

SHB 1038 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED 04/07/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the  
4 specialized forest products work group created pursuant to section 2,  
5 chapter 392, Laws of 2007 produced a number of consensus  
6 recommendations to the legislature as to how the permitting  
7 requirements of chapter 76.48 RCW can be improved. In making  
8 recommendations, the work group focused on the goals enumerated in RCW  
9 76.48.010 (as recodified by this act).

10 (2) It is the intent of the legislature to enact those  
11 recommendations contained in the report submitted to the legislature  
12 from the specialized forest products work group in December 2008 that  
13 require statutory modifications.

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

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

24 (1) It is in the public interest of this state to protect ((a  
25 great)) an important natural resource and to provide ((~~a high degree~~  
26 of)) protection to the landowners of the state of Washington from the  
27 theft of specialized forest products.

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

29 (a) Provide law enforcement with reasonable tools;

1 (b) Reasonably protect landowners from theft;

2 (c) Ensure that requirements are not unduly burdensome to those  
3 harvesting, transporting, possessing, and purchasing specialized forest  
4 products;

5 (d) Craft requirements that are clear and readily understandable;  
6 and

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

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

11 The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

13 (1) "Artistic cedar product" means a product made from the wood of  
14 a cedar tree, including western red cedar, that is not included in the  
15 definition of "cedar products" and has been carved, turned, or  
16 otherwise manipulated to more than an insignificant degree with the  
17 objective intent to be an artistic expression and that would be or is  
18 recognized by the applicable local market as having an economic value  
19 greater than the value of the raw materials used. Examples of artistic  
20 cedar products include, but are not limited to:

21 (a) Chainsaw carvings;

22 (b) Hand carvings;

23 (c) Decorative bowls and boxes.

24 (2) "Authorization" means a properly completed preprinted form  
25 authorizing the transportation or possession of Christmas trees (~~which~~  
26 ~~contains the information required by~~) prepared consistent with RCW  
27 76.48.080(~~, a sample of which is filed before the harvesting occurs~~  
28 ~~with the sheriff of the county in which the harvesting is to occur~~)  
29 (as recodified by this act).

30 ((+2)) (3) "Bill of lading" means a written or printed itemized  
31 list or statement of particulars pertinent to the transportation or  
32 possession of a specialized forest product prepared consistent with RCW  
33 76.48.080 (as recodified by this act).

34 ((+3)) (4) "Cascara bark" means the bark of a Cascara tree.

35 ((+4) "~~Cedar processor~~" means any person who purchases, takes, or  
36 ~~retains possession of cedar products or cedar salvage for later sale in~~

1 ~~the same or modified form following removal and delivery from the land~~  
2 ~~where harvested.))~~

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

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

13 (i) Shake and shingle bolts;  
14 (ii) Fence posts and fence rails;  
15 (iii) Logs not covered by a valid approved forest practices  
16 application or notification under chapter 76.09 RCW; and  
17 (iv) Other pieces measuring fifteen inches or longer.

18 (b) "Cedar products" does not include those materials identified in  
19 the definition of "processed cedar products" or "artistic cedar  
20 products."

21 ~~((+7))~~ (6) "Christmas trees" means any evergreen trees ((or the  
22 top thereof, commonly known as Christmas trees, with limbs and  
23 branches, with or without roots, including fir, pine, spruce, cedar,  
24 and other coniferous species)) including fir, pine, spruce, cedar, and  
25 other coniferous species commonly known as Christmas trees. The  
26 definition of Christmas trees includes trees with or without the roots  
27 intact and the tops of the trees. The definition of Christmas trees  
28 does not include trees without limbs or branches.

29 ~~((+8))~~ (7) "Cut or picked evergreen foliage((," commonly known as  
30 brush,)) " means evergreen boughs, huckleberry foliage, salal, fern,  
31 Oregon grape, rhododendron, mosses, bear grass, ~~((scotch broom (Cytisus~~  
32 ~~scoparius),))~~ and other cut or picked evergreen products. "Cut or  
33 picked evergreen foliage" does not ~~((mean))~~ include cones, berries, any  
34 foliage that does not remain green year-round, ~~((or))~~ seeds, or any  
35 plant listed on the state noxious weed list under RCW 17.10.080.

36 ~~((+9))~~ (8) "Department" means the department of natural resources.  
37 (9) "First specialized forest products buyer" means the first

1 person that receives any specialized forest products after they leave  
2 the harvest site.

3 (10) "Harvest" means to separate, by cutting, prying, picking,  
4 peeling, breaking, pulling, splitting, or otherwise removing, a  
5 specialized forest product (~~((a) from its physical connection or~~  
6 ~~contact with the land or vegetation upon which it is or was growing or~~  
7 ~~(b) from the position in which it is lying upon the land)).~~ "Harvest"  
8 includes both removing a specialized forest product from its original  
9 physical connection with the land and collecting a specialized forest  
10 product that has been previously separated from the land.

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

15 ~~((11))~~ (12) "Huckleberry" means the following species of edible  
16 berries, if they are not nursery grown: Big huckleberry (Vaccinium  
17 membranaceum), Cascade blueberry (Vaccinium deliciosum), evergreen  
18 huckleberry (Vaccinium ovatum), red huckleberry (Vaccinium  
19 parvifolium), globe huckleberry (Vaccinium globulare), oval-leaf  
20 huckleberry (Vaccinium ovalifolium), Alaska huckleberry (Vaccinium  
21 alaskaense), dwarf huckleberry (Vaccinium caespitosum), western  
22 huckleberry (Vaccinium occidentale), bog blueberry (Vaccinium  
23 uliginosum), dwarf bilberry (Vaccinium myrtilus), and grouse  
24 whortleberry (Vaccinium scoparium).

25 ~~((12))~~ (13) "Landowner" means, with regard to real property, the  
26 private owner, the state of Washington or any political subdivision,  
27 the federal government, or a person who by deed, contract, or lease has  
28 authority to harvest and sell the specialized forest products of the  
29 property. "Landowner" does not include the purchaser or successful  
30 high bidder at a public or private timber sale.

31 ~~((13))~~ (14) "Native ornamental trees and shrubs" means any trees  
32 or shrubs which are not nursery grown and which have been removed from  
33 the ground with the roots intact.

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

1       ~~((15))~~ (16) "Permittor" means the landowner of the land from  
2 where specialized forest products were, or are planned to be, harvested  
3 under a permit issued consistent with this chapter.

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

6       ~~((16))~~ (18) "Processed cedar products" means ((cedar—shakes,  
7 shingles, fence posts, hop poles, pickets, stakes, rails, or rounds  
8 less than one foot in length)) products made from the wood of a cedar  
9 tree, including western red cedar, that have undergone more than an  
10 insignificant degree of value-added processing and are not included in  
11 the definition of "cedar products." Examples of processed cedar  
12 products include, but are not limited to:

13       (a) Shakes;

14       (b) Shingles;

15       (c) Hop poles;

16       (d) Pickets; and

17       (e) Stakes.

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

21       ~~(18))~~ (19) "Sales invoice" means a written or printed itemized  
22 list or statement of particulars pertinent to the transportation or  
23 possession of a specialized forest product prepared consistent with RCW  
24 76.48.080 (as recodified by this act).

25       (20) "Secondary specialized forest products buyer" means any person  
26 who receives any specialized forest products after the transaction with  
27 the first specialized forest products buyer.

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

32       (a) Specialty wood;

33       (b) More than five Christmas trees;

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

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

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

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

1       ~~((19))~~ (22) "Specialized forest products permit" or "permit"  
2 means a printed document ~~((in a form printed by the department of~~  
3 ~~natural resources, or true copy thereof, that is signed by a landowner~~  
4 ~~or his or her authorized agent or representative, referred to in this~~  
5 ~~chapter as "permitters" and validated by the county sheriff and~~  
6 ~~authorizes a designated person, referred to in this chapter as~~  
7 ~~"permittee," who has also signed the permit, to harvest and transport~~  
8 ~~a designated specialized forest product from land owned or controlled~~  
9 ~~and specified by the permitter and that is located in the county where~~  
10 ~~the permit is issued, or sell raw or unprocessed huckleberries)) and~~  
11 all attachments completed in compliance with the requirements of this  
12 chapter and includes both validated permits and verifiable permits.

13       ~~((20))~~ (23) "Specialty wood" means ~~((wood))~~:

14       (a) A cedar product; or

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

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

19       ~~(b) One or more of the following:~~

20       ~~(i) Of the species western red cedar, Englemann spruce, Sitka~~  
21 ~~spruce, big leaf maple, or western red alder;))~~

22       (ii) Is capable of being cut into a segment that is without knots  
23 in a portion of the surface area at least ((twenty-one)) nineteen  
24 inches long and seven and a quarter inches wide when measured from the  
25 outer surface toward the center; ((or

26       ~~(iii) Suitable for the purposes of making musical instruments or~~  
27 ~~ornamental boxes))~~

28       (iii) Measures:

29       (A) Nineteen inches or longer;

30       (B) Greater than one and three-quarter inches thick; and

31       (C) Seven and one-quarter inches or greater in width; and

32       (iv) Is being harvested or transported from areas not associated  
33 with the concurrent logging of timber stands:

34       (A) Under a forest practices application approval or notification  
35 received by the department under chapter 76.09 RCW; or

36       (B) Under a contract or permit issued by an agency of the United  
37 States government.

1       ~~((21)) "Specialty wood buyer" means the first person that receives~~  
2 ~~any specialty wood product after it leaves the harvest site.~~

3       ~~(22))~~ (24) "Specialty wood processor" means any person who  
4 purchases, takes, or retains possession of specialty wood ~~((products or~~  
5 ~~specialty wood salvage))~~ for later sale in the same or modified form  
6 following removal and delivery from the land where harvested.

7       ~~((23))~~ (25) "Transportation" means the physical conveyance of  
8 specialized forest products outside or off of a harvest site by any  
9 means.

10       ~~((24))~~ (26) "True copy" means a replica of a ~~((validated))~~  
11 specialized forest products permit ~~((as))~~ reproduced ~~((by a copy~~  
12 ~~machine capable of effectively reproducing the information contained on~~  
13 ~~the permittee's copy of the specialized forest products permit. A copy~~  
14 ~~is made true by the permittee or the permittee and permitter signing in~~  
15 ~~the space provided on the face of the copy. A true copy will be~~  
16 ~~effective until the expiration date of the specialized forest products~~  
17 ~~permit unless the permittee or the permittee and permitter specify an~~  
18 ~~earlier date. A permitter may require the actual signatures of both~~  
19 ~~the permittee and permitter for execution of a true copy by so~~  
20 ~~indicating in the space provided on the original copy of the~~  
21 ~~specialized forest products permit. A permittee, or, if so indicated,~~  
22 ~~the permittee and permitter, may condition the use of the true copy to~~  
23 ~~harvesting only, transportation only, possession only, or any~~  
24 ~~combination thereof)) as provided in section 6 of this act.~~

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

28       (28) "Verifiable permit" means a permit that contains the required  
29 information allowing a law enforcement officer to verify the validity  
30 of the information contained on the permit but that does not require  
31 validation prior to the harvest, transportation, or possession of  
32 specialized forest products.

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

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

37       (1) Except as provided in RCW 76.48.100 (as recodified by this

1 ~~act), a completed specialized forest products permit ((validated by the~~  
2 ~~county sheriff shall be obtained by a person prior to)) issued under~~  
3 ~~this chapter is required prior to engaging in the following activities:~~

4 (a) Harvesting any specialized forest products from any lands,  
5 including his or her own(~~, more than five Christmas trees, more than~~  
6 ~~five native ornamental trees or shrubs, more than five pounds of cut or~~  
7 ~~picked evergreen foliage, any cedar products, cedar salvage, processed~~  
8 ~~cedar products, or more than five pounds of Cascara bark, or more than~~  
9 ~~five United States gallons of a single species of wild edible mushroom;~~  
10 or

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

13 ~~(2) Specialized forest products permit forms shall be provided by~~  
14 ~~the department of natural resources, and shall be made available~~  
15 ~~through the office of the county sheriff to permittees or permitters in~~  
16 ~~reasonable quantities. A permit form shall be completed in triplicate~~  
17 ~~for each permitter's property on which a permittee harvests specialized~~  
18 ~~forest products. A properly completed permit form shall be mailed or~~  
19 ~~presented for validation to the sheriff of the county in which the~~  
20 ~~specialized forest products are to be harvested.~~

21 ~~(3) Before a permit form is validated by the sheriff, sufficient~~  
22 ~~personal identification may be required to reasonably identify the~~  
23 ~~person mailing or presenting the permit form and the sheriff may~~  
24 ~~conduct other investigations as deemed necessary to determine the~~  
25 ~~validity of the information alleged on the form. When the sheriff is~~  
26 ~~reasonably satisfied as to the truth of the information, the form shall~~  
27 ~~be validated with the sheriff's validation stamp.~~

28 ~~(4) Upon validation, the form shall become the specialized forest~~  
29 ~~products permit authorizing the harvesting, possession, or~~  
30 ~~transportation of specialized forest products and the sale of~~  
31 ~~huckleberries, subject to any other conditions or limitations which the~~  
32 ~~permitter may specify. Two copies of the permit shall be given or~~  
33 ~~mailed to the permitter, or one copy shall be given or mailed to the~~  
34 ~~permitter and the other copy given or mailed to the permittee. The~~  
35 ~~original permit shall be retained in the office of the county sheriff~~  
36 ~~validating the permit.~~

37 ~~(5) In the event a single land ownership is situated in two or more~~



1 ~~counties, a specialized forest product permit shall be completed as to~~  
2 ~~the land situated in each county.~~

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

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

9 (i) A true copy of the permit;

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

17 (iii) A bill of lading or documentation issued in or by another  
18 state, a Canadian province, or the federal government indicating the  
19 true origin of the specialized forest products as being outside of  
20 Washington; or

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

27 (c) Selling, or offering for sale, any amount of raw or unprocessed  
28 huckleberries, regardless if the huckleberries were harvested with the  
29 consent of the landowner, unless the possessor of the huckleberries  
30 being offered for sale is able to show that the huckleberries  
31 originated on land owned by the United States forest service and  
32 displays a valid permit from the United States forest service that  
33 lawfully entitles the possessor to harvest the huckleberries in  
34 question.

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



1 true copy to be valid if the permittor indicates on the space provided  
2 for signatures on the original permit that the actual signature of the  
3 permittor is required for the validation of any copies.

4 (2) A true copy is effective until the expiration date of the  
5 underlying permit unless an earlier date is provided by the signatories  
6 to the copy.

7 (3) Either signatory to a permit may condition the use of the true  
8 copy for only harvesting, only possessing, only transporting, or a  
9 combination of harvesting, possessing, and transporting the associated  
10 specialized forest products by indicating the limitations of the true  
11 copy on the permit or the copy.

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

- 14 (a) The date the true copy is issued;
- 15 (b) The license plate number and make and model of the vehicle to  
16 be used with the true copy;
- 17 (c) The name and address of the person receiving the true copy;
- 18 (d) The unique number assigned to a valid state identification  
19 document issued to the person; and
- 20 (e) The expiration date of the true copy.

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

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

28 (b) For the sale of huckleberries, only a validated permit  
29 satisfies the requirements of RCW 76.48.060 (as recodified by this  
30 act).

31 (2)(a) Forms for both validated permits and verifiable permits must  
32 be provided by the department and be made available in reasonable  
33 quantities through county sheriff offices and other locations deemed  
34 appropriate by the department.

- 35 (b) In designing the forms, the department shall ensure that:
  - 36 (i) All mandatory requirements of this chapter are satisfied;
  - 37 (ii) The type of permit is clearly marked on the form;

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

3 (iv) The form is designed in a manner allowing a permittor to  
4 require his or her signature on all true copies as provided in section  
5 6 of this act.

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

9 (4)(a) Within five business days after the signature of the  
10 permittor on the form for a verifiable permit, as required in RCW  
11 76.48.050 (as recodified by this act), the original permit form must be  
12 provided by the permittee to the sheriff of the county in which the  
13 specialized forest products are to be harvested. The permittee may  
14 provide the permit form in a manner convenient to the permittee and the  
15 sheriff's office, including in-person presentation or by mail. If  
16 mailed, the permit form must be postmarked within the time window  
17 established under this subsection.

18 (b) Upon full completion, as provided in RCW 76.48.050 (as  
19 recodified by this act), the permit form for a validated permit must,  
20 except for permits to sell huckleberries, be mailed or presented for  
21 validation to the sheriff of the county in which the specialized forest  
22 products are to be harvested. Validated permits relating to the sale  
23 of huckleberries may be validated by the sheriff of any county in the  
24 state.

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

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

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

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

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

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

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

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

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

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

18 (1) (~~Except as otherwise provided in subsection (3) of this~~  
19 ~~section,~~) A specialized forest products ((permits shall consist of  
20 ~~properly completed permit forms validated by the sheriff of the county~~  
21 ~~in which the specialized forest products are to be harvested. Each~~  
22 ~~permit shall be separately numbered and the issuance of the permits~~  
23 ~~shall be by consecutive numbers. All specialized forest products~~  
24 ~~permits shall expire at the end of the calendar year in which issued,~~  
25 ~~or sooner, at the discretion of the permitter)) permit form may not be  
26 validated or accepted for verification by a sheriff unless the permit  
27 satisfies the requirements of this section.~~

28 (2) A properly completed (~~specialized forest products~~) permit  
29 form shall include:

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

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

33 (c) (~~The name, address, telephone number, if any, and signature of~~  
34 ~~the permittee;~~

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

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

3       ~~((f))~~ (e)(i) For validated permits only, the parcel number or the  
4 legal description of the property from which the specialized forest  
5 products are to be harvested or transported(~~, including~~);  
6       (ii) For verifiable permits only:  
7       (A) The parcel number for where the harvesting is to occur, unless  
8 the owner of the parcel actually lives at the parcel and the parcel's  
9 boundaries comprise an area one acre in size or smaller;  
10       (B) The address of the property where the harvesting is to occur if  
11 the owner of the property lives at the parcel and the parcel's  
12 boundaries comprise an area less than one acre;  
13       (C) The name of the county(~~, or the state or province if outside~~  
14 the state of Washington)) where the harvesting is to occur; and  
15       (D) An accurate report or statement from the county assessor of the  
16 county where the specialized forest products are to be harvested that  
17 provides clear evidence that the permittor named on the verifiable  
18 permit is the owner of the parcel named on the permit;

19       ~~((g))~~ (f) A description by local landmarks of where the  
20 harvesting is to occur, or from where the specialized forest products  
21 are to be transported;

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

25       ~~((i))~~ (h)(i) For validated permits, a copy of a valid picture  
26 identification of the permittee on the copy of the permit form that is  
27 presented to the sheriff; and  
28       (ii) For verifiable permits, the unique number assigned to a valid  
29 state identification document for both the permittee and permittor; and

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

32       (3) For permits intended to satisfy the requirements of RCW  
33 ~~((76.48.210))~~ 76.48.060 (as recodified by this act) relating ~~((only))~~  
34 to the sale of huckleberries, the ~~((specialized forest products))~~  
35 permit:

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

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

5       ~~((e))~~) (b) Must include a statement designed to inform the  
6 possessor that permission from the landowner is still required prior to  
7 the harvesting of huckleberries.

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

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

15       (1) County sheriffs may contract with other entities to serve as  
16 authorized agents to ~~((validate specialized forest product))~~ accept and  
17 validate permits under section 7 of this act. ~~((These))~~ Entities that  
18 a county sheriff may contract with include the department, the United  
19 States forest service, the bureau of land management~~((, the department~~  
20 of natural resources)), local police departments, and other entities as  
21 decided upon by the county sheriffs' departments.

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

28       (3) All processes and requirements applicable to county sheriffs  
29 under section 7 of this act also apply to entities contracted under  
30 this section.

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

33       ~~((Cedar or))~~) It is unlawful for any first or secondary  
34 specialized forest products buyer, or for any other person, to  
35 purchase, take possession of, or retain specialized forest products

1 subsequent to the harvesting and prior to the retail sale of the  
2 products unless the supplier of the product displays:

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

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

6 (c) When applicable:

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

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

17 (iii) A statement claiming the products offered for sale are  
18 otherwise exempt from the permit requirements of this chapter under RCW  
19 76.48.100 (as recodified by this act).

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

26 ~~(2) The~~ are required to ensure that a bill of lading (~~must~~  
27 accompany), authorization, or sales invoice accompanies all (~~cedar~~  
28 products, cedar salvage, or) specialty wood (~~products after the~~  
29 products are received by the cedar or specialty wood processor) upon  
30 the receipt of the specialty wood into or the shipping of the specialty  
31 wood out of the property of the specialty wood processor. (~~The bill~~  
32 of lading must include the specialized forest products permit number or  
33 the information provided for in RCW 76.48.075(5) and must also specify:

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

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





1 by a visual inspection of the applicable driver's license, unless the  
2 buyer has previously recorded the driver's information in an accessible  
3 record; and

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

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

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

19 ~~(4))~~ (c) In lieu of a permit number or forest practices  
20 identification and load ticket number, the buyer may, when applicable,  
21 note that the seller claims that the products offered for sale are  
22 exempt from the permit requirements of this chapter under RCW 76.48.100  
23 (as recodified by this act), or were lawfully transported into  
24 Washington from out of state. All other information required by this  
25 section must be recorded.

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

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

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

33 Every ((cedar or)) first or secondary specialized forest products  
34 buyer purchasing specialty wood and specialty wood ((buyer or))  
35 processor shall prominently display a ((valid registration  
36 certificate,)) master license issued by the department of licensing  
37 under RCW 19.02.070 or a copy ((thereof)) of the license((, obtained

1 ~~from the department of revenue under RCW 82.32.030))~~ at each location  
2 where the buyer or processor receives (~~cedar products, cedar salvage,~~  
3 ~~or~~) specialty wood if the first or secondary specialized forest  
4 products buyer or specialty wood processor is required to possess a  
5 license incorporated into the master license system created in chapter  
6 19.02 RCW.

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

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

12 It is unlawful for any person to:

13 (1) (~~Harvest~~) Sell or attempt to sell huckleberries, or harvest,  
14 possess, or transport specialized forest products (~~as described in RCW~~  
15 ~~76.48.020, in the quantities specified~~) in violation of RCW  
16 76.48.060(~~, without first obtaining a validated specialized forest~~  
17 ~~products permit~~) (as recodified by this act);

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

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

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

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

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

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

35 (b) To make any representation of authority to possess or conduct  
36 harvesting or transporting of specialized forest products, or to

1 conduct the sale of huckleberries, (~~knowing the same to be~~) with  
2 knowledge that the representation of authority is in any manner false,  
3 fraudulent, forged, or stolen.

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

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

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

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

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

28 (2) In any prosecution for a violation of this chapter's  
29 requirements to obtain or possess a specialized forest products permit  
30 (~~or~~), true copy (~~thereof, an authorization, sales invoice, or~~),  
31 bill of lading, authorization, or sales invoice, it is an affirmative  
32 defense, if established by the defendant by a preponderance of the  
33 evidence, that:

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

36 (b) The specialized forest products were harvested with the  
37 permission of the landowner.

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

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

9        (2) If a court issues a suspension under this section after a  
10 conviction involving the misuse of a permit with a specified permittor,  
11 the legislature requests that the court notify the permittor listed on  
12 the permit of the suspension.

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

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

19        All fines collected for violations of (~~(any provision of)~~) this  
20 chapter shall be paid into the general fund of the county treasury of  
21 the county in which the violation occurred and distributed equally  
22 among the district courts in the county, the county sheriff's office,  
23 and the (~~county's general fund~~) state treasurer. The portion of the  
24 revenue provided to the state treasurer must be distributed to the  
25 specialized forest products outreach and education account created in  
26 section 26 of this act.

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

29        (~~Agencies charged with the enforcement of this chapter shall~~  
30 ~~include, but not be limited to,~~) (1) Primary enforcement  
31 responsibility of this chapter belongs with county sheriffs. However,  
32 other entities that may enforce this chapter include:

33        (a) The department;

34        (b) The Washington state patrol(~~, county sheriffs and their~~  
35 deputies~~,~~);

36        (c) County or municipal police forces(~~,~~);

1        (d) Authorized personnel of the United States forest service(~~(7)~~);  
2 and

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

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

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

11        (1) A law enforcement officer may take into custody and detain for  
12 a reasonable time any specialized forest products, authorizations,  
13 sales invoices, bills of lading, other documents, and vehicles in which  
14 the specialized forest products were transported if, under official  
15 inquiry, investigation, or other authorized proceeding regarding  
16 specialized forest products not covered by a valid permit or other  
17 acceptable document as provided in this chapter, the inspecting law  
18 enforcement officer has probable cause to believe that the specialized  
19 forest products were obtained in violation of this chapter until the  
20 true origin of the specialized forest products can be determined.

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

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

32        (b)(i) If an arrest does follow the inquiry, investigation, or  
33 authorized proceeding, and the law enforcement officer has probable  
34 cause to believe that a person is selling or attempting to sell  
35 huckleberries, or is harvesting, in possession of, or transporting  
36 specialized forest products in violation of this chapter, any

1 specialized forest products or huckleberries found at the time of  
2 arrest may be seized.

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

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

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

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

16 ~~If the specialized forest product is a cedar product, cedar  
17 salvage, or specialty wood, at the time of making an arrest the law  
18 enforcement officer may seize and take possession of any equipment,  
19 vehicles, tools, or paperwork. The law enforcement officer shall  
20 provide)) (a) Reasonable protection must be provided for ((the)) any  
21 equipment, vehicles, tools, paperwork, huckleberries, or specialized  
22 forest products ((involved)) seized under section 20 of this act during  
23 the period of ((litigation or he or she shall dispose of the equipment,  
24 vehicles, tools, paperwork, or specialized forest products at the  
25 discretion or order of)) adjudication unless the court before which the  
26 arrested person is ordered to appear orders the disposal of any or all  
27 of the seized materials.~~

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

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

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

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

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

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

8 (b) Pay the proceeds of any sale of seized tools, equipment, or  
9 vehicles, less any reasonable expenses of the sale or, if applicable,  
10 towards any outstanding court costs, and then to the lawful owner or  
11 owners.

12 (4) If, for any reason, the proceeds of ((the)) any sale of  
13 materials seized under this section cannot be ((disposed of)) provided  
14 to the ((rightful)) lawful owner, the proceeds of the sale, less  
15 ((the)) reasonable expenses ((of)) relating to the sale, shall be paid  
16 to the treasurer of the county in which the violation occurred((. —The  
17 county treasurer shall deposit the same in)) for deposit into the  
18 county general fund and for distribution equally among the district  
19 courts in the county, the county sheriff's office, and the state  
20 treasurer. The portion of the revenue provided to the state treasurer  
21 must be distributed to the specialized forest products outreach and  
22 education account created in section 26 of this act.

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

26 (6) The return of ((the equipment, vehicles, tools, paperwork, or  
27 specialized forest products)) materials seized under section 20 of this  
28 act, or the payment of the proceeds of any sale of products seized to  
29 the owner, shall not preclude the court from imposing any fine or  
30 penalty upon the violator for the violation of the provisions of this  
31 chapter.

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

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

36 (1) Nursery grown products.



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

9       (a) Logs (~~((except as included in the definition of "cedar salvage"~~  
10 under RCW 76.48.020),),);

11       (b) Speciality wood;

12       (c) Cut or picked evergreen foliage;

13       (d) Poles((~~τ~~));

14       (e) Pilings((~~τ~~)); or

15       (f) Other major forest products from which substantially all of the  
16 limbs and branches have been removed(~~(, specialty wood, and cedar~~  
17 salvage when harvested concurrently with timber stands (a) under an  
18 approved forest practices application or notification, or (b) under a  
19 contract or permit issued by an agency of the United States  
20 government)).

21       (3) ~~((The activities of a))~~ Noncommercial harvest, transportation,  
22 or possession by the landowner, ((his or her)) the landowner's agent((~~τ~~  
23 or))~~, representative, ((or of a lessee of land in carrying on~~  
24 noncommercial property management, maintenance, or improvements on or  
25 in connection with the land of the landowner)) or lessee of specialized  
26 forest products originating from property belonging to the landowner.

27       (4) Harvest, transportation, or possession of specialized forest  
28 products by:

29       (a) A governmental entity or the entity's agent for the purposes of  
30 clearing or maintaining the governmental entity's right-of-way or  
31 easement; or

32       (b) A public or regulated utility or the utility's agent for the  
33 purpose of clearing or maintaining the utility's right-of-way or  
34 easement.

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

37       (1) ~~((Except as otherwise provided in this section, no person may~~

1 ~~sell, or attempt to sell, any amount of raw or unprocessed~~  
2 ~~huckleberries without first obtaining a specialized forest products~~  
3 ~~permit as provided in RCW 76.48.060, regardless if the huckleberries~~  
4 ~~were harvested with the consent of the landowner.~~

5 ~~(2) If the possessor of the huckleberries being offered for sale is~~  
6 ~~able to show that the huckleberries originated on land owned by the~~  
7 ~~United States forest service, then the requirements of this section may~~  
8 ~~be satisfied with the display of a valid permit from the United States~~  
9 ~~forest service that lawfully entitles the possessor to harvest the~~  
10 ~~huckleberries in question.~~

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

15 ~~((4)) (2) Compliance with ((this section)) RCW 76.48.060 (as~~  
16 ~~recodified by this act) allows an individual to sell, or offer for~~  
17 ~~sale, raw or unprocessed huckleberries. Possession of a specialized~~  
18 ~~forest products permit does not create a right or privilege to harvest~~  
19 ~~huckleberries. Huckleberries may be harvested only with the permission~~  
20 ~~of the landowner and under the terms and conditions established between~~  
21 ~~the landowner and the harvester.~~

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

24 (1) Subject to the availability of funds in the specialized forest  
25 products outreach and education account established under section 26 of  
26 this act, the department ((of natural resources is the designated  
27 agency to develop and print the specialized forest products permit and  
28 distribute it to the county sheriffs. In addition, the department of  
29 natural resources)) shall develop educational material ((and other)),  
30 including printed information, for law enforcement, forest landowners,  
31 and specialized forest products ((harvesters)) permittees, buyers, and  
32 processors specific to this chapter.

33 (2) The department is encouraged to foster partnerships with  
34 federal agencies, other state agencies, universities, local  
35 governments, and private interests in order to minimize educational and  
36 outreach expenses.

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

3       (1) Minority groups have long been participants in the specialized  
4 forest products and huckleberry harvesting industry. The legislature  
5 encourages agencies serving minority communities, community-based  
6 organizations, refugee centers, social service agencies, agencies and  
7 organizations with expertise in the specialized forest products and  
8 huckleberry harvesting (~~(industry)~~) industries, and other interested  
9 groups to work cooperatively to accomplish the following purposes:

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

13       ~~((+2))~~ (b) To hold clinics to teach techniques for effective  
14 picking; and

15       ~~((+3))~~ (c) To work with both minority and nonminority permittees  
16 in order to protect resources and foster understanding between minority  
17 and nonminority permittees.

18       (2) To the extent practicable within their existing resources, the  
19 department, the state commission on (~~(Asian-American))~~ Asian Pacific  
20 American affairs created in RCW 43.117.030, and the state commission on  
21 Hispanic affairs created in RCW 43.115.020(~~(, and the department of~~  
22 ~~natural resources))~~ are encouraged to coordinate (~~(this effort)~~)  
23 efforts under this chapter.

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

26       The specialized forest products outreach and education account is  
27 created in the custody of the state treasurer. All receipts from RCW  
28 76.48.140 and 76.48.110 (as recodified by this act), any legislative  
29 appropriations, private donations, or any other private or public  
30 source directed to the account must be deposited in the account.  
31 Expenditures from the account may only be used by the department for  
32 funding activities under RCW 76.48.150 and 76.48.200 (as recodified by  
33 this act). Only the commissioner of public lands or the commissioner's  
34 designee may authorize expenditures from the account. The account is  
35 subject to the allotment procedures under chapter 43.88 RCW, but an  
36 appropriation is not required for expenditures.

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

3       If any provision of this act or this chapter or its application to  
4 any person or circumstance is held invalid, the remainder of the act or  
5 this chapter or the application of the provision to other persons or  
6 circumstances is not affected.

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

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

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

- 13       RCW 76.48.010;
- 14       RCW 76.48.020;
- 15       RCW 76.48.060;
- 16       RCW 76.48.080;
- 17       Section 6 of this act;
- 18       Section 7 of this act;
- 19       Section 8 of this act;
- 20       RCW 76.48.050;
- 21       RCW 76.48.062;
- 22       RCW 76.48.094;
- 23       RCW 76.48.085;
- 24       RCW 76.48.098;
- 25       RCW 76.48.030;
- 26       RCW 76.48.120;
- 27       RCW 76.48.130;
- 28       section 17 of this act;
- 29       RCW 76.48.140;
- 30       RCW 76.48.040;
- 31       Section 20 of this act;
- 32       RCW 76.48.110;
- 33       RCW 76.48.100;
- 34       RCW 76.48.210;
- 35       RCW 76.48.150;
- 36       RCW 76.48.200;

1 Section 26 of this act;  
2 RCW 76.48.900;  
3 RCW 76.48.902; and  
4 RCW 76.48.910.

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

7 (1) RCW 76.48.070 (Transporting or possessing cedar or other  
8 specialized forest products--Requirements) and 2005 c 401 s 4, 1995 c  
9 366 s 6, 1992 c 184 s 3, 1979 ex.s. c 94 s 6, 1977 ex.s. c 147 s 6, &  
10 1967 ex.s. c 47 s 8;

11 (2) RCW 76.48.086 (Records of buyers available for research) and  
12 2008 c 191 s 5 & 1995 c 366 s 16;

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

16 (4) RCW 76.48.075 (Specialized forest products from out-of-state)  
17 and 2005 c 401 s 5, 1995 c 366 s 7, & 1979 ex.s. c 94 s 15.

18 NEW SECTION. **Sec. 31.** RCW 76.48.901 is decodified."

**SHB 1038** - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

**ADOPTED 04/07/2009**

19 On page 1, line 1 of the title, after "76.48 RCW;" strike the  
20 remainder of the title and insert "amending RCW 76.48.010, 76.48.020,  
21 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085,  
22 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040,  
23 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.902, and  
24 76.48.910; adding new sections to chapter 76.48 RCW; creating a new  
25 section; recodifying RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080,  
26 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030,  
27 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100,  
28 76.48.210, 76.48.150, 76.48.200, 76.48.900, 76.48.902, and 76.48.910;

1 decodifying RCW 76.48.901; repealing RCW 76.48.070, 76.48.086,  
2 76.48.096, and 76.48.075; and prescribing penalties."

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