon any disposition of the case by the court, the court shall:

16 (a) Make a reasonable effort to return ((the equipment, vehicles,
17 tools, paperwork, huckleberries, or specialized forest products)) all
18 materials seized under section 20 of this act to its ((rightful))
19 lawful owner or owners; or

20 (b) Order the disposal of or return of any or all materials seized
21 under this section, including tools, vehicles, equipment, paperwork, or
22 specialized forest products.

23 (3) If the court orders the disposal of seized materials, it may:

24 (a) Pay the proceeds of any sale of seized specialized forest
25 products or huckleberries, less any reasonable expenses of the sale, to
26 the ((rightful)) lawful owner; or

27 (b) Pay the proceeds of any sale of seized tools, equipment, or
28 vehicles, less any reasonable expenses of the sale or, if applicable,
29 towards any outstanding court costs, and then to the lawful owner or
30 owners.

31 (4) If, for any reason, the proceeds of ((the)) any sale of
32 materials seized under this section cannot be ((disposed of)) provided
33 to the ((rightful)) lawful owner, the proceeds of the sale, less
34 ((the)) reasonable expenses ((of)) relating to the sale, shall be paid
35 to the treasurer of the county in which the violation occurred((. The
36 county treasurer shall deposit the same in)) for deposit into
37 the county general fund and for distribution equally among the district
38 courts in the county, the county sheriff's office, and the state

1 treasurer. The portion of the revenue provided to the state treasurer
2 must be distributed to the specialized forest products outreach and
3 education account created in section 26 of this act.

4 (5) The owner or owners of materials seized under section 20 of
5 this act must be offered an opportunity to appeal an order for the
6 disposal of the seized materials.

7 (6) The return of ((the equipment, vehicles, tools, paperwork, or
8 specialized forest products)) materials seized under section 20 of this
9 act, or the payment of the proceeds of any sale of products seized to
10 the owner, shall not preclude the court from imposing any fine or
11 penalty upon the violator for the violation of the provisions of this
12 chapter.

13 **Sec. 22.** RCW 76.48.100 and 2005 c 401 s 10 are each amended to
14 read as follows:

15 ((The provisions of)) Except as otherwise conditioned, this chapter
16 ((do)) does not apply to:

17 (1) Nursery grown products.

18 (2) The following products when harvested within the operational
19 areas as defined by a valid forest practices application or
20 notification under chapter 76.09 RCW, and when the person harvesting is
21 able to provide a sequentially numbered load ticket provided by the
22 landowner or the landowner's agent that includes, at a minimum, all
23 information required on a bill of lading and the forest practices
24 application or notification number, or under a contract or permit
25 issued by an agency of the United States government:

26 (a) Logs ((except as included in the definition of "cedar salvage"
27 under RCW 76.48.020),);

28 (b) Speciality wood;

29 (c) Cut or picked evergreen foliage;

30 (d) Poles((τ));

31 (e) Pilings((τ)); or

32 (f) Other major forest products from which substantially all of the
33 limbs and branches have been removed((τ -specialty-wood,-and-cedar
34 salvage-when-harvested-concurrently-with-timber-stands-(a)-under-an
35 approved forest practices application or notification, or (b) under a
36 contract - or - permit - issued - by - an - agency - of - the - United - States
37 government)).

1 (3) ~~((The activities of a))~~ Noncommercial harvest, transportation,
2 or possession by the landowner, ((his or her)) the landowner's agent((,
3 or)), representative, ~~((or of a lessee of land in carrying on~~
4 ~~noncommercial property management, maintenance, or improvements on or~~
5 ~~in connection with the land of the landowner))~~ or lessee of specialized
6 forest products originating from property belonging to the landowner.

7 (4) Harvest, transportation, or possession of specialized forest
8 products by:

9 (a) A governmental entity or the entity's agent for the purposes of
10 clearing or maintaining the governmental entity's right-of-way or
11 easement; or

12 (b) A public or regulated utility or the utility's agent for the
13 purpose of clearing or maintaining the utility's right-of-way or
14 easement.

15 **Sec. 23.** RCW 76.48.210 and 2008 c 191 s 1 are each amended to read
16 as follows:

17 (1) ~~((Except as otherwise provided in this section, no person may~~
18 ~~sell, or attempt to sell, any amount of raw or unprocessed~~
19 ~~huckleberries without first obtaining a specialized forest products~~
20 ~~permit as provided in RCW 76.48.060, regardless if the huckleberries~~
21 ~~were harvested with the consent of the landowner.~~

22 (2) ~~If the possessor of the huckleberries being offered for sale is~~
23 ~~able to show that the huckleberries originated on land owned by the~~
24 ~~United States forest service, then the requirements of this section may~~
25 ~~be satisfied with the display of a valid permit from the United States~~
26 ~~forest service that lawfully entitles the possessor to harvest the~~
27 ~~huckleberries in question.~~

28 (3) ~~Nothing in ((this section))~~ RCW 76.48.060 (as recodified by
29 this act) creates a requirement that a specialized forest products
30 permit is required for an individual to harvest, possess, or transport
31 huckleberries.

32 (4) ~~((2))~~ (2) Compliance with ~~((this section))~~ RCW 76.48.060 (as
33 recodified by this act) allows an individual to sell, or offer for
34 sale, raw or unprocessed huckleberries. Possession of a specialized
35 forest products permit does not create a right or privilege to harvest
36 huckleberries. Huckleberries may be harvested only with the permission

1 of the landowner and under the terms and conditions established between
2 the landowner and the harvester.

3 **Sec. 24.** RCW 76.48.150 and 2005 c 401 s 13 are each amended to
4 read as follows:

5 (1) Subject to the availability of funds in the specialized forest
6 products outreach and education account established under section 26 of
7 this act, the department (~~(of natural resources is the designated~~
8 ~~agency to develop and print the specialized forest products permit and~~
9 ~~distribute it to the county sheriffs. In addition, the department of~~
10 ~~natural resources)) shall develop educational material~~ (~~(and other))~~,
11 including printed information, for law enforcement, forest landowners,
12 and specialized forest products (~~(harvesters))~~ permittees, buyers, and
13 processors specific to this chapter.

14 (2) The department is encouraged to foster partnerships with
15 federal agencies, other state agencies, universities, local
16 governments, and private interests in order to minimize educational and
17 outreach expenses.

18 **Sec. 25.** RCW 76.48.200 and 2008 c 191 s 8 are each amended to read
19 as follows:

20 (1) Minority groups have long been participants in the specialized
21 forest products and huckleberry harvesting industry. The legislature
22 encourages agencies serving minority communities, community-based
23 organizations, refugee centers, social service agencies, agencies and
24 organizations with expertise in the specialized forest products and
25 huckleberry harvesting (~~(industry))~~ industries, and other interested
26 groups to work cooperatively to accomplish the following purposes:

27 ~~((1))~~ (a) To provide assistance and make referrals on translation
28 services and to assist in translating educational materials, laws, and
29 rules regarding specialized forest products and huckleberries;

30 ~~((2))~~ (b) To hold clinics to teach techniques for effective
31 picking; and

32 ~~((3))~~ (c) To work with both minority and nonminority permittees
33 in order to protect resources and foster understanding between minority
34 and nonminority permittees.

35 (2) To the extent practicable within their existing resources, the
36 department, the state commission on (~~(Asian American))~~ Asian Pacific

1 American affairs created in RCW 43.117.030, and the state commission on
2 Hispanic affairs created in RCW 43.115.020(~~(, and the department of~~
3 ~~natural resources)~~) are encouraged to coordinate (~~(this effort)~~)
4 efforts under this chapter.

5 NEW SECTION. Sec. 26. A new section is added to chapter 76.48 RCW
6 to read as follows:

7 The specialized forest products outreach and education account is
8 created in the custody of the state treasurer. All receipts from RCW
9 76.48.140 and 76.48.110 (as recodified by this act), any legislative
10 appropriations, private donations, or any other private or public
11 source directed to the account must be deposited in the account.
12 Expenditures from the account may only be used by the department for
13 funding activities under RCW 76.48.150 and 76.48.200 (as recodified by
14 this act). Only the commissioner of public lands or the commissioner's
15 designee may authorize expenditures from the account. The account is
16 subject to the allotment procedures under chapter 43.88 RCW, but an
17 appropriation is not required for expenditures.

18 **Sec. 27.** RCW 76.48.902 and 1979 ex.s. c 94 s 17 are each amended
19 to read as follows:

20 If any provision of this act or this chapter or its application to
21 any person or circumstance is held invalid, the remainder of the act or
22 this chapter or the application of the provision to other persons or
23 circumstances is not affected.

24 **Sec. 28.** RCW 76.48.910 and 1967 ex.s. c 47 s 16 are each amended
25 to read as follows:

26 This chapter is not intended to repeal, supersede, or modify any
27 provision of existing law.

28 NEW SECTION. Sec. 29. The following sections are codified or
29 recodified in chapter 76.48 RCW in the following order:

- 30 RCW 76.48.010;
- 31 RCW 76.48.020;
- 32 RCW 76.48.060;
- 33 RCW 76.48.080;
- 34 Section 6 of this act;

1 Section 7 of this act;
2 Section 8 of this act;
3 RCW 76.48.050;
4 RCW 76.48.062;
5 RCW 76.48.094;
6 RCW 76.48.085;
7 RCW 76.48.098;
8 RCW 76.48.030;
9 RCW 76.48.120;
10 RCW 76.48.130;
11 section 17 of this act;
12 RCW 76.48.140;
13 RCW 76.48.040;
14 Section 20 of this act;
15 RCW 76.48.110;
16 RCW 76.48.100;
17 RCW 76.48.210;
18 RCW 76.48.150;
19 RCW 76.48.200;
20 Section 26 of this act;
21 RCW 76.48.900;
22 RCW 76.48.902; and
23 RCW 76.48.910.

24 NEW SECTION. **Sec. 30.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 76.48.070 (Transporting or possessing cedar or other
27 specialized forest products--Requirements) and 2005 c 401 s 4, 1995 c
28 366 s 6, 1992 c 184 s 3, 1979 ex.s. c 94 s 6, 1977 ex.s. c 147 s 6, &
29 1967 ex.s. c 47 s 8;

30 (2) RCW 76.48.086 (Records of buyers available for research) and
31 2008 c 191 s 5 & 1995 c 366 s 16;

32 (3) RCW 76.48.096 (Obtaining products from suppliers not having
33 specialized forest products permit unlawful) and 2005 c 401 s 8, 1995
34 c 366 s 8, 1979 ex.s. c 94 s 10, & 1977 ex.s. c 147 s 12; and

35 (4) RCW 76.48.075 (Specialized forest products from out-of-state)

1 and 2005 c 401 s 5, 1995 c 366 s 7, & 1979 ex.s. c 94 s 15.

2 NEW SECTION. **Sec. 31.** RCW 76.48.901 is decodified.
Passed by the House April 16, 2009.
Passed by the Senate April 7, 2009.
Approved by the Governor April 28, 2009.
Filed in Office of Secretary of State April 29, 2009.