

Introduced: 3/11/81
Referred: Resources

1 IN THE HOUSE

BY CARNEY AND MOSS

2 HOUSE BILL NO. 319

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 * Section 1. AS 03.40.030 is amended to read:

10 Sec. 03.40.030. RECORDING. (a) To record or to renew [ADOPT] a
11 brand or mark, a person shall file an application with [FORWARD TO] the
12 commissioner. The application shall contain [OF NATURAL RESOURCES] a
13 facsimile of the brand or mark and a fee set by the commissioner [,
14 TOGETHER WITH A WRITTEN APPLICATION, AND THE RECORDING FEE OF \$2].
15 Upon receipt of the application, the commissioner shall file all brands
16 or marks offered for record. The commissioner shall review the brands
17 and marks offered for record and shall record the brand or mark unless
18 it [IS OF RECORD OR CONFLICTS OR] closely resembles a recorded brand or
19 mark [THAT OF SOME OTHER PERSON], in which case the commissioner shall
20 reject the application and return it [THE FACSIMILE AND FEE] to the
21 applicant. No brand described as being on either side of the animal
22 shall be accepted or recorded.

23 (b) If [THE COMMISSIONER SHALL FILE ALL BRANDS OR MARKS OFFERED
24 FOR RECORD PENDING EXAMINATION. THE COMMISSIONER SHALL MAKE AN EXAMINA-
25 TION AS PROMPTLY AS POSSIBLE, AND IF] the brand or mark is recorded by
26 the commissioner [ACCEPTED], ownership of the brand or mark [THEREOF]
27 vests from the date of filing. The recording of the brand or mark
28 gives the applicant ownership of the brand or mark [THEREOF] until the
29 end of the next renewal period. A renewal period occurs every five

1 years, beginning with January 1, 1960.

2 (c) Not later than [AT LEAST] 90 days before the expiration of
3 each renewal period, the commissioner shall notify every owner of a
4 recorded brand or mark of the expiration of the renewal period [AND THE
5 OWNER SHALL PAY TO THE COMMISSIONER A RENEWAL FEE OF \$1 AND FURNISH
6 OTHER INFORMATION AS MAY BE REQUIRED]. The renewal application [FEE]
7 is due [AND PAYABLE] on or before January 1 of the renewal year [, AND
8 IF AN OWNER FAILS, REFUSES OR NEGLECTS TO PAY THE RENEWAL FEE BY
9 MARCH 1, OF THE RENEWAL YEAR, THE BRAND OR MARK IS FORFEITED AND
10 BECOMES AVAILABLE FOR ISSUANCE TO ANOTHER APPLICANT].

11 * Sec. 2. AS 03.40 is amended by adding a new section to read:

12 Sec. 03.40.035. FEES. The commissioner may establish by regula-
13 tion fees for services provided by the department under this chapter.

14 * Sec. 3. AS 03.40.040 is amended to read:

15 Sec. 03.40.040. COPY OF RECORD [; PROCUREMENT; FEE]. After the
16 commissioner records [UPON THE RECORDING OF] a brand or mark, he [THE
17 COMMISSIONER] shall furnish the owner with a certified copy of the
18 record. [ADDITIONAL CERTIFIED COPIES OF THE RECORD MAY BE OBTAINED BY
19 ANYONE UPON THE PAYMENT OF \$1 FOR EACH COPY.]

20 * Sec. 4. AS 03.40.050 is amended to read:

21 Sec. 03.40.050. USE OF BRANDS OR MARKS WITHOUT CERTIFICATE PRO-
22 HIBITED. It is unlawful to brand or mark any horse, cattle, sheep,
23 reindeer, bison, musk-ox, mule or ass, unless the person using the
24 brand or mark holds a valid [WRITTEN] certificate for that brand or
25 mark [OF ACCEPTANCE] from the commissioner under AS 03.40.030.

26 * Sec. 5. AS 03.40.070 is amended to read:

27 Sec. 03.40.070. BRAND IS PERSONAL PROPERTY. Any recorded brand
28 or mark is the property of the person holding a valid certificate for
29 that brand or mark [CAUSING THE RECORD TO BE MADE,] and may be trans-

ferred by [IS SUBJECT TO] sale, assignment, [TRANSFER,] devise, and descent [,] as personal property. Written instruments [INSTRUMENTS OF WRITING] evidencing the [SALE, ASSIGNMENT OR] transfer of the brand or mark shall be recorded by the commissioner [, AND THE FEE FOR RECORDING THE SALE, ASSIGNMENT OR TRANSFER IS \$1]. The recording of the instrument is notice to all persons of the matter recorded. Certified copies are admissible in evidence.

* Sec. 6. AS 03.40.090 is amended to read:

Sec. 03.40.090. PUBLICATION OF RECORD. The commissioner shall publish periodically, in book form, a list of all brands and marks on record at the time of [THE] publication. [THE LISTS MAY BE SUPPLEMENTED FROM TIME TO TIME.] The publication shall contain a facsimile of all recorded brands and marks, [TOGETHER] with the [OWNER'S] name and post office address of each owner. [THE RECORDS SHALL BE ARRANGED IN CONVENIENT FORM FOR REFERENCE. THE BOOKS AND SUPPLEMENTS MAY BE SOLD TO THE GENERAL PUBLIC AND NOT TO EXCEED \$2 COPY.]

* Sec. 7. AS 03.40.270 is amended to read:

Sec. 03.40.270. DEFINITIONS. [AS USED IN] In this chapter

(1) [A] "brand" means a brand recorded under AS 03.40.030 which is [AN IDENTIFICATION MARK] burned into the hide of a live animal;

(2) "commissioner" means the commissioner of natural resources;

(3) "department" means the Department of Natural Resources.

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