



# LAWS OF ALASKA

1970

Source

SB 424 am H

Chapter No.

168

## AN ACT

Relating to timber property brands; and providing for an effective date.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 45.50.210 is amended to read:

Sec. 45.50.210. APPLICATION AND FEE FOR REGISTRATION OF DISTINCTIVE BRAND. (a) The owner of timber property, which he puts, or intends to put into a coastal water, lake, river, creek or other waterway of the state for the purpose of rafting or transporting by floating or towing, shall apply to the department for the exclusive use of a distinctive brand to identify them.

(b) The application shall be in writing and accompanied by a diagram or design on paper of the proposed brand, and a fee of \$5.

(c) The department shall promptly register the brand and issue a certificate to the applicant granting him the exclusive use of the brand for a period of five years. The department may not register a brand which is so similar in design to one previously registered in the name of another person that one is not clearly distinguishable from the other.

\* Sec. 2. AS 45.50.220 is amended to read:

Sec. 45.50.220. TERMINATION AND RENEWAL. The right to the exclusive use of a registered brand ceases at the end of five years from the date of registration. The brand may be renewed by application before expiration, together with the payment of a fee of \$5. Renewals may be made successively for five-year terms.

\* Sec. 3. AS 45.50.230 is amended to read:

Sec. 45.50.230. PRESUMPTION FROM DISPLAY. (a) Each piece of timber property put or intended to be put in a coastal water, lake, river, creek or other waterway of the state for the purpose of rafting or transporting by floating or towing shall display upon at least one end the registered brand and the last digit of the calendar year in which branded. Timber property branded in this manner is presumed

(1) for two calendar years following the year of the brand, to be the sole property of the person in whose name the brand is registered;

(2) while in the possession and control of the person in whose name the brand is registered, to be the sole property of that person; and

(3) to be "abandoned property" if, after the elapse of two full calendar years following the year of the brand, it has escaped from the possession and control of the owner and is

(A) adrift in the waters of the state,

(B) stranded on the beaches, marshes, tide or shorelands of the waters of the state, or

(C) partially or wholly submerged in the waters of the state.

(b) Unbranded and branded but undated timber property is presumed to have been branded in 1970.

\* Sec. 4. AS 45.50 is amended by adding a new section to read:

Sec. 45.50.235. OWNERSHIP OF UNBRANDED TIMBER PROPERTY. Timber property which is unbranded or on which a brand is not distinguishable and which is located in a coastal water, lake, river, creek or other waterway of the state or on state owned coastline is presumed to be the property of the state.

\* Sec. 5. AS 45.50.240 is amended to read:

Sec. 45.50.240. PROPERTY RIGHTS IN BRAND. Each registered brand is the property of the person in whose name it is registered. It is personal property and may be sold, hypothecated, assigned, or otherwise transferred.

\* Sec. 6. AS 45.50.250 is amended to read:

Sec. 45.50.250. RECORDING BRAND. Each person holding a registered brand shall, within 30 days after the department issues a certificate for its exclusive use, file the certificate or a certified copy of the certificate for record with the recorder of the recording district in which he intends to use the brand upon timber property.

\* Sec. 7. AS 45.50.260 is amended to read:

Sec. 45.50.260. REGISTRATION UPON TRANSFER. Each transfer of a brand shall be registered with the department.

The fee for transfer is \$5. A true copy of the transfer instrument shall be filed for record with the recorder of the recording district in which the transferee intends to use the brand upon timber products.

- \* Sec. 8. AS 45.50.270 is amended to read:

Sec. 45.50.270. PUBLICATION OF CURRENT LIST OF BRANDS. The department shall publish a list of brands as of December 31 of each even numbered year. The list shall show the design of each brand, the name and address of the owner, the date of registration, and any assignment of a brand during the previous two years. Copies of the list shall be available to the public upon request.

- \* Sec. 9. AS 45.50.280 is amended to read:

Sec. 45.50.280. FEE FOR CERTIFIED COPY OF REGISTERED BRAND OR TRANSFER OF BRAND. Upon request and payment of a fee of \$5, the department shall furnish a certified copy of a registered brand or a certified copy of a transfer of the brand.

- \* Sec. 10. AS 45.50.290 is amended to read:

Sec. 45.50.290. CERTIFIED COPY OF REGISTERED BRAND AS EVIDENCE. A certified copy of a registered brand or of a transfer of the brand is prima facie evidence of the ownership of the timber property impressed with or displaying the recorded brand.

- \* Sec. 11. AS 45.50.300 is amended to read:

Sec. 45.50.300. REGISTRATION AS CONSTRUCTIVE NOTICE. Registration by the department and filing for record in the records of the recording district are constructive notice of the ownership of the brand, and of transfers of it.

- \* Sec. 12. AS 45.50.310 is amended to read:

Sec. 45.50.310. DISPOSITION OF FEES. Fees collected under secs. 210 - 325 of this chapter by the department shall be deposited in the general fund of the state.

- \* Sec. 13. AS 45.50 is amended by adding a new section to read:

Sec. 45.50.315. REGULATIONS. The department may adopt regulations necessary to implement secs. 210 - 325 of this chapter.

- \* Sec. 14. AS 45.50.320 is amended to read:

Sec. 45.50.320. PENALTIES FOR FRAUDULENT BRANDING OR OTHER ACTS. A person who fraudulently brands timber property with a brand which he knows or has reasonable cause to know is the registered brand of another person, or who knowingly alters, defaces, obliterates or destroys a registered brand impressed or displayed upon timber property, or who knowingly sells or disposes of, or attempts to sell or dispose of, or to convert or appropriate to his

own use, without the written consent of the owner, timber property impressed with or displaying upon it a registered brand of another person, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment in jail for not more than six months, or by both. Nothing in this section shall affect the salvage of timber property under AS 41.15.450 - 41.15.-640.

\* Sec. 15. AS 45.50 is amended by adding a new section to read:

Sec. 45.50.325. DEFINITIONS. In secs. 210 - 325 of this chapter

(1) "brand" includes mark or other designation which has been registered with the department;

(2) "department" means the Department of Natural Resources;

(3) "timber property" means logs, pilings, poles, other timbers, boom sticks and boom chains.

\* Sec. 16. Secs. 1, 2 and 4 - 15 of this Act take effect on the day after its passage and approval or on the day it becomes law without approval.

\* Sec. 17. Sec. 3 of this Act takes effect January 1, 1971.