

2 SHB 2351 - S AMD - 000305
3 By Senators Owen and Oke

4 ADOPTED 3/4/94

5 Strike everything after the enacting clause and insert the
6 following:

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

9 Every person:

10 (1) Except boom companies (~~(and log patrol companies)~~) organized as
11 corporations for the purpose of catching or reclaiming and holding or
12 disposing of forest products for the benefit of the owners, and
13 authorized to do business under the laws of this state, who has or
14 takes in tow or into custody or possession or under control, without
15 the authorization of the owner of a registered mark or brand thereupon,
16 any forest products or booming equipment having thereupon a mark or
17 brand registered as required by the terms of this chapter, or, with or
18 without such authorization, any forest products or booming equipment
19 which may be branded under the terms of this chapter with a registered
20 mark or brand and having no registered mark or brand impressed
21 thereupon or cut therein; or,

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

24 (3) Who interferes with, prevents, or obstructs the owner of any
25 registered mark or brand, or his or her duly authorized agent or
26 representative, entering into or upon any tidelands, marshes or beaches
27 of this state or any mill, mill site, mill yard or mill boom or rafting
28 or storage grounds or any forest products or any raft or boom thereof
29 for the purpose of searching for forest products and booming equipment
30 having impressed thereupon a registered mark or brand belonging to him
31 or her or retaking any forest products or booming equipment so found by
32 him or her; or,

33 (4) Who impresses or cuts a catch brand that is not registered
34 under the terms of this chapter upon or into any forest products or
35 booming equipment upon which there is a registered mark or brand as
36 authorized by the terms of this chapter or a catch brand, whether

1 registered or not, upon any forest products or booming equipment that
2 was not purchased or lawfully acquired by him or her from the owner; is
3 guilty of a gross misdemeanor.

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

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

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

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

17 The department of natural resources may by contract, license, or
18 permit, or other arrangements, cause such wood debris to be removed by
19 (~~licensed log patrolmen, other~~) private contractors, department of
20 natural resources employees, or by other public bodies. Nothing
21 contained in this chapter shall prohibit any individual from using any
22 nonmerchantable wood debris for his own personal use.

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

25 For the purposes of this chapter, unless otherwise required by the
26 context:

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

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

35 (3) "Railroad car business" means the business of renting, leasing
36 or operating stock cars, furniture cars, refrigerator cars, fruit cars,

1 poultry cars, tank cars, sleeping cars, parlor cars, buffet cars,
2 tourist cars, or any other kinds of cars used for transportation of
3 property or persons upon the line of any railroad operated in this
4 state when such railroad is not owned or leased by the person engaging
5 in such business.

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

8 (5) "Light and power business" means the business of operating a
9 plant or system for the generation, production or distribution of
10 electrical energy for hire or sale and/or for the wheeling of
11 electricity for others.

12 (6) "Telegraph business" means the business of affording
13 telegraphic communication for hire.

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

17 (8) "Motor transportation business" means the business (except
18 urban transportation business) of operating any motor propelled vehicle
19 by which persons or property of others are conveyed for hire, and
20 includes, but is not limited to, the operation of any motor propelled
21 vehicle as an auto transportation company (except urban transportation
22 business), common carrier or contract carrier as defined by RCW
23 81.68.010 and 81.80.010: PROVIDED, That "motor transportation
24 business" shall not mean or include the transportation of logs or other
25 forest products exclusively upon private roads or private highways.

26 (9) "Urban transportation business" means the business of operating
27 any vehicle for public use in the conveyance of persons or property for
28 hire, insofar as (a) operating entirely within the corporate limits of
29 any city or town, or within five miles of the corporate limits thereof,
30 or (b) operating entirely within and between cities and towns whose
31 corporate limits are not more than five miles apart or within five
32 miles of the corporate limits of either thereof. Included herein, but
33 without limiting the scope hereof, is the business of operating
34 passenger vehicles of every type and also the business of operating
35 cartage, pickup, or delivery services, including in such services the
36 collection and distribution of property arriving from or destined to a
37 point within or without the state, whether or not such collection or
38 distribution be made by the person performing a local or interstate
39 line-haul of such property.

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

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

15 (12) "Gross income" means the value proceeding or accruing from the
16 performance of the particular public service or transportation business
17 involved, including operations incidental thereto, but without any
18 deduction on account of the cost of the commodity furnished or sold,
19 the cost of materials used, labor costs, interest, discount, delivery
20 costs, taxes, or any other expense whatsoever paid or accrued and
21 without any deduction on account of losses.

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

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

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

1 76.40.060, 76.40.070, 76.40.080, 76.40.090, 76.40.100, 76.40.110,
2 76.40.120, 76.40.130, 76.40.135, 76.40.140, 76.40.145, 76.40.900, and
3 76.40.910."

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