

**CS FOR SENATE BILL NO. 92( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTIETH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

**Sponsor(s): SENATOR MICCICHE**

**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to abandoned and derelict vessels; relating to the registration of  
2 vessels; relating to certificates of title for vessels; relating to the duties of the  
3 Department of Administration; relating to the duties of the Department of Natural  
4 Resources; establishing the derelict vessel prevention program; establishing the derelict  
5 vessel prevention program fund; relating to the authority of certain persons to enforce  
6 laws relating to derelict vessels; and providing for an effective date."

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

8 \* **Section 1.** AS 05.25.055(a) is amended to read:

9 (a) A [AN UNDOCUMENTED] boat placed on water of the state must be  
10 titled, registered, and numbered as required by this chapter. The Department of  
11 Administration shall adopt by regulation a boat registration and numbering system that  
12 is consistent with the national standard for state numbering systems established by the  
13 United States Coast Guard.

1       \* **Sec. 2.** AS 05.25.055(f) is amended to read:

2               (f) Unless otherwise provided by this chapter, [OR UNLESS THE OWNER  
3               HAS BEEN AWARDED A CURRENT, VALID ALASKA CERTIFICATE OF  
4               NUMBER FROM THE UNITED STATES COAST GUARD,] the owner of a boat for  
5               which a current certificate of number has been awarded under federal law or a  
6               federally approved numbering system of another state shall apply for a certificate of  
7               number in this state as required by this chapter if the boat is operated on water of the  
8               state for more than 90 consecutive days **or if the boat is a barge and is operated on**  
9               **water of the state for more than 60 consecutive days.** If a boat has an existing  
10       number, the owner may request that the department issue the same number for  
11       purposes of this section, and the department shall comply with the request unless  
12       compliance would result in a duplication of numbers.

13       \* **Sec. 3.** AS 05.25.055(i) is amended to read:

14               (i) The following boats are exempt from the numbering and registration  
15       provisions of this section:

16                       (1) a boat that

17                               **(A) is not a barge;**

18                               **(B) is** operated in this state for a period not exceeding 90  
19       consecutive days; and

20                               **(C) [THAT]** has a current, valid certificate of number issued by  
21       another state having a federally approved numbering system;

22                       (2) a foreign boat operated in water of the state for a period not  
23       exceeding 90 consecutive days;

24                       (3) a boat owned by the United States or an entity or political  
25       subdivision of the United States, or a boat owned by a state or an entity or political  
26       subdivision of a state;

27                       (4) a boat that is not equipped with mechanical propulsion;

28                       (5) a boat with a valid document to operate the boat that is issued by  
29       [THE UNITED STATES OR] a foreign government;

30                       (6) a handmade nonmotorized umiaq with a walrus or sealskin  
31       covering;

1                   **(7) a boat that**

2                   **(A) is a barge;**

3                   **(B) is operated in this state for a period not exceeding 60**  
4                   **consecutive days; and**

5                   **(C) has a current, valid certificate of number issued by**  
6                   **another state having a federally approved numbering system.**

7 \* **Sec. 4.** AS 05.25 is amended by adding a new section to read:

8                   **Sec. 05.25.056. Certificate of title.** (a) The owner of an undocumented boat  
9                   subject to registration in this state under AS 05.25.055 shall apply to the Department  
10                  of Administration for a certificate of title for the boat.

11                  (b) The Department of Administration shall adopt regulations to establish a  
12                  system for issuing certificates of title for undocumented boats.

13                  (c) A person who purchases or obtains a majority ownership of an  
14                  undocumented boat shall, within 30 days after purchasing or obtaining the boat, apply  
15                  for a new certificate of title that shows the boat's change of ownership.

16 \* **Sec. 5.** AS 05.25.090(b), as repealed and reenacted by sec. 20, ch. 28, SLA 2000, is  
17 amended to read:

18                  (b) A person who violates AS 05.25.010(d), [OR] 05.25.020(b), **or 05.25.055**  
19                  is guilty of a violation, as defined in AS 11.81.900, and may be fined up to \$50.

20 \* **Sec. 6.** AS 05.25.096 is amended to read:

21                  **Sec. 05.25.096. Fees.** (a) The Department of Administration shall assess the  
22                  following fees:

23                  (1) motorized boat registration, registration renewal, and transfer of  
24                  registration, **\$30** [\$24] for a three-year period;

25                  (2) nonmotorized boat registration, registration renewal, and transfer of  
26                  registration, \$10 for a three-year period;

27                  (3) replacement of lost registration, \$5;

28                  (4) replacement of lost registration validation decals, \$5;

29                  **(5) barge registration, registration renewal, and transfer of**  
30                  **registration, \$75 for a three-year period;**

31                  **(6) boat title and duplicate boat title, \$20.**

(b) The Department of Administration shall separately account for fees collected under (a) of this section for boat registration and titling that are deposited in the general fund. The annual estimated balance in that account may be used by the legislature to make appropriations to the department and the Department of Administration to carry out the purposes of this chapter and AS 30.30.

\* Sec. 7. AS 05.25.100 is amended by adding a new paragraph to read:

(16) "barge" means a flat-bottomed boat used for carrying freight that is either nonmotorized and towed by another boat or motorized.

\* **Sec. 8.** AS 05.25.100, as repealed and reenacted by sec. 23, ch. 28, SLA 2000, is amended by adding new paragraphs to read:

(5) "boat" means watercraft used or capable of being used as a means of transportation on water, except for

- (A) a ship's lifeboat;
- (B) a seaplane;
- (C) an inspected pass;
- (D) a single air mattr

(6) "boat dealer" means a person engaged wholly or in part in the business of selling or offering for sale, buying or taking in trade for the purpose of resale, or exchanging, displaying, demonstrating, or offering for sale three or more boats within 12 consecutive months and who receives or expects to receive money, profit, or any other thing of value;

(7) "certificate of number" means the document bearing the identification number issued to a boat by the Department of Administration under this chapter, by a federal agency, or by the state of principal use under a federally approved numbering system;

(8) "owner" means a person who has a property interest other than a security interest in a boat and the right of use or possession of the boat; "owner" does not include a lessee unless the lease is intended as security;

(9) "ownership" means a property interest other than a security interest;

(10) "undocumented boat" means a boat that does not possess a valid

1 certificate of documentation issued by the United States Coast Guard under 46 U.S.C.  
2 12101 - 12123.

3 \* **Sec. 9.** AS 30.30.010(a) is amended to read:

4 (a) A person may not store or leave a derelict vessel [IN A WRECKED,  
5 JUNKED, OR SUBSTANTIALLY DISMANTLED CONDITION OR  
6 ABANDONED]

7 (1) on the waters of the state or on state or municipal property [AT  
8 A PORT OR HARBOR OF THE STATE OR A MUNICIPALITY] without the  
9 consent of the state agency or municipality having jurisdiction over the water or  
10 property [, PORT, OR HARBOR]; or

11 (2) [DOCKED] at any private property without the consent of the  
12 owner of the property.

13 \* **Sec. 10.** AS 30.30.010(b) is amended to read:

14 (b) A state agency, municipality, or peace officer may impound [REMOVE] a  
15 derelict vessel subject to this chapter [FROM WATERS OF THE STATE WHEN  
16 THE VESSEL OBSTRUCTS OR THREATENS TO OBSTRUCT NAVIGATION,  
17 CONTRIBUTES TO AIR OR WATER POLLUTION, OR IN ANY OTHER WAY  
18 CONSTITUTES A DANGER OR POTENTIAL DANGER TO THE  
19 ENVIRONMENT].

20 \* **Sec. 11.** AS 30.30.010(e) is amended to read:

21 (e) A person who violates this section, upon conviction, is guilty of a  
22 misdemeanor and is punishable by one or more of the following:

23 (1) a fine of not less than \$5,000 or more than \$10,000;

24 (2) [\$500, OR BY] imprisonment for a period of not more than 90  
25 days;

26 (3) forfeiture of the person's vessel [SIX MONTHS, OR BY BOTH].

27 \* **Sec. 12.** AS 30.30.010 is amended by adding a new subsection to read:

28 (f) The department or a municipality may report a violation of this section to  
29 the attorney general, who may institute the proper proceedings to enforce the criminal  
30 penalties provided in (e) of this section.

31 \* **Sec. 13.** AS 30.30 is amended by adding a new section to read:

**Sec. 30.30.015. Civil penalties.** (a) The department, a municipality, or an aggrieved person may institute a civil action against a person who violates AS 30.30.010. In addition to injunctive and compensatory relief, a civil penalty of not more than \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding that a person has violated AS 30.30.010, the superior court may grant the injunction. Each day that a violation occurs constitutes a separate violation.

(b) The department may provide for the payment of a civil penalty under this section by mail.

\* Sec. 14. AS 30.30.030 is amended to read:

**Sec. 30.30.030. Limitation on applicability. A vessel does not constitute a derelict vessel under this chapter if the**

(1) department provides written authorization for the owner to anchor, moor, store, or otherwise leave the vessel within 14 days after the owner anchors, moors, stores, or leaves the vessel; and

**(2) vessel is anchored, moored, stored, or otherwise left unattended for more than 14 days**

(A) [WHEREVER] outside of an organized municipality  
where [IN THE STATE] it is [, OR HAS BECOME,] the custom, common, or accepted practice to anchor, moor, store, or otherwise leave a vessel in a port or harbor or in [THE] waters of the state;

**(B) because** [OF THE STATE IN SUCH A MANNER THAT IT DOES NOT THREATEN OR OBSTRUCT NAVIGATION, OR TO STORE OR OTHERWISE LEAVE A VESSEL WITHOUT PERMISSION ON PUBLIC OR PRIVATE PROPERTY, UNATTENDED FOR MORE THAN 30 DAYS, WHERE] climatic conditions make use of the vessel impracticable; or

**(C) because other** applicable provisions of law **prohibit**  
[PRECLUDE] use of the vessel during that period of time [, THE  
UNATTENDED ANCHORING, MOORING, STORING, OR LEAVING OF

1                   THE VESSEL DOES NOT CONSTITUTE ABANDONMENT OF THE  
2                   VESSEL AS THAT TERM IS USED IN AS 30.30.010 - 30.30.100].

3 \* **Sec. 15.** AS 30.30.040 is amended to read:

4                   **Sec. 30.30.040. Pre-impoundment notice and hearing [NOTICE TO**  
5                   **OWNER]. Except as otherwise provided in this chapter, at least 20 days before  
6                   **impounding a vessel, the state agency or municipality responsible for impounding**  
7                   **the vessel shall post** [ON TAKING CUSTODY OF AN ABANDONED VESSEL,] a  
8                   written notice [IMMEDIATELY SHALL BE POSTED] on the vessel, if possible,  
9                   and on the Alaska Online Public Notice System or the municipality's official  
10                   website. A copy [A DUPLICATE] of that notice must be sent by [REGISTERED  
11                   OR] certified mail, with a return receipt, to the [REGISTERED] owner of the vessel at  
12                   the [REGISTERED] owner's last known address or the address on record with the  
13                   United States Coast Guard or the Department of Administration and to all  
14                   lienholders shown on the records of the United States Coast Guard or a state [OR  
15                   FEDERAL] agency. [THE NOTICE MUST CONTAIN A BRIEF DESCRIPTION OF  
16                   THE VESSEL, THE LOCATION OF CUSTODY, AND THE INTENDED  
17                   DISPOSITION OF THE VESSEL IF NOT REPOSSESSED WITHIN 20 DAYS  
18                   AFTER THE MAILING OF THE NOTICE. A NOTICE NEED NOT BE SENT TO  
19                   THE PURPORTED OWNER OR ANY OTHER PERSON WHOSE INTEREST IN  
20                   THE VESSEL IS NOT RECORDED WITH A STATE AGENCY OR A FEDERAL  
21                   AGENCY.]**

22 \* **Sec. 16.** AS 30.30.040 is amended by adding new subsections to read:

23                   (b) The notice must contain the

- 24                   (1) name or number of the vessel, if known;
- 25                   (2) name and address of the owner, if known;
- 26                   (3) intended action against the vessel; and
- 27                   (4) hearing procedure under (c) of this section.

28                   (c) Except as provided in AS 30.30.065, the owner of a vessel may file a  
29                   written demand for a pre-impoundment hearing with the state agency or municipality  
30                   that sent the notice within 15 days after the postmark date of the notice required under  
31                   (a) of this section. If the written demand is made by a person who is not the owner of

1 the vessel, the written demand must establish that the person requesting the hearing  
2 has an interest in the vessel. An owner or a person with a financial or security interest  
3 in a vessel who fails to request or attend a scheduled hearing waives the right to a  
4 hearing.

5 (d) A pre-impoundment hearing must be conducted within 10 business days  
6 after the receipt of a written demand for a pre-impoundment hearing unless the person  
7 requesting the hearing consents to a later date.

8 (e) An individual who has authority to direct the impoundment of a vessel at  
9 issue in a pre-impoundment hearing may not serve as the hearing officer. The hearing  
10 shall be conducted in an informal manner. The provisions of AS 44.62 (Administrative  
11 Procedure Act) do not apply to a hearing conducted under this section.

12 (f) The state agency or municipality responsible for impounding a vessel has  
13 the burden of showing substantial evidence that the vessel is derelict. After the  
14 hearing, the hearing officer shall issue a written decision of whether there is  
15 substantial evidence that the vessel is derelict. A copy of the decision shall be  
16 provided to the vessel owner and the person requesting the hearing, if other than the  
17 vessel owner.

18 (g) If the hearing officer determines that there is substantial evidence  
19 establishing that the vessel is derelict, then the state agency or municipality may  
20 impound the vessel and proceed with disposition of the vessel as provided under  
21 AS 30.30.055.

22 \* **Sec. 17.** AS 30.30 is amended by adding a new section to read:

23 **Sec. 30.30.045. Notice of disposition of derelict vessel.** (a) After impounding  
24 a derelict vessel, the state agency or municipality shall post a notice of disposition on  
25 the Alaska Online Public Notice System or the municipality's website and, if possible,  
26 on the vessel itself at least 20 days before disposing of the vessel.

27 (b) A duplicate of the notice must be served by certified mail, return receipt  
28 requested, on

29 (1) the owner of the vessel, if known, at the address on record with the  
30 United States Coast Guard or the Department of Administration; and

31 (2) all lienholders who have filed a financing statement indexed in the

1 name of the owner or who are shown on the records of a state agency or the United  
2 States Coast Guard.

3 (c) The notice of disposition must include

- 4 (1) a description of the vessel;
- 5 (2) the name or number of the vessel, if known;
- 6 (3) the name and address of the owner, if known;
- 7 (4) the location of the vessel;
- 8 (5) the means of disposition; and
- 9 (6) the location, date, and time of a public auction if an auction will be  
10 held to dispose of the vessel.

11 \* **Sec. 18.** AS 30.30 is amended by adding a new section to read:

12 **Sec. 30.30.055. Impoundment and disposition of derelict vessel.** (a) A state  
13 agency or municipality may impound a derelict vessel by

- 14 (1) securing the vessel in place;
- 15 (2) towing or sailing the vessel to a secure mooring in a location that is  
16 authorized by the state agency or municipality; or
- 17 (3) removing the vessel from the water and placing it in storage.

18 (b) The state agency or municipality that impounds a vessel may sell, donate,  
19 or destroy the vessel if the vessel is not repossessed by the owner or a person with a  
20 financial or security interest in the vessel within 20 days after the postmark date of the  
21 notice mailed under AS 30.30.045(a). The sale of a vessel may be by public auction or  
22 by sealed bids or, if no bids are received, by negotiated sale.

23 (c) A state agency or municipality may, by regulation or ordinance, adopt sale  
24 or disposal methods that are consistent with the provisions of this chapter.

25 (d) A state agency or municipality shall apply the proceeds from the sale of a  
26 vessel under this chapter in the following order:

- 27 (1) to the administrative costs associated with impounding the vessel;
- 28 (2) to the costs of towing, handling, and storing the vessel;
- 29 (3) to the administrative costs of conducting the sale;
- 30 (4) to a lienholder to the extent of the lien;
- 31 (5) to the owner of the vessel if the owner can be found; if the owner

1 cannot be found, the balance shall be deposited into the derelict vessel prevention  
2 program fund under AS 30.30.096.

3 (e) A state agency or municipality shall disperse the proceeds of the sale of a  
4 vessel at a public auction under federal law in accordance with federal law.

5 (f) The state agency or municipality or its designees, employees, or agents are  
6 not liable for the disposition of a vessel to the owner, operator, or any lienholder of the  
7 vessel.

8 (g) The transfer of title and interest by sale under this section is a transfer by  
9 operation of law. However, a bill of sale executed by an authorized seller is  
10 satisfactory evidence authorizing the transfer of the title or interest.

11 \* **Sec. 19.** AS 30.30.060 is amended to read:

12 **Sec. 30.30.060. Possession by interested party.** An owner or a [A] person  
13 having a financial or security [AN] interest in a derelict [AN ABANDONED] vessel  
14 may take possession of it before the date of the public auction, destruction, or  
15 donation of the vessel upon payment to the state agency or municipality of all port or  
16 harbor use fees, towing, handling, storage, appraisal, advertising, and any other  
17 expenses incurred by the state agency or municipality in connection with the vessel.  
18 [IF THE PERSON TAKING POSSESSION OF THE VESSEL IS NOT THE  
19 REGISTERED OWNER, THE PERSON SHALL, BEFORE TAKING POSSESSION  
20 OF THE VESSEL, PAY THE EXPENSES INCURRED BY THE STATE AGENCY  
21 OR MUNICIPALITY AND POST ADEQUATE SECURITY, WHICH MAY NOT  
22 EXCEED THE APPRAISED VALUE OF THE VESSEL. THE SECURITY, IF NOT  
23 FORFEITED, SHALL BE RETURNED TO THE PERSON ONE YEAR AFTER  
24 RECEIPT.]

25 \* **Sec. 20.** AS 30.30 is amended by adding a new section to read:

26 **Sec. 30.30.065. Impoundment of derelict vessels posing imminent clear  
27 and present danger.** (a) Notwithstanding any other provision of law, a state agency or  
28 municipality may impound a derelict vessel immediately if the vessel constitutes a  
29 clear and present danger to public health, safety, or general welfare.

30 (b) When action is taken to impound a derelict vessel under (a) of this section,  
31 the state agency or municipality impounding the vessel shall, after 24 hours of the

1 impoundment, provide notice of the action and the opportunity for a post-  
2 impoundment hearing by hand-delivery or certified mail, return receipt requested, to  
3 the owner of the vessel if the name and location of the owner is known.

4 (c) The owner of the vessel or a person with a financial or security interest in  
5 the vessel may file a written demand for a post-impoundment hearing within 15 days  
6 after the postmark date of the notice of impoundment under (b) of this section. An  
7 owner or a person with a financial or security interest in the vessel who fails to request  
8 or attend a scheduled post-impoundment hearing waives the right to the hearing.

9 (d) The state agency or municipality that impounded the vessel shall conduct a  
10 post-impoundment hearing within 48 hours after receiving a written demand for a  
11 post-impoundment hearing. The 48-hour period does not include Saturdays, Sundays,  
12 days that the state agency or municipality that impounded the vessel is officially  
13 closed, and legal holidays. The state agency or municipality shall conduct the post-  
14 impoundment hearing in an informal manner. The provisions of AS 44.62  
15 (Administrative Procedure Act) do not apply to a post-impoundment hearing.

16 (e) A post-impoundment hearing officer shall determine whether there is  
17 substantial evidence establishing that the derelict vessel constituted a clear and present  
18 danger. If the hearing officer determines that there is substantial evidence to impound  
19 the vessel, the state agency or municipality or its designee may proceed to dispose of  
20 the vessel as provided under AS 30.30.055. If the hearing officer determines that there  
21 was not substantial evidence to impound the vessel, the state agency or municipality  
22 that impounded the vessel

23 (1) shall release the vessel to the owner;  
24 (2) may not require the owner to pay the towing, storage,  
25 impoundment, or abatement charges; and  
26 (3) shall refund or reimburse any towing, storage, impoundment, or  
27 abatement charges previously paid by the owner.

28 \* **Sec. 21.** AS 30.30 is amended by adding a new section to read:

29 **Sec. 30.30.075. Liability for derelict vessels.** Except as provided in  
30 AS 30.30.065(e), the owner of a vessel and a person entitled to possession of a vessel  
31 impounded under this chapter are jointly and severally liable for all costs incurred by

the state agency or municipality in connection with the impoundment, storage, and removal of the vessel.

\* Sec. 22. AS 30.30.090 is amended to read:

**Sec. 30.30.090. Derelict vessel.** A vessel [THAT HAS BEEN LEFT UNATTENDED FOR MORE THAN 24 CONSECUTIVE HOURS] is a derelict vessel if

(1) the vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering **public health, safety, [LIFE OR]** property, **or the environment; [OR]**

(2) the vessel has been anchored, moored, stored, abandoned, or otherwise left in the waters of the state or on state or municipal [PUBLIC] property contrary to law;

**(3) [OR REGULATIONS ADOPTED BY A STATE AGENCY OR MUNICIPALITY OR THE VESSEL HAS BEEN LEFT ON PRIVATE PROPERTY WITHOUT AUTHORIZATION OF THE OWNER OR OCCUPANT OF THE PROPERTY, AND IF**

(A)] the vessel's certificate [OF] number or marine document **number** has expired and the [REGISTERED] owner no longer resides at the address listed in the vessel registration or marine document records of a state agency or the United States Coast Guard;

**(4) [(B)]** the last [REGISTERED] owner of record disclaims ownership and the current owner's name or address cannot be determined;

**(5) [C]** the vessel identification numbers and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner;

**(6) [OR (D)]** the vessel registration records of a state agency and the marine document records of the United States Coast Guard contain no record that the vessel ever has been registered or documented, and the owner's name or address cannot be determined; **or**

(7) the vessel has been anchored, moored, stored, abandoned, or otherwise left unattended on private property without authorization by the

1                   **owner or occupant of the property.**

2                   \* **Sec. 23.** AS 30.30 is amended by adding new sections to read:

3                   **Sec. 30.30.095. Duties and powers of the department.** The department shall,  
4                   to the extent that funds are available from the derelict vessel prevention program fund  
5                   (AS 30.30.096),

6                   (1) establish and administer the derelict vessel prevention program to  
7                   prevent and deter the abandonment and operation of derelict vessels in the waters of  
8                   the state and on state, municipal, and private property and to ensure that all state and  
9                   municipal entities have the authority to identify, remove, and discourage derelict  
10                  vessels from being stored, operated, or abandoned on the waters of the state and on  
11                  state or municipal property;

12                  (2) establish

13                  (A) education and community outreach programs, derelict  
14                  vessel disposal programs, and funding options for derelict vessel removal  
15                  efforts; and

16                  (B) a derelict vessel advisory council to implement education  
17                  and community outreach programs that inform and incentivize the removal of  
18                  derelict vessels from the waters of the state;

19                  (3) develop and maintain a publicly available database of known  
20                  derelict vessels in the state.

21                  **Sec. 30.30.096. Derelict vessel prevention program fund.** (a) The derelict  
22                  vessel prevention program fund is created in the general fund. The purpose of the fund  
23                  is to provide a source from which the department may

24                  (1) reimburse state agencies and municipalities for expenses related to  
25                  removal of derelict vessels from waters of the state and from state or municipal  
26                  property;

27                  (2) pay for development and implementation of programs that  
28                  incentivize compliance with this chapter;

29                  (3) subsidize projects directly related to the derelict vessel prevention  
30                  program; and

31                  (4) pay the costs of administering the fund.

- (b) The fund consists of money appropriated to the fund, including
  - (1) donations;
  - (2) money received from the sale of a vessel under this chapter;
  - (3) income from the fund and other program receipts;
  - (4) money collected under AS 05.25.096(a)(5) and (6);
  - (5) civil penalties collected under AS 30.30.015.
- (c) Appropriations to the derelict vessel prevention program fund do not lapse.
- (d) Money appropriated to the fund may be used by the department for the expenses of the fund without further appropriation.
- (e) Nothing in this section creates a dedicated fund.

\* **Sec. 24.** AS 30.30 is amended by adding a new section to article 4 to read:

**Sec. 30.30.165. Enforcement authority.** (a) The following persons are peace officers of the state for the purpose of enforcing the provisions of this chapter and sections adopted under this chapter on the waters of the state:

- (1) an employee of the department or other person authorized by the commissioner of natural resources;
- (2) an employee of a municipality authorized by the chief executive officer of the municipality; or
- (3) a peace officer, as that term is defined in AS 01.10.060.

(b) A person designated in (a) of this section, when enforcing the provisions of this chapter or a regulation adopted under this chapter, may

- (1) execute a warrant or other process issued by an officer or court of competent jurisdiction;
- (2) administer or take an oath, affirmation, or affidavit; and
- (3) issue a citation or arrest a person who violates a provision of this chapter or a regulation adopted under this chapter.

(c) A citation issued under (b) of this section must comply with the provisions of AS 12.25.175 - 12.25.230.

\* **Sec. 25.** AS 30.30.170(3) is amended to read:

(3) "vessel" means every description of watercraft, floating facility, or other artificial contrivance, other than a seaplane on the water, used or capable of

1 being used as a means of transportation on or through the water;

2 \* **Sec. 26.** AS 30.30.170 is amended by adding new paragraphs to read:

3 (5) "abandoned" means a vessel has been left unattended on private,  
4 state, or municipal land or waters of the state without the consent of the landowner or  
5 lessee for more than 30 days;

6 (6) "department" means the Department of Natural Resources;

7 (7) "owner" means a person who

8 (A) has a property interest, other than a financial or security  
9 interest, in a vessel;

10 (B) is the last named owner of a vessel with the Department of  
11 Administration or the United States Coast Guard; or

12 (C) is designated as having an interest in a vessel in an  
13 agreement with a municipality, state agency, or political subdivision of the  
14 state;

15 (8) "state agency" means a department, agency, division, or office in  
16 the executive branch of state government.

17 \* **Sec. 27.** AS 30.30.180 is amended to read:

18 **Sec. 30.30.180. Short title.** This chapter may be cited as the [ABANDONED  
19 AND] Derelict Vessels Act.

20 \* **Sec. 28.** AS 37.05.146(45) is amended to read:

21 (45) receipts of the Department of Administration from the boat  
22 registration and titling program under AS 05.25.096;

23 \* **Sec. 29.** AS 37.05.146 is amended by adding a new paragraph to read:

24 (90) civil penalties collected under AS 30.30.015, money received  
25 from the sale of vessels under AS 30.30, and donations and other receipts deposited to  
26 the derelict vessel prevention program fund under AS 30.30.096.

27 \* **Sec. 30.** Section 27, ch. 28, SLA 2000, is amended to read:

28 Sec. 27. AS 05.25.052, 05.25.053, [05.25.055,] 05.25.057, 05.25.095 [,  
29 05.25.096]; and AS 09.25.120(a)(9) are repealed.

30 \* **Sec. 31.** AS 30.30.010(d), 30.30.020, 30.30.050, 30.30.070, 30.30.080, 30.30.100,  
31 30.30.110, 30.30.120, 30.30.130, 30.30.140, and 30.30.150 are repealed.

1       \* **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3       TRANSITION: REGULATIONS. The Department of Natural Resources and the  
4 Department of Administration may adopt regulations necessary to implement the changes  
5 made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act),  
6 but not before the effective date of the law implemented by the regulation.

7       \* **Sec. 33.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).

8       \* **Sec. 34.** Section 5 of this Act takes effect on the date that sec. 20, ch. 28, SLA 2000, takes  
9 effect under sec. 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA 2004, by sec. 1, ch.  
10 19, SLA 2009, by sec. 1, ch. 47, SLA 2010, and by sec. 3, ch. 31, SLA 2012.

11       \* **Sec. 35.** Section 8 of this Act takes effect on the date that sec. 23, ch. 28, SLA 2000, takes  
12 effect under sec. 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA 2004, by sec. 1, ch.  
13 19, SLA 2009, by sec. 1, ch. 47, SLA 2010, and by sec. 3, ch. 31, SLA 2012.

14       \* **Sec. 36.** Except as provided in secs. 33 - 35 of this Act, this Act takes effect January 1,  
15 2019.