

Original sponsor: Rules Committee by
Request of the Governor

Offered: 3/25/70
Referred: Commerce and
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR 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 an
7 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 a person of
21 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 a year 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 mailing address of the applicant's principal place of
5 business, and other information the department by regulation considers
6 necessary.

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

9 (1) does not properly display identifying markers;

10 (2) makes a false statement to obtain a license or on re-
11 quired reports; or

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

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

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

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

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

26 Sec. 41.15.540. RECOVERY OF BRANDED LOGS. (a) When a log
27 salvager recovers branded stray logs, these shall be returned to the
28 owner or his agent or held upon request for repossession by the owner,
29 for a period not to exceed 60 days.

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 75 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, plus a reasonable charge for delivery.

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 be the
15 sole owner.

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. For payment purposes only as set out in sec. 570(c) of
19 this chapter all unbranded or foreign branded stray logs are the property
20 of the State of Alaska except as provided for in sec. 450.

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

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

26 (2) maintains the type of records required by the department
27 by regulation.

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

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

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

10 (c) After the logs have been scaled, and within a reasonable
11 time, the boom company shall sell the logs at public auction and the
12 proceeds shall be distributed as prescribed in sec. 540(b) of this
13 chapter in accordance with the following schedule:

- 14 (1) 75 per cent to the log salvager,
15 (2) 20 per cent to the log owner,
16 (3) five per cent to the booming company.

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

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

24 Sec. 41.15.590. BOOM STICKS AND CHAINS. (a) A branded boom
25 stick or chain shall be held by the log salvager or boom company for
26 the registered owner of the brand appearing on the boom stick or
27 chain. The log salvager or boom company shall notify the boom stick
28 or chain owner of their possession. The notice shall be sent by
29 registered mail and addressed to the owner's principal place of

1 business. The owner shall have 60 days from notification to recover
2 the boom stick or chain upon the payment of an amount to be prescribed
3 by the department.

4 (b) If the owner fails to claim his boom stick or chain
5 within 60 days after notice, or if the owner refuses to compensate
6 the log salvager or boom company in accordance with sec. 540(b) of
7 this chapter the boom stick or chain becomes the property of the
8 log salvager.

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

15 (b) The notice shall be in writing and either sent by certified
16 mail or hand carried to the principal place of business listed in
17 the log salvager's application for a license. Before a hand carried
18 notice is effective, the carrier shall obtain a signed receipt of
19 the notice from the log salvager or his agent. The notice shall
20 designate the area closed to salvage and brands which appear on the
21 escaped property.

22 Sec. 41.15.610. LOG STORAGE AREA. It shall be unlawful for
23 any log salvager to engage in log salvage operations, except in trans-
24 porting escaped property, within one-half mile of any recognized log
25 booming, rafting or storage area without the written consent of the
26 owner or operator of such area.

27 Sec. 41.15.620. LOG SALVAGER TO KEEP RECORDS. Each log salvager
28 shall keep at his principal place of business a permanent record of
29 his log salvage activities. The record shall be open to state

1 inspection during office hours.

2 Sec. 41.15.630. REGULATIONS. The department may make regulations
3 necessary to carry out the provisions of secs. 450 - 660 of this
4 chapter.

5 Sec. 41.15.640. UNLAWFUL TO ACQUIRE OR PROCESS CERTAIN LOGS. It
6 is unlawful for a person to purchase or otherwise acquire stray logs,
7 other than from the owner, or from a boom company or other approved
8 agency as provided in secs. 540 - 660 of this chapter, or to process
9 or manufacture products from logs acquired in contravention of the
10 provisions of this section or to possess such logs for such purposes,
11 except as provided for in sec. 450.

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

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

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

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

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

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

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

29 (C) that are partially or wholly submerged in the

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waters of the state;

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

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

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

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

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

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

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