

Introduced: 1/15/70  
Referred: State Affairs  
and Resources and Commerce

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 374

3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to log salvage; and providing for  
7 an effective date."

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

9 \* Section 1. AS 34.35.235(a) is amended by adding a new paragraph to  
10 read:

11 (5) a log salvager for services performed by him under  
12 AS 41.15.450 - 640.

13 \* Sec. 2. AS 41.15 is amended by adding new sections to read:

14 ARTICLE 4. LOG SALVAGE.

15 Sec. 41.15.450. LOG SALVAGE PROHIBITED WITHOUT LICENSE. No  
16 person may hold stray logs or act as a log salvager on or adjacent  
17 to the waters of the state without a license.

18 Sec. 41.15.460. APPLICATION FOR LICENSE. A person who desires  
19 to salvage logs shall apply to the department for a license on a  
20 form prescribed by the department.

21 Sec. 41.15.470. CONTENTS OF APPLICATION. The application shall  
22 be verified and contain the name and address of the applicant, the  
23 name, type and size of floating equipment to be used in log salvage,  
24 the mailing address of the applicant's principal place of business,  
25 and other information the department by regulation deems necessary.

26 Sec. 41.15.480. BOND REQUIREMENT. Before a license may be  
27 issued the applicant shall execute and file with the department a  
28 surety bond running to the state in a sum to be determined by the  
29 department. The bond shall be conditioned upon the applicant's

1 complying with the laws of the state governing log salvage and  
2 accounting for all stray logs taken into his possession.

3 Sec. 41.15.490. DURATION OF LICENSE. A license issued under  
4 secs. 450 - 640 of this chapter is valid for the calendar year in  
5 which it is issued.

6 Sec. 41.15.500. GROUNDS FOR REVOCATION. A license may be  
7 denied, revoked or suspended if the licensee

8 (1) does not properly display identifying markers;

9 (2) makes a false statement to obtain a license or on  
10 required reports; or

11 (3) violates a provision of secs. 450 - 640 of this  
12 chapter or a regulation adopted under secs. 450 - 640 of this chapter.

13 Sec. 41.15.510. REINSTATEMENT OF LICENSE. The department,  
14 in entering an order denying, revoking or suspending a license may  
15 provide that the license will be granted or reinstated if the  
16 applicant or licensee makes reparation as ordered to a person injured  
17 as a result of the applicant's or licensee's violation of a provision  
18 of secs. 450 - 640 of this chapter.

19 Sec. 41.15.520. IDENTIFICATION MARKERS. (a) The department  
20 shall issue identification markers to each licensee.

21 (b) The markers shall be conspicuously displayed on each side  
22 of each piece of equipment listed in the licensee's license appli-  
23 cation.

24 Sec. 41.15.530. FEES. The department may charge application,  
25 license and identifying marker fees as it deems necessary by  
26 regulation.

27 Sec. 41.15.540. RECOVERY OF BRANDED LOGS. (a) When a log  
28 salvager recovers branded stray logs, he shall within 15 days, notify  
29 the registered owner of the brand. The notification shall be sent

1 by registered mail addressed to the owner's principal place of business.

2 (b) After notification the owner has 15 days to notify the  
3 log salvager to deliver the branded logs to a place designated in  
4 the notice. The log salvager shall deliver the logs to the place  
5 designated in the owner's notification. Upon delivery the log  
6 salvager is entitled to a reasonable compensation for the recovery  
7 and return of the branded logs.

8 (c) If the owner fails to request return of or refuses to  
9 accept his branded logs, the log salvager shall deliver the logs to  
10 a boom company approved by the department.

11 Sec. 41.15.550. RECOVERY OF UNBRANDED STRAY LOGS. A log  
12 salvager shall deliver all unbranded stray logs to a boom company  
13 approved by the department.

14 Sec. 41.15.560. APPROVAL OF BOOM COMPANY. No boom company  
15 may be approved by the department for the handling of stray logs  
16 unless it

17 (1) is regularly engaged in the commercial booming business  
18 or the marketing of logs;

19 (2) is adequately equipped to sort, raft and handle loose  
20 or rafted logs; and

21 (3) maintains the type of records required by the depart-  
22 ment by regulation.

23 Sec. 41.15.570. DUTIES OF BOOM COMPANY. (a) Upon delivery  
24 of stray logs the boom company shall give a receipt for the stray  
25 logs to the log salvager.

26 (b) When a reasonable number of stray logs have been accumulated,  
27 the boom company shall have the logs scaled by a log scaling bureau  
28 or an individual log scaler approved by the department. A copy of  
29 each scale certificate shall be immediately forwarded to the department

1 and to the log salvager who delivered the logs.

2 (c) After the logs have been scaled, the boom company shall  
3 sell the logs and distribute the sale proceeds in the manner pre-  
4 scribed by the department.

5 Sec. 41.15.580. ABSENCE OF APPROVED BOOM COMPANY. (a) Where  
6 there is no boom company within reasonable proximity of the place  
7 where the stray logs are salvaged, a plan for disposing of the logs  
8 shall be submitted to the department for approval.

9 (b) The department may make regulations under this section  
10 prescribing the manner of selling the logs and of distributing the  
11 sale proceeds.

12 Sec. 41.15.590. BOOM STICKS AND CHAINS. (a) A branded boom  
13 stick or chain shall be held by the log salvager or boom company for  
14 the registered owner of the brand appearing on the boom stick or  
15 chain. The log salvager or boom company shall notify the boom stick  
16 or chain owner of their possession. The notice shall be sent by  
17 registered mail and addressed to the owner's principal place of  
18 business. The owner shall have 60 days from notification to recover  
19 the boom stick or chain upon the payment of an amount to be pre-  
20 scribed by the department.

21 (b) If the owner fails to claim his boom stick or chain within  
22 60 days after notice, or if the owner refuses to compensate the  
23 log salvager or boom company, the boom stick or chain becomes the  
24 property of the log salvager or boom company holding it.

25 Sec. 41.15.600 NOTICE OF OWNERSHIP TO SALVAGER. (a) Upon  
26 receipt of a notice of ownership in accordance with (b) of this  
27 section, a log salvager may not assume ownership of the escaped  
28 property unless possession of the escaped property is not taken by  
29 the owner within 60 days after notification.

1 (b) The notice shall be in writing and either sent by registered  
2 mail or hand carried to the principal place of business listed in  
3 the log salvager's application for licensure. Before a hand carried  
4 notice is effective the carrier shall obtain a signed receipt of the  
5 notice from the log salvager or his agent. The notice shall designate  
6 the brand of the owner which appears on the escaped property.

7 Sec. 41.15.610. LOG SALVAGER TO KEEP RECORDS. Each log  
8 salvager shall keep at its principal place of business a permanent  
9 record of its log salvage activities. The record shall be open to  
10 public inspection during office hours.

11 Sec. 41.15.620. REGULATIONS. The department may make regula-  
12 tions necessary to carry out the provisions of secs. 450 - 640 of  
13 this chapter.

14 Sec. 41.15.630. PENALTY. A person who violates a provision of  
15 secs. 450 - 640 of this chapter is guilty of a misdemeanor and is  
16 punishable by a fine of not more than \$2,000 nor less than \$500.

17 Sec. 41.15.640. DEFINITIONS. In secs. 450 - 640 of this chapter

18 (1) "log salvage" includes all activities in connection  
19 with the capture, possession and delivery to an owner or boom company  
20 of stray logs, boom sticks or chains, except those activities per-  
21 formed in connection with the owner's logs, boom sticks or chains  
22 by the owner or the transportation agency that tows or transports  
23 the owner's logs;

24 (2) "log salvager" is a person engaged in log salvage;

25 (3) "stray logs" means the logs, pilings and other timbers  
26 of merchantable value

27 (A) that are adrift in the waters of the state,

28 (B) that have been adrift and are stranded on the  
29 beaches, marshes, tidal or shorelands of the waters of the

1 state, or

2 (C) that are partially or wholly submerged in the  
3 waters of the state;

4 (4) "waters of the state" means all bodies of fresh and  
5 salt water including all rivers and lakes and their tributaries,  
6 harbors, bays, bayous and marshes within the jurisdiction of the  
7 state capable of being used for the transportation or storage of  
8 forest products;

9 (5) "escaped property" means escaped logs, pilings, poles,  
10 other timber, boom sticks or boom chains;

11 (6) "owner" includes the owner's agent;

12 (7) "boom company" means a company or other person  
13 organized for the purpose of catching, booming, sorting, rafting,  
14 holding and selling logs;

15 (8) "logs" includes poles, pilings and other timbers.

16 \* Sec. 3. AS 44.62.330(18) is amended to read:

17 (18) Department of Natural Resources, as to functions  
18 relating to log salvage and the conservation of oil and gas.

19 \* Sec. 4. This Act takes effect on the day after its passage and  
20 approval or on the day it becomes law without approval.  
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