

SENATE BILL NO. 92

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR MICCICHE

Introduced: 3/10/17

Referred: Resources, Finance

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; and providing for an effective date."

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

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

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

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

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

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

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

15 (1) a boat that

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

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

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

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

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

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

27 (5) a boat with a valid document to operate the boat that is issued by
 28 the United States or a foreign government;

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

31 **(7) a boat that**

1 (A) is a barge;

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

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

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

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

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

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

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

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

19 * **Sec. 6.** AS 05.25.096 is amended to read:

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

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

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

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

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

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

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

31 (b) The Department of Administration shall separately account for fees

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

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

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

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

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

12 (A) a ship's lifeboat;

13 (B) a seaplane;

14 (C) an inspected passenger vessel; and

15 (D) a single air mattress, single inner tube, or other water toy;

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

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

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

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

30 (10) "undocumented boat" means a boat that does not possess a valid
 31 certificate of documentation issued by the United States Coast Guard under 46 U.S.C.

1 12101 - 12123.

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

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

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

10 (2) docked at any private property without the consent of the owner of
11 the property.

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

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

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

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

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

23 **(2)** [\$500, OR BY] imprisonment for a period of not more than **90**
24 **days;**

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

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

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

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

31 **Sec. 30.30.015. Civil penalties.** (a) The department, a municipality, or an

1 aggrieved person may institute a civil action against a person who violates
 2 AS 30.30.010. In addition to injunctive and compensatory relief, a civil penalty of not
 3 more than \$1,000 may be imposed for each violation. An action to enjoin a violation
 4 may be brought notwithstanding the availability of any other remedy. On application
 5 for injunctive relief and a finding of a violation or a threatened violation, the superior
 6 court shall grant the injunction. Each day that a violation occurs constitutes a separate
 7 violation.

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

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

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

13 **(1) department provides written authorization for the owner to**
 14 **anchor, moor, store, or otherwise leave the vessel within 30 days after the owner**
 15 **anchors, moors, stores, or leaves the vessel; and**

16 **(2) vessel is anchored, moored, stored, or otherwise left unattended**
 17 **for more than 30 days**

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

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

28 **(C) because other** applicable provisions of law **prohibit**
 29 [PRECLUDE] use of the vessel during that period of time [, THE
 30 UNATTENDED ANCHORING, MOORING, STORING, OR LEAVING OF
 31 THE VESSEL DOES NOT CONSTITUTE ABANDONMENT OF THE

1 VESSEL AS THAT TERM IS USED IN AS 30.30.010 - 30.30.100].

2 * **Sec. 15.** AS 30.30.040 is amended to read:

3 **Sec. 30.30.040. Pre-impoundment notice and hearing** [NOTICE TO
 4 **OWNER]. Except as otherwise provided in this chapter, at least 30 days before**
 5 **impounding a vessel, the state or municipal agency responsible for impounding**
 6 **the vessel shall post** [ON TAKING CUSTODY OF AN ABANDONED VESSEL,] a
 7 written notice [IMMEDIATELY SHALL BE POSTED] on the vessel and **on the state**
 8 **or municipal agency's official website. A copy** [A DUPLICATE] of that notice **must**
 9 **be** sent by [REGISTERED OR] certified mail, with a return receipt, to the
 10 [REGISTERED] owner of the vessel at the [REGISTERED] owner's last known
 11 address **or the address on record with the United States Coast Guard or the**
 12 **Department of Administration** and to all lienholders shown on the records of **the**
 13 **United States Coast Guard or** a state [OR FEDERAL] agency. [THE NOTICE
 14 MUST CONTAIN A BRIEF DESCRIPTION OF THE VESSEL, THE LOCATION
 15 OF CUSTODY, AND THE INTENDED DISPOSITION OF THE VESSEL IF NOT
 16 REPOSSESSED WITHIN 20 DAYS AFTER THE MAILING OF THE NOTICE. A
 17 NOTICE NEED NOT BE SENT TO THE PURPORTED OWNER OR ANY OTHER
 18 PERSON WHOSE INTEREST IN THE VESSEL IS NOT RECORDED WITH A
 19 STATE AGENCY OR A FEDERAL AGENCY.]

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

21 (b) The notice must contain the

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

26 (c) Except as provided in AS 30.30.065, the owner of a vessel may file a
 27 written demand for a pre-impoundment hearing within 15 days after the postmark date
 28 of the notice required under (a) of this section. If the written demand is made by a
 29 person who is not the owner of the vessel, the written demand must establish that the
 30 person requesting the hearing has an interest in the vessel. An owner or a person with
 31 an interest in a vessel who fails to request or attend a scheduled hearing waives the

1 right to a hearing.

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

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

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

14 (g) If the hearing officer determines that there is substantial evidence
15 establishing that the vessel is derelict, then the state or municipal agency may proceed
16 with the state or municipal agency disposition of the vessel as provided under
17 AS 30.30.055.

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

19 **Sec. 30.30.045. Notice of disposition of derelict vessel.** (a) After impounding
20 a derelict vessel, the state or municipal agency shall publish a notice of disposition on
21 the website of the state or municipal agency and, if possible, on the vessel itself at
22 least 30 days before disposing of the vessel.

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

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

27 (2) all lienholders who have filed a financing statement indexed in the
28 name of the owner or who are shown on the records of a state agency or the United
29 States Coast Guard.

30 (c) The notice of disposition must include

31 (1) a description of the vessel;

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

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

8 **Sec. 30.30.055. Impoundment and disposition of derelict vessel.** (a) A state
 9 or municipal agency may impound a derelict vessel by immobilizing and removing the
 10 vessel or towing the vessel from the water and placing it in storage.

11 (b) The state or municipal agency that impounds a vessel may sell, donate, or
 12 destroy the vessel if the vessel is not repossessed by the owner or a person with an
 13 interest in the vessel within 30 days after the postmark date of the notice mailed under
 14 AS 30.30.045(a). The sale of a vessel may be by public auction or by sealed bids.

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

17 (d) A state or municipal agency shall apply the proceeds from the sale of a
 18 vessel under this chapter as follows:

- 19 (1) to the costs of conducting the sale;
 20 (2) to the costs of towing, handling, and storing the vessel;
 21 (3) to a lienholder to the extent of the lien;
 22 (4) to the owner of the vessel if the owner can be found; if the owner
 23 cannot be found, the balance shall be deposited in a separate account maintained by
 24 the state or municipal agency or with the commissioner of administration and shall be
 25 paid in accordance with AS 30.30.097.

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

28 (f) The state or municipal agency or its designees, employees, or agents are
 29 not liable for the disposition of a vessel to the owner, operator, or any lienholder of the
 30 vessel.

31 (g) The transfer of title and interest by sale under this section is a transfer by

1 operation of law. However, a bill of sale executed by an authorized seller is
 2 satisfactory evidence authorizing the transfer of the title or interest.

3 * **Sec. 19.** AS 30.30.060 is amended to read:

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

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

17 **Sec. 30.30.065. Impoundment of derelict vessels posing imminent clear**
 18 **and present danger.** (a) Notwithstanding any other provision of law, a state or
 19 municipal agency may impound a derelict vessel immediately if the vessel constitutes
 20 a clear and present danger to public health, safety, or general welfare.

21 (b) When action is taken to impound a derelict vessel under (a) of this section,
 22 the state or municipal agency impounding the vessel shall, after 24 hours of the
 23 impoundment, provide notice of the action and the opportunity for a post-
 24 impoundment hearing by hand-delivery or certified mail, return receipt requested, to
 25 the owner of the vessel if the name and location of the owner is known.

26 (c) The owner of the vessel or a person with an interest in the vessel may file a
 27 written demand for a post-impoundment hearing within 15 days after the postmark
 28 date of the notice of impoundment under (b) of this section. An owner or a person with
 29 an interest in the vessel who fails to request or attend a scheduled post-impoundment
 30 hearing waives the right to the hearing.

31 (d) The state or municipal agency that impounded the vessel shall conduct a

1 post-impoundment hearing within 48 hours after receiving a written demand for a
 2 post-impoundment hearing. The 48-hour period does not include Saturdays, Sundays,
 3 and legal holidays. The provisions of AS 44.62 (Administrative Procedure Act) do not
 4 apply to a post-impoundment hearing.

5 (e) A post-impoundment hearing officer shall determine whether there is
 6 substantial evidence establishing that the derelict vessel constituted a clear and present
 7 danger. If the hearing officer determines that there is substantial evidence to impound
 8 the vessel, the state or municipal agency or its designee may proceed to dispose of the
 9 vessel as provided under AS 30.30.055. If the hearing officer determines that there
 10 was not substantial evidence to impound the vessel, the state or municipal agency that
 11 impounded the vessel

12 (1) shall release the vessel to the owner;

13 (2) may not require the owner to pay the towing, storage,
 14 impoundment, or abatement charges; and

15 (3) shall refund or reimburse any towing, storage, impoundment, or
 16 abatement charges previously paid by the owner.

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

18 **Sec. 30.30.075. Liability for derelict vessels.** The owner of a vessel and a
 19 person entitled to possession of a vessel impounded under this chapter are jointly and
 20 severally liable for all costs incurred by the state or municipal agency in connection
 21 with the impoundment, storage, and removal of the vessel.

22 * **Sec. 22.** AS 30.30 is amended by adding a new section to article 1 to read:

23 **Sec. 30.30.085. Insurance.** (a) A vessel must have a marine insurance policy
 24 that covers the cost of removal of the vessel in the event that the vessel becomes
 25 derelict under AS 30.30.090 if the vessel is

26 (1) longer than 30 feet;

27 (2) engaged in commercial activity; and

28 (3) operating on waters of the state or on state or municipal property or
 29 placed at a dock, land, or harbor of the state or a municipality for more than 90 days.

30 (b) The Department of Administration may adopt regulations that allow the
 31 purchaser of a vessel to satisfy the insurance requirements of this section by posting

1 adequate security with a financial institution.

2 (c) The department, a public official representing a municipal or state harbor,
3 or an operator of a private marina may require a vessel owner who has a vessel that is
4 subject to (a) of this section to show proof of marine insurance upon request.

5 (d) A person who fails to secure marine insurance or show proof of marine
6 insurance under this section is guilty of a misdemeanor and upon conviction is
7 punishable by a fine of not more than \$500.

8 * **Sec. 23.** AS 30.30.090 is amended to read:

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

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

15 (2) the vessel has been anchored, moored, stored, or otherwise left in
16 the waters of the state or on state or municipal [PUBLIC] property contrary to law
17 [OR REGULATIONS ADOPTED BY A STATE AGENCY OR MUNICIPALITY
18 OR THE VESSEL HAS BEEN LEFT ON PRIVATE PROPERTY WITHOUT
19 AUTHORIZATION OF THE OWNER OR OCCUPANT OF THE PROPERTY,] and
20 if

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

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

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

30 (D) the vessel registration records of a state agency and the
31 marine document records of the United States Coast Guard contain no record

1 that the vessel ever has been registered or documented, and the owner's name
2 or address cannot be determined; or

3 **(3) the vessel has been anchored, moored, stored, or otherwise left**
4 **unattended on private property without authorization by the owner or occupant**
5 **of the property.**

6 * **Sec. 24.** AS 30.30 is amended by adding new sections to read:

7 **Sec. 30.30.095. Derelict vessel prevention program.** The department shall
8 establish and administer the derelict vessel prevention program to prevent and deter
9 the abandonment and operation of derelict vessels in the waters of the state and on
10 state, municipal, and private property and to ensure that all state and municipal entities
11 have the authority to identify, remove, and discourage derelict vessels from being
12 stored, operated, or abandoned on the waters of the state and on state or municipal
13 property.

14 **Sec. 30.30.096. Duties and powers of the department.** The department shall,
15 subject to appropriations,

16 (1) establish

17 (A) education and community outreach programs, derelict
18 vessel disposal programs, and funding options for derelict vessel removal
19 efforts; and

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

23 (2) develop and maintain a publicly available vessel tracking system.

24 **Sec. 30.30.097. Derelict vessel prevention program fund.** (a) The derelict
25 vessel prevention program fund is created in the general fund. The purpose of the fund
26 is to provide a source from which the department may

27 (1) reimburse state and municipal agencies for expenses related to
28 removal of derelict vessels from waters of the state and from state or municipal
29 property;

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

1 (3) subsidize projects directly related to the derelict vessel prevention
2 program.

3 (b) The fund consists of money appropriated to the fund, including

4 (1) donations;

5 (2) money received from the sale of a vessel under this chapter;

6 (3) income from the fund and other program receipts;

7 (4) money received by the Department of Administration for
8 registering and titling vessels;

9 (5) civil penalties collected under AS 30.30.015.

10 (c) Appropriations to the derelict vessel prevention program fund do not lapse.

11 (d) Money appropriated to the fund may be used by the department for the
12 purposes of the fund without further appropriation.

13 (e) Nothing in this section creates a dedicated fund.

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

15 (3) "vessel" means every description of watercraft, floating facility, or
16 other artificial contrivance, other than a seaplane on the water, used or capable of
17 being used as a means of transportation on or through the water;

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

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

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

23 (7) "owner" means a person who

24 (A) has a property interest, other than a security interest, in a
25 vessel;

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

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

31 (8) "state or municipal agency" means a department, agency, division,

1 or office in the executive branch of state government or a department or division of a
 2 municipality of the state; in this paragraph, "municipality" has the meaning given in
 3 AS 29.71.800.

4 * **Sec. 27.** AS 30.30.180 is amended to read:

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

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

8 (45) receipts of the Department of Administration from the boat
 9 registration **and titling** program under AS 05.25.096;

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

11 (90) civil penalties collected under AS 30.30.015, money received
 12 from the sale of vessels under AS 30.30, and donations and other receipts deposited to
 13 the derelict vessel prevention program fund under AS 30.30.097.

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

15 Sec. 27. AS 05.25.052, 05.25.053, [05.25.055,] 05.25.057, 05.25.095 [,
 16 05.25.096]; and AS 09.25.120(a)(9) are repealed.

17 * **Sec. 31.** AS 30.30.010(d), 30.30.020, 30.30.050, 30.30.070, 30.30.080, 30.30.100,
 18 30.30.110, 30.30.120, 30.30.130, 30.30.140, and 30.30.150 are repealed.

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

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

25 * **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section to
 26 read:

27 REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the
 28 heading of

29 (1) AS 30.30 from "Abandoned and Derelict Vessels" to "Derelict Vessels";

30 and

31 (2) AS 30.30.010 from "Abandonment of vessel unlawful" to "Derelict vessels

1 unlawful."

2 * **Sec. 34.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).

3 * **Sec. 35.** Section 5 of this Act takes effect on the date that sec. 20, ch. 28, SLA 2000, takes
4 effect under sec. 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA 2004, by sec. 1, ch.
5 19, SLA 2009, by sec. 1, ch. 47, SLA 2010, and by sec. 3, ch. 31, SLA 2012.

6 * **Sec. 36.** Section 8 of this Act takes effect on the date that sec. 23, ch. 28, SLA 2000, takes
7 effect under sec. 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA 2004, by sec. 1, ch.
8 19, SLA 2009, by sec. 1, ch. 47, SLA 2010, and by sec. 3, ch. 31, SLA 2012.

9 * **Sec. 37.** Except as provided in secs. 34 - 36 of this Act, this Act takes effect January 1,
10 2018.