

Introduced: 2/12/75
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY SMITH

2 HOUSE BILL NO.151

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST 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 DIS-
10 TINCTIVE BRAND. (a) The owner of timber property, which he puts,
11 or 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 the prescribed [A] fee [OF \$5].

18 (c) The department shall promptly register the brand and issue
19 a certificate of registration to the applicant granting him the exclu-
20 sive use of the brand for a period of five years. The department may
21 not 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 the prescribed [A]
29 fee [OF \$5]. 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
4 not 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
10 for record in the department files 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 WHICH
15 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. If a [EACH] transfer
18 of a brand is made, including transfer by assignment or sale, a true
19 copy of the transfer instrument shall be filed for record with the
20 department [SHALL BE REGISTERED WITH THE DEPARTMENT]. The fee for
21 transfer is as specified by regulation [\$5. A TRUE COPY OF THE TRANSFER
22 INSTRUMENT SHALL BE FILED FOR RECORD WITH THE RECORDER OF THE RECORDING
23 DISTRICT IN WHICH THE TRANSFEREE INTENDS TO USE THE BRAND UPON TIMBER
24 PRODUCTS].

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

26 Sec. 45.50.270. PUBLICATION OF CURRENT LIST OF BRANDS. The
27 department shall publish a list of brands as of December 31 of each
28 even numbered year. The list shall show the design of each brand, the
29 name and address of the owner, the date of registration, and any

1 transfer [ASSIGNMENT] of a brand during the previous two years. Copies
2 of the list shall be available to the public upon request.

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

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

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

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

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

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

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

23 (4) "commissioner" means the commissioner of natural
24 resources.
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