
SUBSTITUTE HOUSE BILL 1583

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Trade & Economic Development (originally sponsored by Representatives Sheldon, Ferguson, Hargrove, Rasmussen, Cantwell, Betrozoff, Jacobsen, Jones, R. King, Basich, R. Johnson, Haugen, Inslee, Kremen, Riley, Roland, Phillips, Orr, Wynne and Spanel).

Read first time March 6, 1991.

1 AN ACT Relating to the creation of the Washington public forest
2 commission; adding a new chapter to Title 76 RCW; prescribing
3 penalties; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the
6 economic well-being of the state of Washington is directly affected by
7 the growing and harvesting of publicly owned timber. The industry
8 provides substantial and necessary revenues for the state and
9 employment for its citizens. The maintenance of a strong and
10 competitive forest industry in Washington requires a continuous and
11 adequate supply of timber from public lands and the further expansion
12 of markets for finished products. The research, development, and
13 communications of new forest management techniques and practices are
14 needed to strengthen the compatibility of growing and harvesting
15 softwood timber with other forest resource values. Creating and

1 maintaining a regulatory environment ensuring a sustainable yield of
2 softwood timber for harvest is vital to the state's economy. This
3 chapter is enacted in the exercise of the police power of this state
4 for the purpose of protecting the health, peace, safety, and general
5 welfare of the people of this state.

6 NEW SECTION. **Sec. 2.** Unless the context clearly requires
7 otherwise, the definitions in this section apply throughout this
8 chapter.

9 (1) "Commission" means the Washington public forest commission.

10 (2) "Person" means an individual, partnership, corporation, firm,
11 company, or other entity doing business in the state of Washington.

12 (3) "Producer" means any person who has legal title to timber when
13 it is harvested and removed from public lands in this state.

14 (4) "Public lands" means all federal, state, or any other lands
15 owned or controlled by a governmental entity including military
16 reservations, municipalities, and counties.

17 (5) "Research" means any economic, cultural, or biological search,
18 inquiry, examination, investigation, or experimentation, or any other
19 search, inquiry, examination, investigation, or experimentation.

20 (6) "Softwood" means the wood of a coniferous tree with leaves that
21 are needle-like, scale-like, awl-shaped, or linear.

22 (7) "Bid value" means the amount paid for timber to the public
23 landowner as defined by the department of revenue.

24 (8) "Timber" includes trees, standing or down, shake blocks and
25 boards, posts, and other red cedar products.

26 (9) "Product promotion" means the generic promotion of forest
27 products in domestic and foreign markets.

1 income from these activities. The qualifications of members of the
2 board must continue during the terms of office. Only one member may be
3 in the employ of any one person or organization engaged as a producer
4 at any one time.

5 (6) Each commission member shall serve until the election of a
6 successor. Six voting members shall constitute a quorum for
7 transaction of any business of the commission. Commission members
8 shall not be paid compensation but may be reimbursed for travel
9 expenses as provided in RCW 43.03.050 and 43.03.060.

10 NEW SECTION. **Sec. 4.** The commission shall have the powers and
11 duties to carry out any acts reasonably necessary to implement this
12 chapter and shall include, but are not limited to, the following:

13 (1) The commission may adopt, by rule, and, from time to time,
14 alter, rescind, modify, and amend bylaws, regulations, operating
15 procedures, and orders, including regulations for appeals from any
16 bylaw, regulation, operating procedure, or order of the commission.

17 (2) The commission may administer and enforce this chapter and do
18 and perform all acts and exercise all powers incidental to, or in
19 connection with, or deemed reasonably necessary.

20 (3) The commission may appoint its own officers, including a
21 chairperson, one or more vice-chairpersons, and other officers as it
22 deems necessary. The officers shall have the powers and duties
23 delegated to them by the commission.

24 (4) The commission may employ a person to serve at the pleasure of
25 the commission as president and chief executive officer of the
26 commission, and other personnel, including legal counsel.

27 (5) The commission may fix the compensation for all of its
28 employees.

1 (6) The commission may appoint committees composed of both members
2 and nonmembers of the commission to advise the commission.

3 (7) The commission may establish offices and incur expenses, enter
4 into any and all necessary contracts and agreements, create
5 liabilities, and borrow funds in advance of receipt of assessments as
6 may be necessary, in the opinion of the commission, for the proper
7 administration and enforcement of this chapter and performance of its
8 duties.

9 (8) The commission shall keep accurate books, records, and accounts
10 of all of its dealings which shall be subject to an annual audit by an
11 auditing firm selected by the commission.

12 (9) The commission may present facts, negotiate with and conduct
13 any other necessary activities with state, federal, and foreign
14 agencies on matters which affect this chapter, and, in particular, the
15 management of the timber resources on public lands.

16 (10) The commission may enter into contracts to receive or render
17 services in formulating and conducting plans and programs and any other
18 contracts or agreements that the commission may deem necessary.

19 (11) The commission may conduct, and contract with others to
20 conduct, research, including the study, analysis, accumulation, and
21 dissemination of information obtained from the research or elsewhere,
22 regarding this chapter.

23 (12) The commission may communicate with the public to increase the
24 public understanding of the industry and its issues and concerns and
25 may help educate the public with respect to the practice of forestry
26 and the use and benefits of forest products.

27 (13) The commission may promote the sale of forest products by
28 advertising and other promotional means, including cost sharing
29 advertising, for the purpose of maintaining and expanding present
30 markets and creating new and larger intrastate, interstate, and foreign

1 markets for forest products and to educate and instruct the public with
2 respect to the use of forest products.

3 (14) The commission may accept contributions or match private,
4 state, or federal funds, and employ or make contributions of funds to
5 other persons, organizations, or state or federal agencies.

6 (15) The commission may publish and distribute, without charge,
7 bulletins or other communications to persons subject to this chapter.

8 (16) The commission shall establish an assessment rate to defray
9 its operating costs and administer this chapter.

10 (17) The commission shall adopt an annual budget according to
11 generally accepted accounting practices.

12 (18) The commission shall keep confidential and shall not disclose,
13 except when required in a judicial proceeding, all lists in their
14 possession of persons subject to this chapter.

15 (19) The commission may bring legal and administrative actions to
16 implement this chapter; and may investigate and prosecute civil
17 violations of this chapter and file complaints with appropriate law
18 enforcement agencies or officers for suspected criminal violations of
19 this chapter.

20 NEW SECTION. **Sec. 5.** The commission shall have no authority
21 to levy assessments. The commission shall recommend a method of
22 funding the commission to the house trade and economic development
23 committee, the house fiscal committees, the senate commerce and labor
24 committee, and the senate fiscal committee by December 1, 1991.

25 NEW SECTION. **Sec. 6.** It is a misdemeanor for any person to do
26 any of the following:

27 (1) Refuse to render a report, statement, or record required by the
28 commission.

1 (2) Furnish a false report, statement, or record required by the
2 commission.

3 (3) Fail or refuse to furnish the commission, or its duly
4 authorized agents, information concerning the names and addresses of
5 persons from whom timber has been received and the quantity so
6 received.

7 (4) Secrete, destroy, or alter records required to be kept under
8 this chapter.

9 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act shall
10 constitute a new chapter in Title 76 RCW.

11 NEW SECTION. **Sec. 8.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect immediately.