

Introduced: 3/23/73  
Referred: Resources and  
Judiciary

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 384

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST 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 AS  
12 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 AND  
16 POSTING OF A BOND. No person may hold stray logs or act as a log  
17 salvager on or adjacent to the waters of the state without holding a  
18 license and posting a bond in the amount of \$5,000 with the Department  
19 of Natural Resources; however, the owner of branded logs, his authorized  
20 agent, or his independent contractor may recover these logs without a  
21 license or posting a bond. Nothing in secs. 450 - 660 of this chapter  
22 may be construed to deprive a person of a right to take unbranded logs  
23 for his own domestic use.

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

27 Sec. 41.15.470. AMOUNT. The license provided for in sec. 460 of  
28 this chapter is \$25 a year and is in addition to the Alaska state  
29 business license.

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

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

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

12           (1) does not properly display identifying markers;

13           (2) makes a false statement to obtain a license or on  
14 required reports;

15           (3) fails to post the bond required under sec. 450 of this  
16 chapter; or

17           (4) violates a provision of secs. 450 - 660 of this chapter  
18 or a regulation adopted under secs. 450 - 660 of this chapter.

19          Sec. 41.15.510. REINSTATEMENT OF LICENSE. Except in the case of  
20 a violation of sec. 640 of this chapter, the department, in entering  
21 an order denying, revoking or suspending a license may provide that the  
22 license will be granted or reinstated if the applicant or licensee makes  
23 reparation as ordered to a person injured as a result of the applicant's  
24 or licensee's violation of a provision of secs. 450 - 660 of this  
25 chapter.

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

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

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

3           Sec. 41.15.540. RECOVERY OF BRANDED LOGS. (a) When a log  
4 salvager recovers branded stray logs, these shall be returned to the  
5 owner or his agent or held upon request for repossession by the owner.  
6 The salvager shall within 15 days transmit notice to the registered  
7 owner of the brand. The notification shall be sent by certified mail  
8 or hand carried to the owner's principal place of business. Before a  
9 hand carried notice is effective the carrier shall obtain a signed  
10 receipt of the notice from the log owner or his agent.

11           (b) After notification the owner has 15 days within which to  
12 notify the log salvager to deliver the branded logs to a place desig-  
13 nated in the owner's notification. Upon delivery the log salvager is  
14 entitled to 60 per cent of the current market value of the logs and  
15 the state is entitled to 10 per cent of the current market value of the  
16 logs. The Department of Natural Resources shall establish the current  
17 market value of logs for purposes of this section.

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

21           Sec. 41.15.550. RECOVERY OF UNBRANDED STRAY LOGS. A log salvager  
22 shall deliver all unbranded stray logs to a boom company approved by  
23 the department. All unbranded stray logs are the property of the  
24 state except as provided for in sec. 450 of this chapter.

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

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

1 (2) maintains adequate records as required by the department  
2 by regulation.

3 (b) Upon compliance with (a) of this section nothing prevents a  
4 log salvager or mill from being a boom company.

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

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

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

- 17 (1) 60 per cent to the log salvager,
- 18 (2) 25 per cent to the log owner,
- 19 (3) five per cent to the booming company,
- 20 (4) 10 per cent to the state.

21 Sec. 41.15.580. ABSENCE OF APPROVED BOOM COMPANY. (a) If there  
22 is no boom company within reasonable proximity of the place where  
23 the stray logs are salvaged, a plan for disposing of the logs shall be  
24 submitted to the department for approval.

25 (b) The department may, by regulation, prescribe the manner of  
26 selling the logs and of distributing the sale proceeds.

27 Sec. 41.15.590. BOOM STICKS AND CHAINS. A branded boom stick or  
28 chain shall be held by the log salvager or boom company for the regis-  
29 tered owner of the brand appearing on the boom stick or chain. The log

1 salvager or boom company shall notify the boom stick or chain owner of  
2 their possession. The notice shall be sent by certified mail and  
3 addressed to the owner's principal place of business. The owner shall  
4 have 60 days from notification to recover the boom stick or chain upon  
5 payment of \$15 per boom stick.

6 Sec. 41.15.600. NOTIFICATION OF LOSS OF PROPERTY. (a) As soon as  
7 possible after a log spill or other loss of property, the owner shall  
8 notify the department of the type of loss and area in which it occurred.  
9 The division of log control shall investigate the loss and temporarily  
10 close an appropriate water or coastline area to log salvage to allow  
11 the owner a reasonable amount of time in which to recover his escaped  
12 logs.

13 (b) Immediately after making a closure as authorized in (a) of  
14 this section, the department shall publish reasonable notice of the  
15 closure within the area affected. If the department has knowledge of  
16 specific persons conducting log salvage operations within the closed  
17 area before its closure, it shall notify the operator involved at his  
18 principal place of business by certified mail.

19 Sec. 41.15.605. DIVISION OF LOG CONTROL. (a) The department  
20 shall establish a division of log control whose duties include, but are  
21 not limited to, the following:

22 (1) patrol and surveillance of log booming, rafting, or  
23 storage areas;

24 (2) the investigation of complaints by log owners and log  
25 salvagers; and

26 (3) the inspection of log salvage records, log spills, or  
27 the inspection of the sufficiency of the display of required log iden-  
28 tification markers.

29 (b) Members of the division of log control are considered peace

1 officers of the state and may arrest a person for violation of this  
2 chapter, execute warrants or other process issued by an officer or  
3 court of competent jurisdiction, conduct reasonable searches and  
4 seizures not inconsistent with law, and administer to or take from any  
5 person, an oath, affirmation, or affidavit when it is for use in a  
6 prosecution or proceeding under or in the enforcement of this chapter.

7 (c) An amount equal to at least the state's share under sec.  
8 540(b) of this chapter and sec. 570(c) of this chapter may be appro-  
9 priated for the purposes of funding the division of log control.

10 Sec. 41.15.610. LOG STORAGE AREA. (a) It is unlawful for any log  
11 salvager to engage in log salvage operations, except in transporting  
12 escaped property, within five miles of a recognized log booming, raft-  
13 ing or storage area without the written consent of the owner or operator  
14 of the area.

15 (b) Bays, inlets and other waters of the state that are used for  
16 log booming, rafting or storage areas may be closed by the department to  
17 log salvage operations if department enforcement efforts under sec. 605  
18 of this chapter are unable to stop losses of logs to log operators in  
19 those areas.

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

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

27 Sec. 41.15.640. UNLAWFUL TO ACQUIRE OR PROCESS CERTAIN LOGS. It  
28 is unlawful for a person to purchase or otherwise acquire stray logs,  
29 other than from the owner, or from a boom company or other approved

1 agency as provided in secs. 540 - 660 of this chapter, or to process  
2 or manufacture products from logs acquired in contravention of the  
3 provisions of this section or to possess such logs for such purposes,  
4 except as provided for in sec. 450. A person who violates this section,  
5 upon conviction, is guilty of a felony and is punishable by imprisonment  
6 for not less than one year nor more than five years, and by a fine of  
7 not less than twice the current market value of the logs acquired or  
8 products manufactured from the logs, whichever is involved in the  
9 violation.

10 Sec. 41.15.650. PENALTY. A person who violates a provision of  
11 secs. 450 - 635 of this chapter is guilty of a misdemeanor and is  
12 punishable by a fine of not more than \$2,000 nor less than \$500.

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

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

17 (2) "department" means the Department of Natural Resources;

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

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

26 (5) "log salvager" is a person engaged in log salvage;

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

28 (7) "stray logs" means the logs, pilings and other timbers  
29 which have escaped from the possession and control of the owner

1 (A) that are adrift in the waters of the state,  
2 (B) that have been adrift and are stranded on the  
3 beaches, marshes, tidal or shorelands of the waters of the state,  
4 or

5 (C) that are partially or wholly submerged in the waters  
6 of the state;

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

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

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

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