

Original sponsor: Miller, Gardiner
and Smith

Offered: 3/19/76
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 769 am S

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 90 days from the date of reporting required under sec. 232 of this
25 chapter or from the date of expiration of any extended recovery period
26 under sec. 237 of this chapter [AFTER THE ELAPSE OF TWO FULL CALENDAR
27 YEARS FOLLOWING THE YEAR OF THE BRAND], it is not in [HAS ESCAPED FROM]
28 the possession and control of the owner or rightful transporter and is

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

1 (B) stranded on the beaches, marshes, tide or shorelands
2 of the waters of the state, or

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

5 * Sec. 2. AS 45.50 is amended by adding new sections to read:

6 Sec. 45.50.232. REPORTING OF LOST LOGS TO THE DEPARTMENT. The
7 owner or rightful transporter of timber property not in his possession
8 or control, which has become adrift in the waters of the state, stranded
9 on the beaches, marshes, tide or shorelands of the waters of the state,
10 or partially or wholly submerged in the waters of the state, shall
11 report the loss of the timber property within 15 days from the time the
12 loss is discovered to the department, indicating the probable date lost,
13 the place lost, if known, the probable area of recovery and any other
14 information which the department may require. Unless the time for
15 recovery is extended under sec. 237 of this chapter, the rightful
16 transporter or owner of timber property has 90 days from the date the
17 loss is reported to recover the timber property. After 90 days from the
18 date of reporting or upon the expiration of any extension granted under
19 sec. 237 of this chapter, the timber property is considered to be
20 abandoned, no notice is required to be published under sec. 234 of this
21 chapter, and the timber property is presumed to be the property of the
22 state.

23 Sec. 45.50.234. PUBLICATION OF NOTICE OF INTENT TO CLAIM ABANDONED
24 PROPERTY. Except as provided in sec. 232 of this chapter, the depart-
25 ment shall publish notice of its intent to claim abandoned timber
26 property under secs. 210 - 325 of this chapter for not less than 30 days
27 from the date that first notice is published under this section.
28 Notice shall be published once a week for at least three consecutive
29 weeks in a newspaper of general circulation nearest the area where the

1 timber property is located and, if feasible, posted in a centrally
2 located public place within or in close proximity to the area where the
3 timber property is located.

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

5 Sec. 45.50.235. OWNERSHIP OF UNBRANDED AND ABANDONED TIMBER
6 PROPERTY. Timber property which is unbranded or on which a brand is not
7 distinguishable [OR WHICH IS ABANDONED PROPERTY AS DEFINED IN SEC.
8 230(a)(3) OF THIS CHAPTER] and which is located in a coastal water, lake,
9 river, creek or other waterway of the state or on state owned coastline
10 is presumed to be the property of the state. Timber property which is
11 abandoned property as defined in sec. 230(a)(3) of this chapter is
12 presumed to be the property of the state 90 days after the period of
13 reporting as required in sec. 232 of this chapter unless an extension
14 has been granted, or 30 days after the period of notice has expired as
15 provided under sec. 234 of this chapter.

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

17 Sec. 45.50.237. EXTENSION OF PERIOD FOR RECOVERY OF TIMBER PROP-
18 ERTY. The department shall extend the 90-day period for recovery of
19 timber property after reporting specified in sec. 232 of this chapter if
20 a good faith effort to salvage the timber property is being made by the
21 person requesting the extension. Extensions shall be granted for
22 limited periods only but may be continued until salvage is completed,
23 and guidelines shall be established specifying what constitutes a good
24 faith effort for purposes of extension under regulations adopted by the
25 department. Definition of a good faith effort shall include the speci-
26 fication of extraordinary circumstances of weather and tide conditions
27 which may preclude direct and immediate salvage operations.

28 * Sec. 5. AS 45.50.325 is amended by adding a new paragraph to read:

29 (5) "rightful transporter" means a person who has an execu-

1 tory contract interest in the timber property he is transporting, or his
2 designee, or one who, in the normal usage of the trade, transports, or
3 aids in the transportation of, timber property for the benefit of and
4 authorized by the owner of the timber property.

5 * Sec. 6. Abandoned timber property branded before the effective date of
6 this Act is presumed to be the sole property of the person in whose name the
7 brand is registered for two calendar years following the year of the brand.
8 After that time, abandoned timber property is presumed to be the property of
9 the state.

10 * Sec. 7. AS 45.50.230(b) is repealed.

11 * Sec. 8. This Act takes effect July 1, 1977.
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