

Introduced: 1/28/70
Referred: State Affairs,
Resources and Commerce

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 424

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 timber property brands; and
7 providing for an effective date."

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

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

10 Sec. 45.50.210. APPLICATION AND FEE FOR REGISTRATION OF
11 DISTINCTIVE [MARK OR] BRAND. (a) The owner of timber property [LOGS,
12 POLES, PILES, OR TIMBERS], which he puts, or intends to put into a
13 coastal water, lake, river, creek or other waterway of the state for
14 the purpose of rafting or transporting by floating or towing, shall
15 apply to the department [DEPARTMENT OF REVENUE] for the exclusive
16 use of a distinctive [MARK OR] brand to identify them.

17 (b) The application shall [MUST] be in writing and [MUST BE]
18 accompanied by a diagram or design on paper of the proposed [MARK OR]
19 brand, and a fee of \$5.

20 (c) The department [DEPARTMENT OF REVENUE] shall promptly
21 register the [MARK OR] brand and issue a certificate to the applicant
22 granting him the exclusive use of the [MARK OR] brand for a period
23 of five years. The department may [SHALL] not register a [MARK OR]
24 brand which is so similar in design to one previously registered in
25 the name of another person that one is not clearly distinguishable
26 from the other.

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

28 Sec. 45.50.220. TERMINATION AND RENEWAL. The right to the
29 exclusive use of a registered [MARK OR] brand ceases at the end of

1 five years from the date of registration. The[HOWEVER, THE MARK OR]
2 brand may be renewed by application before expiration, together with
3 the payment of a fee of \$5. Renewals may be made successively for
4 five-year terms.

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

6 Sec. 45.50.230. PRESUMPTION FROM DISPLAY. (a) Each piece
7 of timber property [EVERY LOG, POLE, PILE, OR TIMBER,] put or intended
8 to be put in a coastal water, lake, river, creek or other waterway of
9 the state for the purpose of rafting or transporting by floating or
10 towing shall display upon at least one end [OF ITS ENDS] the registered
11 [MARK OR] brand and the last digit of the calendar year in which
12 branded. Timber property branded [LOGS, POLES, PILES OR TIMBERS MARKED]
13 in this manner is [ARE] presumed

14 (1) for two calendar years following the year of the
15 brand, to be the sole property of the person in whose name the [MARK
16 OR] brand is registered;

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

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

23 (A) adrift in the waters of the state,

24 (B) stranded on the beaches, marshes, tide or shore-
25 lands of the waters of the state, or

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

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

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

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

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

8 Sec. 45.50.240. PROPERTY RIGHTS IN [MARK OR] BRAND. Each
9 registered [MARK OR] brand is the property of the person in whose
10 name it is registered. It is personal property and may be sold,
11 hypothecated, assigned, or otherwise transferred.

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

13 Sec. 45.50.250. RECORDING [MARK OR] BRAND. Each [EVERY] person
14 holding a registered [MARK OR] brand shall, within 30 days after the
15 department [DEPARTMENT OF REVENUE] issues a certificate for its
16 exclusive use, file the certificate or a certified copy of the
17 certificate for record with the recorder of the recording district
18 in which he intends to use the brand [MARK] upon timber property
19 [LOGS, POLES, PILES, OR TIMBERS].

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

21 Sec. 45.50.260. REGISTRATION UPON TRANSFER. Each [EVERY]
22 transfer of a [MARK OR] brand shall be registered with the department
23 [DEPARTMENT OF REVENUE]. The fee for transfer is \$5. A true copy
24 of the transfer instrument shall be filed for record with the recorder
25 of the recording district in which the transferee intends to use the
26 [MARK OR] brand upon timber products [LOGS, PILES, POLES, OR TIMBERS].

27 * Sec. 8. AS 45.50.270 is amended to read:

28 Sec. 45.50.270. PUBLICATION OF CURRENT LIST OF [LOG] BRANDS.
29 The department [DEPARTMENT OF REVENUE] shall publish a list of [LOG]

1 brands as of December 31 of each [EVERY] even numbered year. The list
2 shall show the design of each brand, the name and address of the owner,
3 the date of registration, and any assignment of a brand during the
4 previous two years. Copies of the list shall be available to the
5 public upon request.

6 * Sec. 9. AS 45.50.280 is amended to read:

7 Sec. 45.50.280. FEE FOR CERTIFIED COPY OF REGISTERED [MARK OR]
8 BRAND OR TRANSFER OF [MARK OR] BRAND. Upon request and payment of
9 a fee of \$5, the department [DEPARTMENT OF REVENUE] shall furnish a
10 certified copy of a registered [MARK OR] brand or a certified copy of
11 a transfer of the [MARK OR] brand.

12 * Sec. 10. AS 45.50.290 is amended to read:

13 Sec. 45.50.290. CERTIFIED COPY OF REGISTERED [MARK OR] BRAND AS
14 EVIDENCE. A certified copy of a registered [MARK OR] brand or of a
15 transfer of the [MARK OR] brand is prima facie evidence of the owner-
16 ship of the timber property [A LOG, POLE, PILE, OR TIMBER] impressed
17 with or displaying the recorded [MARK OR] brand.

18 * Sec. 11. AS 45.50.300 is amended to read:

19 Sec. 45.50.300. REGISTRATION AS CONSTRUCTIVE NOTICE. Regis-
20 tration by the department [DEPARTMENT OF REVENUE] and filing for
21 record in the records of the recording district are constructive
22 notice of the ownership of the [MARK OR] brand, and of transfers of it.

23 * Sec. 12. AS 45.50.310 is amended to read:

24 Sec. 45.50.310. DISPOSITION OF FEES. Fees collected under
25 secs. 210 - 325 [320] of this chapter by the department [DEPARTMENT OF
26 REVENUE] shall be deposited in the general fund of the state.

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

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

1 * Sec. 14. AS 45.50.320 is amended to read:

2 Sec. 45.50.320. PENALTIES FOR FRAUDULENT BRANDING[MARKING]
3 OR OTHER ACTS. A person who fraudulently brands timber property
4 [MARKS A LOG, POLE, PILE, OR TIMBER] with a [MARK OR] brand which he
5 knows or has reasonable cause to know is the registered [MARK OR]
6 brand of another person, or who knowingly alters, defaces, obliterates
7 or destroys a registered [MARK OR] brand impressed or displayed upon
8 timber property [A LOG, POLE, PILE, OR TIMBER], or who knowingly sells
9 or disposes of, or attempts to sell or dispose of, or to convert or
10 appropriate to his own use, without the written consent of the owner,
11 timber property [A LOG, POLE, PILE, OR TIMBER] impressed with or
12 displaying upon it a registered [MARK OR] brand of another person,
13 is guilty of a misdemeanor and upon conviction is punishable by a
14 fine of not more than \$1,000, or by imprisonment in jail for not more
15 than six months, or by both. Nothing in this section shall affect
16 the salvage of timber property under AS 41.15.450-640.

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

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

- 19 (1) "brand" includes mark or other designation which has
20 been registered with the department;
21 (2) "department" means the Department of Natural Resources;
22 (3) "timber property" means logs, pilings, poles, other
23 timbers, boom sticks and boom chains.

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

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