

Introduced: 2/21/74
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 679

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to log brands."

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

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

9 Sec. 45.50.210. APPLICATION AND FEE FOR REGISTRATION OF DISTINC-
10 TIVE BRAND. (a) The owner of timber property, which he puts, or
11 intends to put into a coastal water, lake, river, creek or other
12 waterway of the state for the purpose of rafting or transporting by
13 floating or towing, shall apply to the department for the exclusive
14 use of a distinctive brand to identify it [THEM].

15 (b) The application shall be in writing and accompanied by an
16 acceptable [A] diagram or design on paper of the proposed brand, and
17 a fee of \$10 [\$5].

18 (c) The department shall promptly register the brand and issue a
19 certificate of registration to the applicant granting him the exclusive
20 use of the brand for a period of five years. The department may not
21 register a brand which is so similar in design to one presently
22 [PREVIOUSLY] registered in the name of another person that one brand
23 is not clearly distinguishable from the other.

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

25 Sec. 45.50.220. TERMINATION AND RENEWAL. The right to the
26 exclusive use of a registered brand ceases at the end of five years
27 from the date of registration. The brand may be renewed by application
28 before expiration, together with the payment of a fee of \$10 [\$5].
29 Renewals may be made successively for five-year terms.

1 * Sec. 3. AS 45.50.235 is amended to read:

2 Sec. 45.50.235. OWNERSHIP OF UNBRANDED AND ABANDONED TIMBER
3 PROPERTY. Timber property which is unbranded or on which a brand is not
4 distinguishable or which is "abandoned property" as defined in
5 sec. 230(a)(3) of this chapter and which is located in a coastal water,
6 lake, river, creek or other waterway of the state or on state owned
7 coastline is presumed to be the property of the state.

8 * Sec. 4. AS 45.50.250 is amended to read:

9 Sec. 45.50.250. RECORDING BRAND. The commissioner shall file for
10 record in the department file a true copy of each certificate of
11 registration issued [EACH PERSON HOLDING A REGISTERED BRAND SHALL,
12 WITHIN 30 DAYS AFTER THE DEPARTMENT ISSUES A CERTIFICATE FOR ITS
13 EXCLUSIVE USE, FILE THE CERTIFICATE OR A CERTIFIED COPY OF THE CERTI-
14 FICATE FOR RECORD WITH THE RECORDER OF THE RECORDING DISTRICT IN
15 WHICH HE INTENDS TO USE THE BRAND UPON TIMBER PROPERTY].

16 * Sec. 5. AS 45.50.260 is amended to read:

17 Sec. 45.50.260. REGISTRATION UPON TRANSFER. In the event of a
18 [EACH] transfer of a brand, including transfer by assignment or sale,
19 a true copy of the transfer instrument shall be filed for record with
20 the department [SHALL BE REGISTERED WITH THE DEPARTMENT]. The fee
21 for transfer is \$5. [A TRUE COPY OF THE TRANSFER INSTRUMENT SHALL BE
22 FILED FOR RECORD WITH THE RECORDER OF THE RECORDING DISTRICT IN WHICH
23 THE TRANSFEREE INTENDS TO USE THE BRAND UPON TIMBER PRODUCTS.]

24 * Sec. 6. AS 45.50.270 is amended to read:

25 Sec. 45.50.270. PUBLICATION OF CURRENT LIST OF BRANDS. The
26 department shall publish a list of brands as of December 31 of each
27 even numbered year. The list shall show the design of each brand,
28 the name and address of the owner, the date of registration, and any
29 transfer [ASSIGNMENT] of a brand during the previous two years. Copies

1 of the list shall be available to the public upon request.

2 * Sec. 7. AS 45.50.280 is amended to read:

3 Sec. 45.50.280. FEE FOR CERTIFIED COPY OF CERTIFICATE [REGISTERED
4 BRAND] OR TRANSFER INSTRUMENT [OF BRAND]. Upon request and payment of
5 a fee of \$5, the department shall furnish a certified copy of a
6 [REGISTERED] brand certificate of registration or a certified copy of
7 the instrument of [A] transfer of a [THE] brand.

8 * Sec. 8. AS 45.50.290 is amended to read:

9 Sec. 45.50.290. CERTIFICATE OF REGISTRATION [CERTIFIED COPY OF
10 REGISTERED BRAND] AS EVIDENCE. A certificate of registration of a
11 brand or a certified copy of the certificate [A REGISTERED BRAND] or
12 of the instrument of [A] transfer of a [THE] registered brand is
13 prima facie evidence of the ownership of the timber property impressed
14 with or displaying the registered [RECORDED] brand.

15 * Sec. 9. AS 45.50.300 is amended to read:

16 Sec. 45.50.300. REGISTRATION AS CONSTRUCTIVE NOTICE. Registration
17 by the department and filing for record in the department files of a
18 true copy of the certificate of registration or the transfer instrument
19 is [RECORDS OF THE RECORDING DISTRICT ARE] constructive notice of the
20 ownership of the brand [, AND OF TRANSFERS OF IT].

21 * Sec. 10. AS 45.50.325 is amended by adding a new paragraph to read:

22 (4) "commissioner" means the commissioner of natural
23 resources.
24
25
26
27
28
29