

CHAPTER 47.

[Senate Bill No. 432.]

SPECIALIZED FOREST PRODUCTS.

AN ACT relating to the protection of specialized forest products; defining terms; prescribing the form and requiring the issuance of a harvesting permit; prescribing powers and duties of issuing persons; prohibiting transportation of certain forest products without a permit, invoice or bill of lading; exempting certain products; prescribing powers and duties of arresting officers in relation to the custody of seized forest products; providing penalties; and adding a new chapter to Title 76 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Sections 2 through 16 of this act shall constitute a new chapter in Title 76 RCW. New chapter.

Sec. 2. It is in the public interest of this state to protect a great natural resource and to provide a high degree of protection to the land owners of the state of Washington from the theft of specialized forest products. Specialized forest products. Purpose.

Sec. 3. Unless otherwise required by the context, as used in this act: Definitions.

(1) "Christmas trees" shall mean any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" shall mean any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, shall mean evergreen boughs, huckleberry, salal, fern, Oregon grape, scotchbroom, rhododendron, and other cut or picked evergreen products.

Definitions.

(4) "Split cedar products" shall mean shakes, shakeboards, shake bolts, fence posts, hop poles, pickets, or any other split cedar product.

(5) "Cascara bark" shall mean the bark of a Cascara tree.

(6) "Huckleberry" shall mean the fruit or foliage of *Vaccinium Ovatum*.

(7) "Specialized forest products" shall mean Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, split cedar products, Cascara bark, and huckleberry.

(8) "Person" shall include the plural and all corporations foreign or domestic, copartnerships, firms, and associations of persons.

(9) "Operator" shall mean any person who shall engage, on behalf of himself or others, in the harvesting of any specialized forest product from any lands within the state.

(10) "Harvesting permit" shall mean a document in writing executed by a landowner, his duly authorized agent or representative, or by a lessee of land (herein referred to as "permitters") granting permission to a designated person (herein referred to as "permittee") to cut, destroy, mutilate, pry, pick, peel, break, or remove a designated specialized forest product from land owned or controlled by him.

Violations—
Harvesting
permit
required.

Sec. 4. It shall be unlawful for any person to cut, destroy, mutilate, pry, pick, peel, break, or remove specialized forest products as described in section 3 of this act without first obtaining a harvesting permit from the permittor.

Enforcement.

Sec. 5. Agencies charged with the enforcement of this act shall include, but not be limited to, the Washington state patrol, county sheriffs and their deputies, municipal police forces, forest wardens and rangers. Primary enforcement responsibility lies in the county sheriff and his deputies.

Sec. 6. A harvesting permit shall be executed by the owner, his agent or representative, or by the lessee of land on which specialized forest products are to be harvested. All harvesting permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor. The harvesting permit shall specify:

Harvesting
permit—
Contents.

- (1) The date of its execution and expiration.
- (2) The name and address of the permittor.
- (3) The name and address of the permittee.
- (4) The type of specialized forest products to be harvested.
- (5) The approximate amount or volume of specialized forest products to be harvested.
- (6) The legal description of the property from which the specialized forest products are to be harvested, including the name of the county.

Sec. 7. A harvesting permit from the owner, his agent or representative or the lessee of the land concerned shall be obtained by the permittee prior to cutting, destroying, mutilating, prying, picking, peeling, breaking, or removing more than five Christmas trees, more than five ornamental trees or shrubs, more than five pounds of cut foliage or huckleberry, more than five split cedar products, or more than five pounds of Cascara bark growing upon any land, including his own. Harvesting permit forms shall be provided by the department of natural resources. A harvesting permit shall be completed, in triplicate, for each land ownership on which a permittee harvests specialized forest products, the original to be retained by the permittee, the duplicate to be retained by the permittor, and the triplicate to be filed by the permittee in the office of the county sheriff in whose county the land is situated: *Provided*, That in the event a single land ownership is situated in two or more counties,

Harvesting
permit re-
quired before
severing from
land.

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a harvesting permit shall be completed as to the land situated in each such county.

Transportation of products—When permit or bill of sale required.

Sec. 8. Except that as provided in section 11 of this act, it shall be unlawful for any person to transport over the public roads of the state of Washington more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut evergreen foliage or huckleberry, more than five pieces of split cedar products, or more than five pounds of Cascara bark which have been cut, picked, or collected within the state of Washington without having in his possession a written sales invoice, bill of lading, or harvesting permit evidencing his title to or authority to have possession of specialized forest products being so transported: *Provided, That*, with respect to specialized forest products harvested on lands under the ownership or management of an agency of the United States, such specialized forest products may be so transported under the authority of such written permit or other written document as is customarily used by the agency concerned.

Permit, bill of sale, bill of lading—Contents.

Sec. 9. The permit, sales invoice, or bill of lading required by section 8 of this act shall specify:

- (1) The date of its execution.
- (2) The number and type of products, by species, sold or being transported.
- (3) The name and address of the owner, vendor, or donor of the specialized forest products.
- (4) The name and address of the vendee, donee, or receiver of the specialized forest products.
- (5) The county of origin of the specialized forest products.

Harvesting permit.

Sec. 10. A harvesting permit, as described in this act, may be used in lieu of a sales invoice or bill of lading as authority for the transportation of special-

ized forest products on the public roads of the state of Washington when:

- (1) It has been procured, executed, and filed as required by sections 6 and 7 of this act, and
- (2) It authorizes the harvesting of the specialized forest products being transported.

Sec. 11. The provisions of sections 8, 9, and 10 of this act shall not apply to: Exemptions.

- (1) The transportation of nursery grown products.
- (2) The transportation of logs, poles, pilings, or other major forest products from which substantially all of the limbs and branches have been removed.
- (3) The activities of a landowner, his agent, or representative, or of a lessee of land in carrying on property management, maintenance, or improvements on or in connection with his land.

Sec. 12. Whenever any law enforcement officer believes that a person is harvesting, cutting, destroying, mutilating, prying, picking, peeling, breaking, removing, or transporting specialized forest products in violation of the provisions of this chapter, he may, at the time of making an arrest, seize and take possession of any specialized forest products found. The law enforcement officer shall provide reasonable protection for the specialized forest products involved during the period of litigation or he shall sell such products at the discretion or order of the court before which the arrested person is ordered to appear. Upon disposition of the case by the court, the court shall make a reasonable effort to return the net proceeds of any sale of specialized forest products sold to the owner. If for any reason, the proceeds of such sale cannot be disposed of to the owner, such proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of

Violations—
Seizure of
goods—Sale of
seized goods—
Disposition of
proceeds.

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the county in which the specialized forest products are sold. The county treasurer shall deposit the same in the county general fund. The return of the specialized forest products or the payment of the proceeds of any sale of products seized, to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

False, fraudulent or forged instruments prohibited.

Sec. 13. It shall be unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a harvesting permit, sales invoice, bill of lading, or similar documentary authority issued by an agency of the United States, as required by this chapter, knowing the same to be in any manner false, fraudulent, or forged.

Violations—Penalty.

Sec. 14. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred and fifty dollars or by imprisonment in the county jail for not to exceed ninety days or by both such fine and imprisonment.

Severability.

Sec. 15. If any section, provision, or part thereof of this chapter shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Construction.

Sec. 16. This act is not intended to repeal or modify any provision of existing law.

Passed the Senate April 1, 1967.

Passed the House April 6, 1967.

Approved by the Governor April 14, 1967.