

Original sponsor: Resources Committee

Offered: 4/22/76
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 882

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 timber salvage contracts."

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

8 * Section 1. AS 38.05 is amended by adding a new section to read:

9 Sec. 38.05.122. GOOD FAITH EFFORT REQUIRED FOR TIMBER SALVAGE
10 CONTRACTS. In addition to other conditions and limitations imposed by
11 law, each contract for the salvage of timber or materials shall contain
12 the condition that a good faith effort to complete the salvage operation
13 within a reasonable period of time shall be made and that the contract
14 may be terminated, subject to the approval of the commissioner, at the
15 option of the director or his representative, when in the determination
16 of the director or his representative the person salvaging the timber or
17 materials is not making a good faith salvage effort or is acting un-
18 reasonably to delay operations within the contract period. A final
19 determination adverse to a person salvaging the timber or materials
20 under this section may be reviewed upon the filing of a petition for
21 review in the superior court within 10 days after notice of the deter-
22 mination. The commissioner shall adopt regulations under the Adminis-
23 trative Procedure Act (AS 44.62) providing guidelines specifying what
24 constitutes a good faith effort under this section. Guidelines shall
25 include the specification of extraordinary circumstances of weather and
26 tide conditions which may preclude direct and immediate salvage opera-
27 tions.
28
29