

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2351

Chapter 163, Laws of 1994

53rd Legislature
1994 Regular Session

STRAY LOGS RECOVERY

EFFECTIVE DATE: 6/9/94

Passed by the House March 7, 1994
Yeas 95 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1994
Yeas 34 Nays 0

JOEL PRITCHARD

President of the Senate

Approved March 30, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2351** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

March 30, 1994 - 1:13 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2351

AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Shin, Patterson, Campbell, Finkbeiner, Forner, Appelwick, J. Kohl and Johanson)

Read first time 01/28/94.

1 AN ACT Relating to the recovery of stray logs; amending RCW
2 76.36.110, 76.42.020, 76.42.030, and 82.16.010; creating a new section;
3 and repealing RCW 76.40.010, 76.40.012, 76.40.013, 76.40.020,
4 76.40.030, 76.40.040, 76.40.050, 76.40.060, 76.40.070, 76.40.080,
5 76.40.090, 76.40.100, 76.40.110, 76.40.120, 76.40.130, 76.40.135,
6 76.40.140, 76.40.145, 76.40.900, and 76.40.910.

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

8 **Sec. 1.** RCW 76.36.110 and 1984 c 60 s 6 are each amended to read
9 as follows:

10 Every person:

11 (1) Except boom companies (~~(and log patrol companies)~~) organized as
12 corporations for the purpose of catching or reclaiming and holding or
13 disposing of forest products for the benefit of the owners, and
14 authorized to do business under the laws of this state, who has or
15 takes in tow or into custody or possession or under control, without
16 the authorization of the owner of a registered mark or brand thereupon,
17 any forest products or booming equipment having thereupon a mark or
18 brand registered as required by the terms of this chapter, or, with or
19 without such authorization, any forest products or booming equipment

1 which may be branded under the terms of this chapter with a registered
2 mark or brand and having no registered mark or brand impressed
3 thereupon or cut therein; or,

4 (2) Who impresses upon or cut in any forest products or booming
5 equipment a mark or brand that is false, forged or counterfeit; or,

6 (3) Who interferes with, prevents, or obstructs the owner of any
7 registered mark or brand, or his or her duly authorized agent or
8 representative, entering into or upon any tidelands, marshes or beaches
9 of this state or any mill, mill site, mill yard or mill boom or rafting
10 or storage grounds or any forest products or any raft or boom thereof
11 for the purpose of searching for forest products and booming equipment
12 having impressed thereupon a registered mark or brand belonging to him
13 or her or retaking any forest products or booming equipment so found by
14 him or her; or,

15 (4) Who impresses or cuts a catch brand that is not registered
16 under the terms of this chapter upon or into any forest products or
17 booming equipment upon which there is a registered mark or brand as
18 authorized by the terms of this chapter or a catch brand, whether
19 registered or not, upon any forest products or booming equipment that
20 was not purchased or lawfully acquired by him or her from the owner; is
21 guilty of a gross misdemeanor.

22 **Sec. 2.** RCW 76.42.020 and 1973 c 136 s 3 are each amended to read
23 as follows:

24 "Wood debris" as used in this chapter is wood that is adrift on
25 navigable waters or has been adrift thereon and stranded on beaches,
26 marshes, or (~~navigable [tidal]~~) tidal and shorelands and which is not
27 merchantable or economically salvageable under (~~the Log Patrol Act,~~)
28 chapter 76.40 RCW.

29 "Removal" as used in this chapter shall include all activities
30 necessary for the collection and disposal of such wood debris:
31 PROVIDED, That nothing herein provided shall permit removal of wood
32 debris from private property without written consent of the owner.

33 **Sec. 3.** RCW 76.42.030 and 1973 c 136 s 4 are each amended to read
34 as follows:

35 The department of natural resources may by contract, license, or
36 permit, or other arrangements, cause such wood debris to be removed by
37 (~~licensed log patrolmen, other~~) private contractors, department of

1 natural resources employees, or by other public bodies. Nothing
2 contained in this chapter shall prohibit any individual from using any
3 nonmerchtable wood debris for his own personal use.

4 **Sec. 4.** RCW 82.16.010 and 1991 c 272 s 14 are each amended to read
5 as follows:

6 For the purposes of this chapter, unless otherwise required by the
7 context:

8 (1) "Railroad business" means the business of operating any
9 railroad, by whatever power operated, for public use in the conveyance
10 of persons or property for hire. It shall not, however, include any
11 business herein defined as an urban transportation business.

12 (2) "Express business" means the business of carrying property for
13 public hire on the line of any common carrier operated in this state,
14 when such common carrier is not owned or leased by the person engaging
15 in such business.

16 (3) "Railroad car business" means the business of renting, leasing
17 or operating stock cars, furniture cars, refrigerator cars, fruit cars,
18 poultry cars, tank cars, sleeping cars, parlor cars, buffet cars,
19 tourist cars, or any other kinds of cars used for transportation of
20 property or persons upon the line of any railroad operated in this
21 state when such railroad is not owned or leased by the person engaging
22 in such business.

23 (4) "Water distribution business" means the business of operating
24 a plant or system for the distribution of water for hire or sale.

25 (5) "Light and power business" means the business of operating a
26 plant or system for the generation, production or distribution of
27 electrical energy for hire or sale and/or for the wheeling of
28 electricity for others.

29 (6) "Telegraph business" means the business of affording
30 telegraphic communication for hire.

31 (7) "Gas distribution business" means the business of operating a
32 plant or system for the production or distribution for hire or sale of
33 gas, whether manufactured or natural.

34 (8) "Motor transportation business" means the business (except
35 urban transportation business) of operating any motor propelled vehicle
36 by which persons or property of others are conveyed for hire, and
37 includes, but is not limited to, the operation of any motor propelled
38 vehicle as an auto transportation company (except urban transportation

1 business), common carrier or contract carrier as defined by RCW
2 81.68.010 and 81.80.010: PROVIDED, That "motor transportation
3 business" shall not mean or include the transportation of logs or other
4 forest products exclusively upon private roads or private highways.

5 (9) "Urban transportation business" means the business of operating
6 any vehicle for public use in the conveyance of persons or property for
7 hire, insofar as (a) operating entirely within the corporate limits of
8 any city or town, or within five miles of the corporate limits thereof,
9 or (b) operating entirely within and between cities and towns whose
10 corporate limits are not more than five miles apart or within five
11 miles of the corporate limits of either thereof. Included herein, but
12 without limiting the scope hereof, is the business of operating
13 passenger vehicles of every type and also the business of operating
14 cartage, pickup, or delivery services, including in such services the
15 collection and distribution of property arriving from or destined to a
16 point within or without the state, whether or not such collection or
17 distribution be made by the person performing a local or interstate
18 line-haul of such property.

19 (10) "Public service business" means any of the businesses defined
20 in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any
21 business subject to control by the state, or having the powers of
22 eminent domain and the duties incident thereto, or any business
23 hereafter declared by the legislature to be of a public service nature,
24 except telephone business as defined in RCW 82.04.065 and low-level
25 radioactive waste site operating companies as redefined in RCW
26 81.04.010. It includes, among others, without limiting the scope
27 hereof: Airplane transportation, boom, dock, ferry, (~~log patrol,~~)
28 pipe line, toll bridge, toll logging road, water transportation and
29 wharf businesses.

30 (11) "Tugboat business" means the business of operating tugboats,
31 towboats, wharf boats or similar vessels in the towing or pushing of
32 vessels, barges or rafts for hire.

33 (12) "Gross income" means the value proceeding or accruing from the
34 performance of the particular public service or transportation business
35 involved, including operations incidental thereto, but without any
36 deduction on account of the cost of the commodity furnished or sold,
37 the cost of materials used, labor costs, interest, discount, delivery
38 costs, taxes, or any other expense whatsoever paid or accrued and
39 without any deduction on account of losses.

1 (13) The meaning attributed, in chapter 82.04 RCW, to the term "tax
2 year," "person," "value proceeding or accruing," "business," "engaging
3 in business," "in this state," "within this state," "cash discount" and
4 "successor" shall apply equally in the provisions of this chapter.

5 NEW SECTION. **Sec. 5.** The department of natural resources shall
6 convene a discussion between persons representative of the various
7 interested parties including, but not limited to, log owners,
8 transportation companies, recreational boaters, property owners, port
9 authorities, local law enforcement agencies, and state agencies charged
10 with the management and protection of aquatic resources to review
11 issues related to stray log recovery.

12 On or before October 31, 1994, the department of natural resources
13 shall report proposed guidelines for the recovery of adrift stray logs,
14 to provide for the protection of: (1) Life, property, and navigational
15 safety; and (2) the environment and publicly owned aquatic resources.

16 NEW SECTION. **Sec. 6.** REPEALER. The following acts or parts of
17 acts are each repealed:

18 (1) RCW 76.40.010 and 1984 c 60 s 9 & 1957 c 182 s 1;

19 (2) RCW 76.40.012 and 1984 c 60 s 10, 1955 c 108 s 1, & 1953 c 140
20 s 2;

21 (3) RCW 76.40.013 and 1984 c 60 s 11 & 1957 c 182 s 9;

22 (4) RCW 76.40.020 and 1984 c 60 s 12, 1957 c 182 s 2, 1955 c 27 s
23 1, 1953 c 140 s 9, & 1947 c 116 s 1;

24 (5) RCW 76.40.030 and 1984 c 60 s 13, 1979 ex.s. c 67 s 13, 1963 c
25 12 s 1, 1957 c 182 s 3, 1955 c 108 s 3, 1953 c 140 s 10, & 1947 c 116
26 s 3;

27 (6) RCW 76.40.040 and 1984 c 60 s 14, 1957 c 182 s 4, & 1947 c 116
28 s 5;

29 (7) RCW 76.40.050 and 1984 c 60 s 15, 1957 c 182 s 5, 1953 c 140 s
30 11, & 1947 c 116 s 5;

31 (8) RCW 76.40.060 and 1982 c 35 s 199 & 1947 c 116 s 6;

32 (9) RCW 76.40.070 and 1984 c 60 s 16, 1957 c 182 s 6, & 1947 c 116
33 s 8;

34 (10) RCW 76.40.080 and 1984 c 60 s 17 & 1947 c 116 s 9;

35 (11) RCW 76.40.090 and 1947 c 116 s 10;

36 (12) RCW 76.40.100 and 1984 c 60 s 18 & 1947 c 116 s 11;

- 1 (13) RCW 76.40.110 and 1957 c 182 s 7, 1953 c 140 s 12, & 1947 c
2 116 s 12;
- 3 (14) RCW 76.40.120 and 1984 c 60 s 19 & 1947 c 116 s 14;
- 4 (15) RCW 76.40.130 and 1947 c 116 s 13;
- 5 (16) RCW 76.40.135 and 1984 c 60 s 20;
- 6 (17) RCW 76.40.140 and 1984 c 60 s 21;
- 7 (18) RCW 76.40.145 and 1984 c 60 s 22;
- 8 (19) RCW 76.40.900 and 1947 c 116 s 15; and
- 9 (20) RCW 76.40.910 and 1947 c 116 s 16.

Passed the House March 7, 1994.

Passed the Senate March 4, 1994.

Approved by the Governor March 30, 1994.

Filed in Office of Secretary of State March 30, 1994.