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Explanation of Changes Ver. O to Ver. U

SB92: Derelict Vessels Act

1. Page 5, Lines 21, 22: Amends Section. 11 by removing "class A", making violation of AS 30.30.010 a nonclassified misdemeanor.
2. Page 7, Line 5, Page 8, Line 26 and Page 9, Line 20: Changes the 30 day time frame to 20 days. This will make the bill consistent with current DNR practice.
3. Page 7, Line 9: Change "state agency's" to "Alaska Online Public Notice System".
4. Page 7, Lines 24, 25 and Page 9, Line 5: Inserts "if known" at the end of each line. This provides consistency across sections and recognizes that even with the additional requirements to clarify ownership, some vessel owners may still be difficult to locate.
5. Page 8, Line 2, Page 9, Line 20, Page 11, Lines 4, 7: Inserts "financial or security" before the word "interest". This will clarify the type of person with standing in pre and post-impoundment hearings.
6. Page 8, Line 8: Changes "person" to "an individual" because the term "person" is broad. This will allow employees from departments or municipalities to conduct hearings.
7. Page 8, Lines 20, 21: Changes "proceed with the state agency or municipality disposition of the vessel as provided under AS 30.30.055" to "impound the vessel and proceed with disposition of the vessel as provided under AS 30.30.055". This clarifies that the finding allows the completion of the action.
8. Page 8, Lines 24, 25: Replace the word "publish" with "post" and "website of the state agency" with "Alaska Online Public Notice System" for consistency.

9. Page 9, Lines 12-17: Rewrites previous 30.30.055(a) to clarify ambiguity. Previous draft read “A state agency or municipality may impound a derelict vessel immobilizing and removing the vessel or towing the vessel from the water and placing it in storage.”
10. Page 9, Line 22: Adds “or, if no bids are received, by negotiated sale” to the end of the subsection.
11. Page 9, Lines 25-31 and Page 10, Lines 1-2: Amends section to clarify that proceeds of sale will be dispersed in order, that funds received will be used to cover the cost of administering the sale and that the balance will be deposited into the derelict vessel prevention program fund.
12. Page 11, Lines 12-14: Adds official closures of state agencies and municipalities as well as a sentence clarifying that the post-impoundment hearing will be conducted in an informal manner. This makes post-impoundment hearings consistent with pre-impoundment hearings and allows for closures other than weekends and holidays to be considered for post-impoundment time requirement.
13. Page 11, Line 27: Deletes previous AS 30.30.065(e)(2), which suggested that hearings under this section would be treated as court proceedings.
14. Page 11 Lines 29, 30: Inserts “Except as provided in AS 30.30.065(e)” at the beginning of the new section. This ensures that if the hearing officer finds there is not enough substantial evidence to impound a vessel that the owner is not liable for all costs incurred.
15. Page 13, Line 4: Inserts “to the extent that funds are available from the derelict vessel prevention program fund (AS 30.30.096)” for clarity.
16. Page 13, Lines 19, 20: Rewrites to read “develop and maintain a publicly available database of known derelict vessels in the state.” This clarifies that this database is only for existing derelict vessels and not for all vessels.
17. Page 13, Line 31: Adds new subsection (4), which allows the fund to be used to pay for administration costs.
18. Page 14, Lines 11-28: Adds new subsection that grants departments, municipalities and peace officers to enforce the chapter.
19. Page 16, Line 6: Deletes previous Section 32 , which was Revisor’s Instruction. This will give the revisor more flexibility.