

SENATE BILL REPORT

SHB 2779

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 28, 2008

Title: An act relating to the sale of wild huckleberries.

Brief Description: Requiring a specialized forest products permit to sell raw or unprocessed huckleberries.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt, Blake, Chase, McCoy, Lantz and Skinner).

Brief History: Passed House: 2/19/08, 95-0.

Committee Activity: Natural Resources, Ocean & Recreation: 2/27/08, 2/28/08 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Rockefeller, Spanel, Stevens and Swecker.

Staff: Sherry McNamara (786-7402)

Background: Chapter 76.48 RCW sets out a series of requirements for the harvest, possession, transport, and purchase of specialized forest products. Specialized forest products are non-timber commodities harvested from the forest and include:

- Christmas trees, ornamental trees, and shrubs;
- certain wood products, including cedar;
- more than five pounds of cut or picked evergreen foliage;
- more than five pounds of Cascara bark; or
- more than five pounds of a single species of a wild edible mushroom.

A person must obtain a specialized forest products permit (permit), validated by the county sheriff, prior to harvesting covered products. Subsequent to harvest, a person may not possess or transport such products, without either a permit, a written authorization, a sales invoice, or a bill of lading evidencing the person's authority to possess or transport the materials.

A violation of the specialized forest product statutes is generally punishable by no more than one year in the county jail or a fine of not more than \$1,000 or both. Falsifying a permit or document is a class C felony.

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.

Last session, the Legislature prohibited the use of a rake or other mechanical device for the harvest of huckleberries.

Summary of Bill (Recommended Amendments): A person must first obtain a specialized forest products permit before they can sell, or attempt to sell, any amount of raw or unprocessed huckleberries. The requirement to obtain a permit prior to selling huckleberries applies regardless of whether the huckleberries were obtained from the land of the seller or a consenting landowner.

The only exemption to the permit requirement is if the seller of the huckleberries can show that the huckleberries came from land owned by the United States Forest Service and is able to provide documentation that the huckleberries were harvested lawfully.

A person may obtain the permit from the DNR or the sheriff of any county in the state. The permit must be validated by a sheriff.

Additional required information is added to the permit relating to where the huckleberries were, or plan to be, harvested, the approximate amount of huckleberries that will be offered for sale, and a statement informing the possessor that permission from the landowner is required prior to the harvesting of huckleberries.

Buyers who purchase huckleberries are required to record specific information such as the permit number, and the permit holder's name and vehicle license number. The buyer must retain the records for one year and if requested, make the records available to law enforcement or university research.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION (Recommended Amendments): The specialized forest permit must include a statement designed to inform the possessor that permission from "the" landowner is required, instead of "a" landowner, prior to harvesting huckleberries.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute Bill: PRO: DNR has been working on the issue of the availability of huckleberries, are they over-harvested, and the importance that this resource plays in tribal culture. One of the problems has been enforcement. The reporting requirements in this bill will help with the enforcement; by having additional information about the sellers and requiring them to have a permit, as well as having the buyers' record specific information about the sellers.

Persons Testifying: PRO: Bonnie Bunning, DNR; David Powell, Dawn Vyvyan, Yakama Nation.