
SUBSTITUTE HOUSE BILL 2351

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; adding new sections to
3 chapter 76.40 RCW; creating a new section; and repealing RCW 76.40.010,
4 76.40.012, 76.40.013, 76.40.020, 76.40.030, 76.40.040, 76.40.050,
5 76.40.060, 76.40.070, 76.40.080, 76.40.090, 76.40.100, 76.40.110,
6 76.40.120, 76.40.130, 76.40.135, 76.40.140, 76.40.145, 76.40.900, and
7 76.40.910.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that:

10 (1) Reduced levels of log raft storage and transportation on the
11 waters of this state have resulted in a reduction of commercial log
12 recovery activity and have eliminated the need for a separate licensing
13 program for recovery of stray logs; and

14 (2) While stray logs are a much less common problem today than when
15 log raft transportation was more common, stray logs that are adrift on
16 waters of this state may still pose a threat to navigation, life, and
17 property; and

18 (3) Recovery of submerged or stranded stray logs can result in
19 damage to the environment.

1 Therefore, the legislature finds that an alternative method for
2 encouraging the recovery of adrift stray logs must be established.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.40 RCW
4 to read as follows:

5 For the purposes of this chapter, the following terms shall have
6 the following meanings:

7 (1) "Adrift" means floating without control; neither aground,
8 beached, stranded, fully submerged, anchored in place, or secured in
9 any way;

10 (2) "Department" means the Washington state department of natural
11 resources;

12 (3) "Having a merchantable value" means capable of commanding value
13 alone or in combination with other recovered logs;

14 (4) "Person" means an individual, partnership, private corporation,
15 or association of individuals of whatever nature, including public
16 agencies;

17 (5) "Stray logs" means logs, piling, poles, and boom sticks having
18 a merchantable value that have escaped from their owner or the owner's
19 agent during storage or while being transported. The term includes
20 stray logs that are adrift, those that have been adrift and are
21 stranded on beaches, marshes, tidelands, shorelands, or state-owned
22 aquatic lands, and those that are partially or wholly submerged in the
23 waters of the state; and

24 (6) "Waters of the state" means bodies of fresh or salt water
25 including all rivers and lakes and their tributaries, harbors, bays,
26 bayous, and marshes within the state capable of being used for the
27 transportation or storage of forest products.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 76.40 RCW
29 to read as follows:

30 Any person may recover and secure adrift stray logs on waters of
31 this state. Landowners may recover and secure stray logs that have
32 become submerged or stranded on their property as the result of being
33 adrift on waters of this state. A person who chooses to recover and
34 secure stray logs must do so in a manner that does not damage beaches,
35 marshes, tidelands, shorelands, aquatic lands, or other property and
36 that does not diminish the merchantable value of the timber. Within
37 thirty days of recovering stray logs, the person who recovered the logs

1 must notify the owner of the logs that the logs have been recovered.
2 Ownership of logs shall be determined under chapter 76.36 RCW.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 76.40 RCW
4 to read as follows:

5 Within thirty days of receipt of notification that his or her stray
6 logs have been recovered, a log owner may retrieve his or her stray
7 logs from the person who recovered them. In order to retrieve
8 recovered stray logs, the owner must pay the persons who recovered the
9 adrift stray logs fifty percent of the market value of the logs. In
10 order to retrieve stranded or submerged logs that landowners have
11 recovered from their property, the log owner must pay twenty-five
12 percent of the market value of the logs. If the owner chooses not to
13 retrieve his or her logs, the person who recovered the logs may sell
14 them or dispose of them as that person sees fit.

15 Log owners and agents of log owners shall take reasonable actions
16 to prevent logs from becoming stray logs.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 76.40 RCW
18 to read as follows:

19 The department may close areas under its jurisdiction to log
20 recovery activities if the department determines that log recovery in
21 those areas would pose a threat to public safety or the environment.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 76.40 RCW
23 to read as follows:

24 The department may enter into agreements with the state of Oregon
25 and its applicable agencies to coordinate log recovery activities where
26 possible.

27 **Sec. 7.** RCW 76.36.110 and 1984 c 60 s 6 are each amended to read
28 as follows:

29 Every person:

30 (1) Except boom companies (~~and log patrol companies~~) organized as
31 corporations for the purpose of catching or reclaiming and holding or
32 disposing of forest products for the benefit of the owners, and
33 authorized to do business under the laws of this state, who has or
34 takes in tow or into custody or possession or under control, without
35 the authorization of the owner of a registered mark or brand thereupon,

1 any forest products or booming equipment having thereupon a mark or
2 brand registered as required by the terms of this chapter, or, with or
3 without such authorization, any forest products or booming equipment
4 which may be branded under the terms of this chapter with a registered
5 mark or brand and having no registered mark or brand impressed
6 thereupon or cut therein; or,

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

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

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

25 **Sec. 8.** RCW 76.42.020 and 1973 c 136 s 3 are each amended to read
26 as follows:

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

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

36 **Sec. 9.** RCW 76.42.030 and 1973 c 136 s 4 are each amended to read
37 as follows:

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

7 **Sec. 10.** RCW 82.16.010 and 1991 c 272 s 14 are each amended to
8 read as follows:

9 For the purposes of this chapter, unless otherwise required by the
10 context:

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

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

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

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

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

32 (6) "Telegraph business" means the business of affording
33 telegraphic communication for hire.

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

37 (8) "Motor transportation business" means the business (except
38 urban transportation business) of operating any motor propelled vehicle

1 by which persons or property of others are conveyed for hire, and
2 includes, but is not limited to, the operation of any motor propelled
3 vehicle as an auto transportation company (except urban transportation
4 business), common carrier or contract carrier as defined by RCW
5 81.68.010 and 81.80.010: PROVIDED, That "motor transportation
6 business" shall not mean or include the transportation of logs or other
7 forest products exclusively upon private roads or private highways.

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

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

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

36 (12) "Gross income" means the value proceeding or accruing from the
37 performance of the particular public service or transportation business
38 involved, including operations incidental thereto, but without any
39 deduction on account of the cost of the commodity furnished or sold,

1 the cost of materials used, labor costs, interest, discount, delivery
2 costs, taxes, or any other expense whatsoever paid or accrued and
3 without any deduction on account of losses.

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

8 NEW SECTION. **Sec. 11.** REPEALER. The following acts or parts of
9 acts are each repealed:

- 10 (1) RCW 76.40.010 and 1984 c 60 s 9 & 1957 c 182 s 1;
11 (2) RCW 76.40.012 and 1984 c 60 s 10, 1955 c 108 s 1, & 1953 c 140
12 s 2;
13 (3) RCW 76.40.013 and 1984 c 60 s 11 & 1957 c 182 s 9;
14 (4) RCW 76.40.020 and 1984 c 60 s 12, 1957 c 182 s 2, 1955 c 27 s
15 1, 1953 c 140 s 9, & 1947 c 116 s 1;
16 (5) RCW 76.40.030 and 1984 c 60 s 13, 1979 ex.s. c 67 s 13, 1963 c
17 12 s 1, 1957 c 182 s 3, 1955 c 108 s 3, 1953 c 140 s 10, & 1947 c 116
18 s 3;
19 (6) RCW 76.40.040 and 1984 c 60 s 14, 1957 c 182 s 4, & 1947 c 116
20 s 5;
21 (7) RCW 76.40.050 and 1984 c 60 s 15, 1957 c 182 s 5, 1953 c 140 s
22 11, & 1947 c 116 s 5;
23 (8) RCW 76.40.060 and 1982 c 35 s 199 & 1947 c 116 s 6;
24 (9) RCW 76.40.070 and 1984 c 60 s 16, 1957 c 182 s 6, & 1947 c 116
25 s 8;
26 (10) RCW 76.40.080 and 1984 c 60 s 17 & 1947 c 116 s 9;
27 (11) RCW 76.40.090 and 1947 c 116 s 10;
28 (12) RCW 76.40.100 and 1984 c 60 s 18 & 1947 c 116 s 11;
29 (13) RCW 76.40.110 and 1957 c 182 s 7, 1953 c 140 s 12, & 1947 c
30 116 s 12;
31 (14) RCW 76.40.120 and 1984 c 60 s 19 & 1947 c 116 s 14;
32 (15) RCW 76.40.130 and 1947 c 116 s 13;
33 (16) RCW 76.40.135 and 1984 c 60 s 20;
34 (17) RCW 76.40.140 and 1984 c 60 s 21;
35 (18) RCW 76.40.145 and 1984 c 60 s 22;
36 (19) RCW 76.40.900 and 1947 c 116 s 15; and

1 (20) RCW 76.40.910 and 1947 c 116 s 16.

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