

Introduced: 2/13/76  
Referred: Resources and  
Finance

BY MILLER, GARDINER AND  
SMITH

1 IN THE HOUSE

2 CS HOUSE BILL NO. 769 amS

3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to log brands; and providing for an  
7 effective date."

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

9 \* Section 1. AS 45.50.230(a) is amended to read:

10 (a) Each piece of timber property put or intended to be put in a  
11 coastal water, lake, river, creek or other waterway of the state for the  
12 purpose of rafting or transporting by floating or towing shall display  
13 upon at least one end the registered brand and [THE LAST DIGIT OF THE  
14 CALENDAR YEAR IN WHICH BRANDED. TIMBER PROPERTY BRANDED IN THIS MANNER]  
15 is presumed

16 [(1) FOR TWO CALENDAR YEARS FOLLOWING THE YEAR OF THE BRAND,  
17 TO BE THE SOLE PROPERTY OF THE PERSON IN WHOSE NAME THE BRAND IS REGIS-  
18 TERED;]

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

22 (3) to be "abandoned property" if, 30 days after the time  
23 public notice has expired as provided under sec. 234 of this chapter or  
24 30 days from the date of reporting required under sec. 232 of this  
25 chapter [AFTER THE ELAPSE OF TWO FULL CALENDAR YEARS FOLLOWING THE YEAR  
26 OF THE BRAND], it is not in [HAS ESCAPED FROM] the possession and con-  
27 trol of the owner and is

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

29 (B) stranded on the beaches, marshes, tide or shorelands

1 of the waters of the state, or

2 (C) partially or wholly submerged in the waters of the  
3 state.

4 \* Sec. 2. AS 45.50 is amended by adding a new section to read:

5 Sec. 45.50.232. REPORTING OF LOST LOGS TO THE DEPARTMENT. The  
6 owner of timber property not in his possession or control, which has  
7 become adrift in the waters of the state, stranded on the beaches,  
8 marshes, tide or shorelands of the waters of the state, or partially or  
9 wholly submerged in the waters of the state, shall immediately report  
10 the loss of the timber property to the department, indicating the date  
11 lost, the place lost, the probable area of recovery and any other in-  
12 formation which the department requires. Unless the time for recovery  
13 is extended under sec. 237 of this chapter, the owner of timber property  
14 has 30 days from the date the loss is reported to recover the timber  
15 property. After 30 days from the date of reporting, the timber property  
16 is considered to be abandoned, no notice is required to be published  
17 under sec. 234 of this chapter, and the timber property is presumed to  
18 be the property of the state.

19 \* Sec. 3. AS 45.50 is amended by adding a new section to read:

20 Sec. 45.50.234. PUBLICATION OF NOTICE OF INTENT TO CLAIM ABANDONED  
21 PROPERTY. Except as provided in sec. 232 of this chapter, the depart-  
22 ment shall publish notice of its intent to claim abandoned timber  
23 property under secs. 210 - 325 of this chapter for not less than 30  
24 days. Notice shall be published at least three times in a newspaper of  
25 general circulation nearest the area where the timber property is  
26 located and, if feasible, posted in a centrally located public place  
27 within or in close proximity to the area where the timber property is  
28 located.

29 \* Sec. 4. AS 45.50.235 is amended to read:

1           Sec. 45.50.235. OWNERSHIP OF UNBRANDED AND ABANDONED TIMBER  
2 PROPERTY. Timber property which is unbranded or on which a brand is not  
3 distinguishable [OR WHICH IS ABANDONED PROPERTY AS DEFINED IN SEC.  
4 230(a) OF THIS CHAPTER] and which is located in a coastal water, lake,  
5 river, creek or other waterway of the state or on state owned coastline  
6 is presumed to be the property of the state. Timber property which is  
7 abandoned property as defined in sec. 230(a)(3) of this chapter is  
8 presumed to be the property of the state 30 days after the period of  
9 reporting as required in sec. 232 of this chapter, or 30 days after the  
10 period of notice has expired as provided under sec. 234 of this chapter.

11 \* Sec. 5. AS 45.50 is amended by adding a new section to read:

12           Sec. 45.50.237. EXTENSION OF PERIOD FOR RECOVERY OF TIMBER PROP-  
13 ERTY. The department may for good cause extend the 30-day period for  
14 recovery of timber property after reporting specified in sec. 232 of  
15 this chapter. Extensions shall be granted for a limited period only,  
16 not to exceed 60 days, under regulations adopted by the department.

17 \* Sec. 6. AS 45.50.320 is amended to read:

18           Sec. 45.50.320. PENALTIES FOR FRAUDULENT BRANDING OR OTHER ACTS.  
19 A person who fraudulently brands timber property with a brand which he  
20 knows or has reasonable cause to know is the registered brand of another  
21 person, or who knowingly alters, defaces, obliterates or destroys a  
22 registered brand impressed or displayed upon timber property, or who  
23 knowingly sells or disposes of, or attempts to sell or dispose of, or to  
24 convert or appropriate to his own use, without the written consent of  
25 the owner, timber property impressed with or displaying upon it a  
26 registered brand of another person, or who fails to report to the  
27 department the loss of timber property under sec. 232 of this chapter,  
28 is guilty of a misdemeanor and upon conviction is punishable by a fine  
29 of not more than \$1,000, or by imprisonment in jail for not more than

1 six months, or by both.

2 \* Sec. 7. Timber property branded before the effective date of this Act  
3 is presumed to be the sole property of the person in whose name the brand is  
4 registered for two calendar years following the year of the brand. After  
5 that time, the timber property is presumed to be the property of the state.

6 \* Sec. 8. AS 45.50.230(b) is repealed.

7 \* Sec. 9. This Act takes effect immediately in accordance with AS 01.10 -  
8 070(c).