

Original sponsor: Rules Committee by
Request of the Governor

Offered: 2/20/70
Referred: Resources and
Commerce

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR 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 - 41.15.660.

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 A LICENSE. No
16 person may hold stray logs or act as a log salvager on or adjacent to
17 the waters of the state without a license; providing, however, the
18 owner of branded logs, his authorized agent, or his independent con-
19 tractor may recover these logs without a license. Nothing in secs.
20 450 - 660 of this chapter shall be construed to deprive any person
21 of any right to take unbranded logs for his own domestic use.

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

25 Sec. 41.15.470. AMOUNT. The license provided for in sec. 460
26 of this chapter shall be \$25 per annum and shall be in addition to the
27 Alaska State Business License.

28 Sec. 41.15.480. DURATION OF LICENSE. A license issued under
29 sec. 460 of this chapter is valid for the calendar year in which it

1 is issued.

2 Sec. 41.15.490. CONTENTS OF APPLICATION FOR LICENSE. The appli-
3 cation shall be verified and contain the name and address of the
4 applicant, the name, type and size of floating equipment to be used
5 in log salvage, the mailing address of the applicant's principal place
6 of business, and other information the department by regulation
7 considers necessary.

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

10 (1) does not properly display identifying markers;

11 (2) makes a false statement to obtain a license or on
12 required reports; or

13 (3) violates a provision of secs. 450 - 660 of this chapter
14 or a regulation adopted under secs. 450 - 660 of this chapter.

15 Sec. 41.15.510. REINSTATEMENT OF LICENSE. The department, in
16 entering an order denying, revoking or suspending a license may provide
17 that the license will be granted or reinstated if the applicant or
18 licensee makes reparation as ordered to a person injured as a result of
19 the applicant's or licensee's violation of a provision of secs. 450 -
20 660 of this chapter.

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

23 (b) The markers shall be conspicuously displayed on each side
24 of each piece of equipment listed in the licensee's license application.

25 Sec. 41.15.530. FEES. The department shall charge \$10 as a filing
26 fee for each application and \$2.50 for each identifying marker.

27 Sec. 41.15.540. RECOVERY OF BRANDED LOGS. (a) When a log
28 salvager recovers branded stray logs, these shall be returned to the
29 owner or his agent or held upon request for repossession by the owner.

1 The salvager shall within 15 days transmit notice to the registered
2 owner of the brand. The notification shall be sent by certified mail
3 or hand carried to the owner's principal place of business. Before a
4 hand carried notice is effective the carrier shall obtain a signed
5 receipt of the notice from the log owner or his agent.

6 (b) After notification the owner has 15 days within which to
7 notify the log salvager to deliver the branded logs to a place desig-
8 nated in the owner's notification. Upon delivery the log salvager is
9 entitled to 60 per cent of the current market value of the logs or
10 \$25 per thousand board feet of logs as scaled by a log scaling bureau
11 or an individual log scaler approved by the department, whichever is
12 greater.

13 (c) If the owner fails to request the return of or refuses to
14 accept or to repossess his branded logs, the log salvager shall de-
15 liver the logs to a boom company approved by the department.

16 Sec. 41.15.550. RECOVERY OF UNBRANDED STRAY LOGS. A log salvager
17 shall deliver all unbranded stray logs to a boom company approved by
18 the department. All unbranded stray logs are the property of the
19 State of Alaska except as provided for in sec. 450.

20 Sec. 41.15.560. APPROVAL OF BOOM COMPANY. (a) No boom company may
21 be approved by the department for the handling of stray logs unless it

22 (1) is adequately equipped to sort, raft and handle loose
23 or rafted logs, and

24 (2) maintains the type of records required by the department
25 by regulation.

26 (b) Upon compliance with (a) nothing shall prevent a log salvager
27 or mill from being a boom company.

28 Sec. 41.15.570. DUTIES OF BOOM COMPANY. (a) Upon delivery of
29 stray logs the boom company shall give a receipt for the stray logs to

1 the log salvager.

2 (b) When a reasonable number of stray logs have been accumulated,
3 and within a reasonable time, the boom company shall have the logs
4 scaled by a log scaling bureau or an individual log scaler approved by
5 the department. A copy of each scale certificate shall be immediately
6 forwarded to the department and to the log salvager who delivered the
7 logs.

8 (c) After the logs have been scaled, and within a reasonable
9 time, the boom company shall sell the logs at public auction and the
10 proceeds shall be distributed according to the following schedule:

- 11 (1) 60 per cent to the log salvager,
- 12 (2) 30 per cent to the log owner,
- 13 (3) five per cent to the booming company,
- 14 (4) five per cent to the state.

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

19 (b) The department may make regulations under this section pre-
20 scribing the manner of selling the logs and of distributing the sale
21 proceeds.

22 Sec. 41.15.590. BOOM STICKS AND CHAINS. A branded boom stick
23 or chain shall be held by the log salvager or boom company for the
24 registered owner of the brand appearing on the boom stick or chain.
25 The log salvager or boom company shall notify the boom stick or chain
26 owner of their possession. The notice shall be sent by certified
27 mail and addressed to the owner's principal place of business. The
28 owner shall have 60 days from notification to recover the boom stick
29 or chain upon payment of \$15 per boom stick.

1 Sec. 41.15.600. NOTICE OF OWNERSHIP TO SALVAGER. (a) Within a
2 reasonable time after a spill or other loss of property an owner may
3 notify the log salvager not to take possession, in which case the owner
4 shall have the right to recover escaped property for a period of 60
5 days from the date of such notification. Notification shall be in
6 accordance with (b) of this section.

7 (b) The notice shall be in writing and either sent by certified
8 mail or hand carried to the principal place of business listed in the
9 log salvager's application for a license. Before a hand carried notice
10 is effective, the carrier shall obtain a signed receipt of the notice
11 from the log salvager or his agent. The notice shall designate the
12 brands which appear on the escaped property.

13 Sec. 41.15.610. LOG STORAGE AREA. It shall be unlawful for any
14 log salvager to engage in log salvage operations, except in transporting
15 escaped property, within one mile of any recognized log booming, raft-
16 ing or storage area without the written consent of the owner or
17 operator of such area.

18 Sec. 41.15.620. LOG SALVAGER TO KEEP RECORDS. Each log salvager
19 shall keep at his principal place of business a permanent record of
20 his log salvage activities. The record shall be open to public inspec-
21 tion during office hours.

22 Sec. 41.15.630. REGULATIONS. The department may make regulations
23 necessary to carry out the provisions of secs. 450 - 660 of this
24 chapter.

25 Sec. 41.15.640. UNLAWFUL TO ACQUIRE OR PROCESS CERTAIN LOGS. It
26 is unlawful for a person to purchase or otherwise acquire stray logs,
27 other than from the owner, or from a boom company or other approved
28 agency as provided in secs. 540 - 660 of this chapter, or to process
29 or manufacture products from logs acquired in contravention of the

1 provisions of this section or to possess such logs for such purposes,
2 except as provided for in sec. 450.

3 Sec. 41.15.650. PENALTY. A person who violates a provision of
4 secs. 450 - 660 of this chapter is guilty of a misdemeanor and is
5 punishable by a fine of not more than \$2,000 nor less than \$500.

6 Sec. 41.15.660. DEFINITIONS. In secs. 450 - 660 of this chapter

7 (1) "log salvage" includes all activities in connection
8 with the capture, possession and delivery to an owner or boom company
9 of stray logs, boom sticks or chains, except those activities performed
10 in connection with the owner's logs, boom sticks or chains by the
11 owner or the transportation agency that tows or transports the owner's
12 logs;

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

14 (3) "stray logs" means the logs, pilings and other timbers
15 which have escaped from the possession and control of the owner

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

17 (B) that have been adrift and are stranded on the
18 beaches, marshes, tidal or shorelands of the waters of the state,
19 or

20 (C) that are partially or wholly submerged in the
21 waters of the state;

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

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

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

29 (7) "boom company" means a company or other person organized

1 for the purpose of catching, booming, sorting, rafting, holding and
2 selling logs.

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

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

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