

CHAPTER 182.

[S. B. 145.]

LOG PATROLS.

AN ACT relating to log patrol; amending sections 2 and 7, chapter 116, Laws of 1947 (heretofore combined and codified as RCW 76.40.010); amending section 1, chapter 27, Laws of 1955 and RCW 76.40.020; amending section 3, chapter 108, Laws of 1955 and RCW 76.40.030; amending section 4, chapter 116, Laws of 1947 and RCW 76.40.040; amending section 11, chapter 140, Laws of 1953 and RCW 76.40.050; amending section 8, chapter 116, Laws of 1947 and RCW 76.40.070; amending section 12, chapter 140, Laws of 1953 and RCW 76.40.110; amending section 7, chapter 108, Laws of 1955 and RCW 76.40.127; and adding and providing penalties to chapter 116, Laws of 1947 and to chapter 76.40 RCW.

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

SECTION 1. Sections 2 and 7, chapter 116, Laws of 1947 (heretofore combined and codified as RCW 76.40.010) is amended to read as follows: RCW 76.40.010 amended.

Words and phrases herein used, unless clearly contrary to or inconsistent with the context of this chapter or the section in which used, shall be construed as follows: Definitions.

(1) "Log Patrol" includes all activities in connection with the recapture, repossession, and delivery to owners or to boom companies of stray logs in this state except activities by the owner of such logs, the transportation agency that towed or transported the booms or cargo from which such stray logs were lost, or any other duly constituted agent of the owner; "Log Patrol."

(2) "Stray logs" means and includes any and all logs, piling, poles, and boom sticks having a merchantable value that are adrift or have been adrift and stranded on beaches, marshes, or tidal and shorelands which have escaped in any manner from the owner or from a transportation agency, from storage or while being transported; "Stray logs."

(3) "Person" includes the plural and all corpora- "Person."

Definitions.

tions foreign and domestic, copartnerships, firms, and associations of persons;

"Boom company."

(4) "Boom company" means a company organized and operating under the authority of chapter 76.28.

"Waters of this state."

(5) "Waters of this state" include any and all bodies of fresh and salt water including all rivers and lakes and their tributaries, harbors, bays, bayous, and marshes within the jurisdiction of the state capable of being used for the transportation or storage of stray logs.

RCW 76.40.020 amended.

SEC. 2. Section 1, chapter 27, Laws of 1955 and RCW 76.40.020 are each amended to read as follows:

Compliance with chapter required.

It shall be unlawful for any person, firm, association or corporation to hold any stray log or to directly or indirectly engage in the activities of a log patrol on or adjacent to the waters of this state, except that area in the state of Washington on the Columbia River above Grand Coulee Dam drained by the Columbia River and its tributaries, and except as hereinafter provided. Nothing in this chapter shall be construed to deprive any person of any right to take nonmerchantable unbranded stray logs for his own domestic use.

RCW 76.40.030 amended.

SEC. 3. Section 3, chapter 108, Laws of 1955 and RCW 76.40.030 are each amended to read as follows:

Log patrol license—Bond—Fee.

Before any person may engage in log patrol activities he must have an existing license from the state therefor. Before any license is issued the applicant must apply to the supervisor of forestry on a form to be prescribed by said supervisor. The application must contain the name and address of the applicant or applicants, the name, type, and size of equipment to be used, and the mailing address of the principal place of business at which address process may be served upon the applicant. Before any license may be issued the applicant must execute and file with said supervisor, to be approved by him,

a surety bond running to the state in the penal sum of five thousand dollars, conditioned that the applicant will comply with all the requirements of the laws of the state governing such activities, and will account for all stray logs taken into possession, which bond shall not be diminished by any recovery but shall at all times remain and be in force and effect in the full amount for any person claiming damages against the licensee. Each application shall be accompanied by a remittance of one hundred dollars for each boat or truck to be used or operated in such activities by the licensee or agent. All licenses shall expire on June 30th following the date of issuance. The supervisor shall issue each applicant a license and shall also issue distinctive stickers or other suitable devices for each piece of equipment listed in the application identifying it as engaged in log patrol activities. A fee of four dollars shall be paid for each pair of such stickers or devices used.

SEC. 4. Section 4, chapter 116, Laws of 1947 and RCW 76.40.040 are each amended to read as follows:

RCW 76.40.040 amended.

It shall be unlawful for any licensee or his agent to engage in the activities of a log patrol without having at all times displayed on each side of each piece of licensed equipment the distinctive device identifying it as a log patrol issued by the supervisor of forestry.

Identification of equipment.

SEC. 5. Section 11, chapter 140, Laws of 1953 and RCW 76.40.050 are each amended to read as follows:

RCW 76.40.050 amended.

(1) All stray logs shall, whenever practicable, be returned to the owner or his agent; otherwise they shall be delivered to a boom company or other agency, approved by the supervisor of forestry and which is regularly engaged in the commercial booming business or the marketing of logs and adequately equipped for sorting, rafting and handling of logs loose or in rafts, which maintains such records as are designated by the supervisor of forestry for

Duties of log patrol, boom company, on recovery of stray logs.

handling stray logs, and the log patrol shall be entitled to a reasonable compensation, not to exceed the maximum herein provided, for the recovery and return of such logs, and shall have all the rights incident to a logger's lien therefor: *Provided*, That where there is no boom company or other agency, approved by the supervisor of forestry, within reasonable proximity to the place where stray logs are, or may be recovered, the supervisor of forestry is authorized to approve a plan for processing such logs by some other agency to accomplish the purpose herein provided to be performed by such boom companies or other agency: *Provided*, That no log patrol shall take into possession any stray logs during the time that the owner, his agent, or the transportation agency which lost said stray logs, are attempting, or are awaiting favorable weather conditions, to attempt to recover said stray logs.

Proviso.

Proviso.

Log patrols.
Duty of log
patrol, boom
company, on
recovery of
stray logs—
Sales—Com-
pensation.

(2) A boom company or other agency, approved by the supervisor of forestry, upon receipt of such stray logs, shall give adequate receipt therefor and promptly thereafter shall cause them to be scaled by a log scaling bureau or by an individual log scaler approved by the supervisor of forestry, whose regular and established business is that of scaling logs. A copy of each scale certificate shall immediately be forwarded to the division of forestry and to the log patrol which delivered said logs to such boom company or other agency. Thereafter at least ten days subsequent to the mailing of a detailed sales notice specifying time and place and date of sale to all prospective purchasers requesting such notices such boom company or other agency with reasonable promptness shall offer for sale such stray logs in the open market to the person making the highest offer and from the proceeds pay the log patrol for services performed, a sum which shall not exceed sixty percent of the current selling price of logs of

the same grade and type, or fifteen dollars per thousand feet board measure for merchantable logs of number three grade or better, whichever sum is greater, unless written authority for the payment of a higher rate is given in advance by the owner of said stray logs or his agent or unless a different rate is approved by the supervisor of forestry in exceptional cases and on adequate proof of the necessity therefor: *Provided*, That in the event such stray logs are not of sufficient quantity, or are not located within reasonable proximity to a market conducive to competitive bidding in bringing the highest price therefor, or in the event any raft or small parcel of logs shall contain ten percent by scaled volume or less of stray logs, the said stray logs may be sold by the boom company or other agency approved by the supervisor of forestry pursuant to rules and regulations prescribed for such sales. From such proceeds, the boom company or other approved agency shall deduct the usual and customary handling charges, and at such regular intervals as may be required by the supervisor of forestry commencing after July 1, 1953, and not less frequently than every six months, pay to the owner the balance: *Provided*, That the net proceeds from unbranded stray logs, and branded stray logs the owner of which cannot be determined by existing records, shall be forwarded to the division of forestry.

Proviso.

Proviso.

SEC. 6. Section 8, chapter 116, Laws of 1947 and RCW 76.40.070 are each amended to read as follow:

RCW 76.40.070 amended.

Branded or marked boom sticks and boom chains shall be held by the log patrol, boom company or approved agency for the owner as identified by the registered brand or mark thereon, and when claimed by the owner the log patrol, boom company or approved agency shall be entitled to receive reasonable compensation not to exceed ten dollars

Recovery of boom sticks and chains—Compensation.

per boom stick and five dollars per boom chain and shall have all the rights incident to a logger's lien therefor. Upon receipt of such boom sticks, the log patrol, the boom company, or other approved agency shall notify the owner who shall have sixty days to recover said boom sticks upon payment of such reasonable compensation for its recovery. If the owner fails, neglects, or refuses to claim his boom sticks within such period after notice, they may be sold as stray logs.

RCW 76.40.110 amended.

SEC. 7. Section 12, chapter 140, Laws of 1953 and RCW 76.40.110 are each amended to read as follows:

Unlawful to acquire or possess certain logs.

It shall be unlawful to purchase, or otherwise acquire stray logs other than from the owner, or from a boom company or other approved agency as provided in this chapter, or to process or manufacture products from logs acquired in contravention of the provisions of this section or to possess such logs for such purpose.

RCW 76.40.127 amended.

SEC. 8. Section 7, chapter 108, Laws of 1955 and RCW 76.40.127 are each amended to read as follows:

Order requesting denial, revocation, etc., of license —Hearings.

The supervisor of forestry may upon giving notice to the licensee or the applicant, hold hearings to determine whether a license should be revoked or suspended or the application for a license denied and to find whether any person has been injured by reason of any violation of this chapter by the licensee or applicant. If the supervisor of forestry at such hearing finds that the licensee or applicant has been guilty of any violation of the provisions of this chapter or of any rule or regulation adopted pursuant to the authority granted in this chapter, or has made false statements on the application for a license, or of any report or return required to be made by such licensee, he shall revoke, suspend or deny the application therefor.

SEC. 9. There is added to chapter 116, Laws of 1947 and to chapter 76.40 RCW a new section to read as follows: New section.

The supervisor of forestry may adopt and enforce such reasonable rules and regulations as may be consistent with and necessary to carry out the provisions of this chapter relating to log patrols. Any violation of a rule or regulation prescribed by the supervisor of forestry under this chapter shall be punishable as a misdemeanor. Rules and regulations authorized.

Passed the Senate February 27, 1957.

Passed the House March 12, 1957.

Approved by the Governor March 21, 1957.

CHAPTER 183.

1 S. B. 17. 1

TEACHERS' RETIREMENT SYSTEM—FEDERAL SOCIAL SECURITY.

AN ACT relating to the covering of members of the teachers' retirement system under the old age and survivor insurance provisions of Title II of the federal social security act as amended; approving a plan for such coverage as presented to and approved by the governor of the state of Washington; amending section 52, chapter 80, Laws of 1947, section 25, chapter 274, Laws of 1955 and RCW 41.32.520 as each are amended; establishing an effective date; and declaring an emergency.

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

SECTION 1. The plan for covering the members of the teachers' retirement system under the old age and survivor insurance provisions of Title II of the federal social security act as amended, required by RCW 41.48.050 as amended by section 5, chapter 4, Laws of the Extraordinary Session of 1955, approved by the board of trustees of the teachers' retirement system on October 8, 1956, and by the governor of the Plans for covering members under OASI approved.