



LAWS OF ALASKA

1975

Source

HB 151

Chapter No.

68

AN ACT

Relating to log brands.

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

* Section 1. AS 45.50.210 is amended to read:

Sec. 45.50.210. APPLICATION FOR REGISTRATION OF DISTINCTIVE BRAND. (a) The owner of timber property, which he puts, or intends to put into a coastal water, lake, river, creek or other waterway of the state for the purpose of rafting or transporting by floating or towing, shall apply to the department for the exclusive use of a distinctive brand to identify it.

(b) The application shall be in writing and accompanied by an acceptable diagram or design on paper of the proposed brand, and the prescribed fee.

(c) The department shall promptly register the brand and issue a certificate of registration to the applicant granting him the exclusive use of the brand for a period of five years. The department may not register a brand which is so similar in design to one presently registered in the name of another person that one brand is not clearly distinguishable from the other.

* Sec. 2. AS 45.50.220 is amended to read:

Sec. 45.50.220. TERMINATION AND RENEWAL. The right to the exclusive use of a registered brand ceases at the end of five years from the date of registration. The brand may be renewed by application before expiration, together with the payment of the prescribed fee. Renewals may be made successively for five-year terms.

Chapter 68

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

Sec. 45.50.235. OWNERSHIP OF UNBRANDED AND ABANDONED TIMBER PROPERTY. Timber property which is unbranded or on which a brand is not distinguishable or which is abandoned property as defined in sec. 230(a)(3) of this chapter and which is located in a coastal water, lake, river, creek or other waterway of the state or on state owned coastline is presumed to be the property of the state.

- * Sec. 4. AS 45.50.250 is amended to read:

Sec. 45.50.250. RECORDING BRAND. The commissioner shall file for record in the department files a true copy of each certificate of registration issued.

- * Sec. 5. AS 45.50.260 is amended to read:

Sec. 45.50.260. REGISTRATION UPON TRANSFER. If a transfer of a brand is made, including transfer by assignment or sale, a true copy of the transfer instrument shall be filed for record with the department. The fee for transfer is as specified by regulation.

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

Sec. 45.50.270. PUBLICATION OF CURRENT LIST OF BRANDS. The department shall publish a list of brands as of December 31 of each even numbered year. The list shall show the design of each brand, the name and address of the owner, the date of registration, and any transfer of a brand during the previous two years. Copies of the list shall be available to the public upon request.

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

Sec. 45.50.280. FEE FOR CERTIFIED COPY OF CERTIFICATE OR TRANSFER INSTRUMENT. Upon request and payment of the prescribed fee, the department shall furnish a certified copy of a brand certificate of registration or a certified copy of the instrument of transfer of a brand.

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

Sec. 45.50.290. CERTIFICATE OF REGISTRATION AS EVIDENCE. A certificate of registration of a brand or a certified copy of the certificate or of the instrument of transfer of a registered brand is prima facie evidence of the ownership of the timber property impressed with or displaying the registered brand.

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

Sec. 45.50.300. REGISTRATION AS CONSTRUCTIVE NOTICE. Registration by the department and filing for record in the department files of a true copy of the certificate of registration or the transfer instrument is constructive notice of the ownership of the brand.

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

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

Approved by governor: May 19, 1975
Actual effective date: August 17, 1975