

Introduced: 2/15/68
Referred: Resources &
Health, Welfare and
Education

1 IN THE SENATE

BY PALMER, HAMMOND AND ENGSTROM

2 SENATE BILL NO. 321

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the pollution of state waters; and
7 providing for an effective date."

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

9 * Section 1. AS 16.05 is amended by adding new sections to article 6
10 to read:

11 Sec. 16.05.901. POLLUTION BY CERTAIN SUBSTANCES PROHIBITED. It
12 is unlawful for a person to deposit in, cause to be deposited in,
13 permit to pass into, or place where it can pass into the waters of
14 this state any petroleum, acid, coal or oil tar, lampblack, aniline,
15 asphalt, bitumen, or residuary product of petroleum, or carbonaceous
16 material or substance.

17 Sec. 16.05.902. PENALTIES. (a) A person who violates sec. 901
18 of this chapter is guilty of a misdemeanor and upon conviction is
19 punishable by a fine of not less than \$5,000 nor more than \$25,000 and
20 imprisonment for not less than 30 days nor more than a year. Each
21 unlawful act constitutes a separate offense.

22 (b) In addition to the penalties provided in (a) of this section,
23 a person who violates sec. 901 of this chapter is liable, in a civil
24 action, to the state in the penal sum of \$5,000 for each offense.

25 Sec. 16.05.903. SEIZURE OF VESSEL WITHOUT WARRANT AND CONFISCA-
26 TION BY COURT. A vessel which is used in or in aid of a violation of
27 sec. 901 of this chapter may be seized under a valid search by the de-
28 partment or an agent of the department or any other law enforcement
29 officer of the state. Upon judgment of the court having jurisdiction

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that the vessel was used in or in aid of a violation of sec. 901 of this chapter, the vessel may be forfeited to the state and shall be disposed of as directed by the court. If sold, the proceeds of the sale shall be transmitted to the proper state officer for deposit in the general fund. A vessel seized under this section, unless forfeited by order of the court, shall be returned, after completion of the case and payment of the fine, if any.

Sec. 16.05.904. PREVENTION OF POLLUTION NOT EXCLUSIVE. The prevention of pollution under secs. 901-903 of this chapter in no way restricts or abridges the authority of the Department of Health and Welfare to prevent pollution under AS 46.05.

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.