



# LAWS OF ALASKA

1976

Source

CSHB 769 am S

Chapter No.

232

## AN ACT

Relating to log brands; and providing for an effective date.

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

\* Section 1. AS 45.50.230(a) is amended to read:

(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 is presumed

(1) [deleted]

(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, 30 days after the time public notice has expired as provided under sec. 234 of this chapter or 90 days from the date of reporting required under sec. 232 of this chapter or from the date of expiration of any extended recovery period under sec. 237 of this chapter, it is not in the possession and control of the owner or rightful transporter 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.

\* Sec. 2. AS 45.50 is amended by adding new sections to read:

Sec. 45.50.232. REPORTING OF LOST LOGS TO THE DEPARTMENT. The owner or rightful transporter of timber property not in his possession or control, which has become adrift in the waters of the state, stranded on the beaches, marshes, tide or shorelands of the waters of the state, or partially or wholly submerged in the waters of the state, shall report the loss of the timber property within 15 days from the time the loss is discovered to the department, indicating the probable date lost, the place lost, if known, the probable area of recovery and any other information which the department may require. Unless the time for recovery is extended under sec. 237 of this chapter, the rightful transporter or owner of timber property has 90 days from the date the loss is reported to recover the timber property. After 90 days from the date of reporting or upon the expiration of any extension granted under sec. 237 of this chapter, the timber property is considered to be abandoned, no notice is required to be published under sec. 234 of this chapter, and the timber property is presumed to be the property of the state.

Sec. 45.50.234. PUBLICATION OF NOTICE OF INTENT TO CLAIM ABANDONED PROPERTY. Except as provided in sec. 232 of this chapter, the department shall publish notice of its intent to claim abandoned timber property under secs. 210 - 325 of this chapter for not less than 30 days from the date that first notice is published under this section. Notice shall be published once a week for at least three consecutive weeks in a newspaper of general circulation nearest the area where the timber property is located and, if feasible, posted in a centrally located public place within or in close proximity to the area where the timber property is located.

\* Sec. 3. AS 45.50.235 is amended to read:

Sec. 45.50.235. OWNERSHIP OF UNBRANDED AND ABANDONED 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. Timber property which is abandoned property as defined in sec. 230(a)(3) of this chapter is presumed to be the property of the state 90 days after the period of reporting as required in sec. 232 of this chapter unless an extension has been granted, or 30 days after the period of notice has expired as provided under sec. 234 of this chapter.

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

Sec. 45.50.237. EXTENSION OF PERIOD FOR RECOVERY OF TIMBER PROPERTY. The department shall extend the 90-day period for recovery of timber property after reporting specified in sec. 232 of this chapter if a good faith effort to salvage the timber property is being made by the person requesting the extension. Extensions shall be granted for limited periods only but may be continued until salvage is completed, and guidelines shall be established specifying what constitutes a good faith effort for purposes of extension under regulations adopted by the department.

Definition of a good faith effort shall include the specification of extraordinary circumstances of weather and tide conditions which may preclude direct and immediate salvage operations.

\* Sec. 5. AS 45.50.325 is amended by adding a new paragraph to read:

(5) "rightful transporter" means a person who has an executory contract interest in the timber property he is transporting, or his designee, or one who, in the normal usage of the trade, transports, or aids in the transportation of, timber property for the benefit of and authorized by the owner of the timber property.

\* Sec. 6. Abandoned timber property branded before the effective date of this Act is presumed to be the sole property of the person in whose name the brand is registered for two calendar years following the year of the brand. After that time, abandoned timber property is presumed to be the property of the state.

\* Sec. 7. AS 45.50.230(b) is repealed.

\* Sec. 8. This Act takes effect July 1, 1977.