
**Agriculture & Natural Resources
Committee**

HB 1909

Brief Description: Protecting from the theft of specialized forest products.

Sponsors: Representatives Orcutt, B. Sullivan, Roach, Blake, Takko, Pearson, Kristiansen and Hinkle.

Brief Summary of Bill

- Makes a number of changes to the law on the harvest, possession, or transport of specialized forest products.

Hearing Date: 2/13/07

Staff: Jason Callahan (786-7117).

Background:

A specialized forest product (SFP) is, generally, an item found in the forest with a value other than that found with traditional timber. The term SFP is defined to include native shrubs, cedar products, cedar salvage, processed cedar products, specialty wood, edible mushrooms, and certain barks. Many of these terms are further defined, to include items such as certain logs or slabs of cedar, spruce, maple, and alder, along with cedar shakes and fence posts.

A SFP permit, or a true copy of the permit, is required in order to possess or transport the following:

- A cedar product or cedar salvage;
- Specialty wood;
- More than five Christmas trees or native ornamental trees or shrubs;
- More than five pounds of picked foliage, or Cascara bark, and
- More than five gallons of a single mushroom species.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The SFP permit must be obtained prior to harvesting or collecting the products, even from one's own land, and is available only from county sheriffs, on forms provided by the Department of Natural Resources (DNR). The permit must be validated by a sheriff.

For cedar and specialty wood, a processor must keep records for one year of the purchase, and have a bill of lading available to accompany all cedar or specialty wood products.

Violations of the law on SFPs are punishable as a gross misdemeanor, and a convicted individual may face a fine up to \$1000 and/or up to one year in a county jail. In addition, a law enforcement officer with probable cause may seize and take possession of any SFPs found, and if the product seized was cedar or specialty wood, may also seize any equipment, vehicles, tool, or paperwork.

Summary of Bill:

A number of changes are made to the SFP law. These changes include the following:

- Expands the number of sheriffs that can validate a SFP permit to the sheriff for the county where the applicant lives, the county where the wood is being transported from or to, and the county adjacent to any of these counties.
- Changes the definition of "specialty wood" to only include wood that has an aggregated weight of 200 pounds.
- Limits the type of product that is suitable for making into a musical instrument to products that are suitable to making into a *stringed* instrument that is plucked or played with a bow.
- Limits the type of product that is suitable for making into an ornamental box to products that can make a box of a certain size or value.
- Removes the requirement for a SFP permit to transport or possess *processed* cedar products.
- Allows SFP permits to be made available from the DNR's internet website.
- Specifies that a SFP is only required for transportation from the harvest site to the initial processor or buyer.
- Allows a written receipt to substitute for evidence of authority to possess a SFP.
- Allows a SFP permit or a license to transport SFPs to substitute for a bill of lading.
- Creates a new carver license to be issued by the DNR that is made available to wood carvers.
- Requires a convicted unlawful transporter of stolen SFPs to pay the rightful owner three times the appraised value of the product, but only if there was no seizure of the materials at the time of arrest.
- Creates a presumption of compliance if the person transporting the SFP is in possession of the same species as indicated on the permit and has quantities of such a size that they could have been cut from the quantities listed on the permit.
- Requires the DNR and other state agencies to use their websites for education about the SFP permit requirements.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.