

propriated the senate shall not expend more than one hundred thousand dollars; the house of representatives shall not expend more than one hundred sixteen thousand dollars; the legislative council shall not expend more than one hundred twenty-seven thousand dollars; the legislative budget committee shall not expend more than sixty-eight thousand eight hundred dollars; and other interim committees, as may be provided by the legislature, shall not expend more than ten thousand dollars.

Emergency.

SEC. 3. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the House March 9, 1955.

Passed the Senate March 9, 1955.

Approved by the Governor March 10, 1955.

CHAPTER 108.

[H. B. 117.]

LOG PATROLS.

AN ACT relating to stray logs, their capture and disposition, the administration and enforcement of the laws relating thereto, and amending chapter 116, Laws of 1947 as last amended by section 2, chapter 140, Laws of 1953 and RCW 76.40.012; amending chapter 116, Laws of 1947 as last amended by section 1, chapter 140, Laws of 1953 and RCW 76.40.015; amending section 3, chapter 116, Laws of 1947 as last amended by section 10, chapter 140, Laws of 1953 and RCW 76.40.030; amending section 5, chapter 116, Laws of 1947 as last amended by section 11, chapter 140, Laws of 1953 and RCW 76.40.050; amending section 6, chapter 116, Laws of 1947 and RCW 76.40.060; amending chapter 116, Laws of 1947 as last amended by section 5, chapter 140, Laws of 1953 and RCW 76.40.125; amending chapter 116, Laws of 1947 as last amended by section 6, chapter 140, Laws of 1953 and RCW 76.40.127; amending chapter 116, Laws of 1947 as last amended by section 7, chapter 140, Laws of 1953 and RCW 76.40.128; and repealing section 8, chapter 140, Laws of 1953 and RCW 76.40.129.

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

SECTION 1. Chapter 116, Laws of 1947 as last amended by section 2, chapter 140, Laws of 1953 and RCW 76.40.012 are each amended to read as follows: Amendment.

It shall be the duty of the supervisor of forestry to administer and enforce the provisions of this chapter. Enforcement of chapter.

SEC. 2. Chapter 116, Laws of 1947 as last amended by section 1, chapter 140, Laws of 1953 and RCW 76.40.015 are each amended to read as follows:

The supervisor of forestry shall create, maintain and administer outside the state treasury a permanent revolving fund, to be known as the "log patrol revolving fund," in which shall be deposited all moneys received by him under this chapter. Such revolving fund shall be used to pay the salaries, wages and such other expenses as are reasonably necessary for the administration and enforcement of this chapter and chapter 76.36 RCW, "Marks and Brands," and whenever there are moneys in excess of twenty-five thousand dollars in the revolving fund, such excess moneys shall, at the end of each bimonthly period commencing July 1, 1955, be remitted to the state treasurer, and shall be deposited to the credit of the permanent school fund. Vetoed.

The supervisor of forestry shall sign and approve all expenditures made from the log patrol revolving fund. All moneys shall be paid from the revolving fund by check or voucher.

SEC. 3. Section 3, chapter 116, Laws of 1947 as last amended by section 10, chapter 140, Laws of 1953 and RCW 76.40.030 are each amended to read as follows: Amendment.

Before any person may engage in log patrol activities he must have an existing license from the Licenses.

Application.

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 floating equipment to be used, and the mailing address of the principal place of business at which address process may be served upon the applicant.

Surety bond.

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.

Fee.

Each application shall be accompanied by a remittance of one hundred dollars for each boat to be used or operated in such activities by the licensee or his agent. All licenses shall expire on June 30th following the date of issuance.

Issuance.

The supervisor shall issue each applicant a license and shall assign to each a number that will identify the boats and other floating equipment to be used by the applicant.

SEC. 4. Section 5, chapter 116, Laws of 1947 as last amended by section 11, chapter 140, Laws of 1953 and RCW 76.40.050 are each amended to read as follows:

Vetoed.

(1) All stray logs shall, whenever practicable, be returned to the owner or his agent; otherwise they shall be delivered to a duly platted boom company approved by the supervisor of forestry, within reasonable proximity to the place where said stray logs were picked up and which is regularly engaged in the commercial booming business 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 boom companies which handle 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 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.

(2) A boom company, 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 supervisor of forestry and to the log patrol which delivered said logs to the boom company. Thereafter, at least seven days subsequent to the mailing of a detailed sales notice to all prospective purchasers requesting such notices the boom company with reasonable promptness shall sell 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 higher rate is approved by the supervisor

Vetoed.

of forestry in exceptional cases and on adequate proof of the necessity therefor: *Provided, however,* That logs which are deadheads or culls and not acceptable as merchantable logs of number three grade or better shall not be subject to the provision of this subsection: *Provided further,* That in the event any raft or small parcel of logs shall contain ten percent by scaled volume or less of stray logs, the said raft or parcel may be sold by the boom company without the required mailing of scale notice. From such proceeds the boom company 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 supervisor of forestry.

Vetoed.

SEC. 5. Section 6, chapter 116, Laws of 1947 and RCW 76.40.060 are each amended to read as follows:

Branded and marked logs, boom sticks, and boom chains shall be presumed to be the property of the person in whose name the brand or catch brand thereon imprinted is registered in the office of the supervisor of forestry.

Amendment.

SEC. 6. Chapter 116, Laws of 1947 as last amended by section 5, chapter 140, Laws of 1953 and RCW 76.40.125 are each amended to read as follows:

Violations by licensee; written demand by owner, etc.

If any licensee takes possession of or sells or delivers or fails to deliver any logs, in contravention of the provisions of this chapter, the owner of the logs or his agent or the transportation agency which lost any of the logs may make written demand upon the licensee by registered mail to the place of business listed in the license to deliver the stray logs, as provided in this chapter, to the owner or his agent

or to a boom company, or, if the logs are not stray logs or were taken into possession in contravention of this chapter, to deliver the logs to the owner or his agent or the transportation agency. Upon failure to comply with the demand within forty-eight hours, the owner or his agent or the transportation agency may file with the supervisor of forestry a copy of the demand, together with an affidavit setting forth the particulars in which affiant believes that this chapter has been violated, the approximate number of logs involved, the value of the logs, and, if the affiant believes the logs are in the possession of the licensee, the body of water or the county in which affiant believes the logs are located. The supervisor of forestry may thereupon make demand upon the licensee to deliver the logs as provided in this chapter or give a satisfactory explanation or make a settlement with the owner, his agent or the transportation agency. If the licensee fails to comply with the demand within seven days the supervisor of forestry shall notify the licensee that a hearing will be held at a specified time and place to determine whether the supervisor of forestry should revoke or suspend the license of the licensee.

Notification of supervisor of forestry.

Demand of supervisor of forestry.

Hearing.

SEC. 7. Chapter 116, Laws of 1947 as last amended by section 6, chapter 140, Laws of 1953 and RCW 76.40.127 are each amended to read as follows:

Amendment.

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 has made false statements on the

Violations by licensee; revocation or suspension of license.

application for a license, he shall revoke, suspend or deny the application therefor.

Amendment.

SEC. 8. Chapter 116, Laws of 1947 as last amended by section 7, chapter 140, Laws of 1953 and RCW 76.40.128 are each amended to read as follows:

Violations by licensee; reparation.

The supervisor of forestry, in the order revoking or suspending a license or denying the application for a license, may provide in the order that before the licensee's license will be reinstated or a new one issued to him, he shall make reparation in such amount as the supervisor of forestry believes reasonable, just and equitable, to any person found at the hearing to have been injured as a result of the licensee's violation of the provisions of this chapter.

Repeal.

SEC. 9. Section 8, chapter 140, Laws of 1953 and RCW 76.40.129 are each repealed.

Passed the House February 8, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 9, 1955, with the exception of sections 2, 4 and 5, which are vetoed.

Note: Excerpt of Governor's Veto Message reads as follows:

" * * * The vetoed sections of this bill were based upon passage of House Bill No. 257 which would have consolidated the administration of chapters 76.36 RCW and 76.40 RCW, placing both functions under the Supervisor of Forestry. House Bill No. 257 failed to pass at this legislative session. Consequently, much of the language contained in sections 2, 4 and 5 of House Bill No. 117 which was drafted in anticipation of such consolidation, is inconsistent with existing law. Furthermore, because the economics of the anticipated consolidation will not be realized, there will be insufficient money in the Log Patrol Revolving Fund to pay the cost of administering both laws.

"For these reasons, sections 2, 4 and 5 of House Bill No. 117 are vetoed, and the remainder of the bill is approved."