

Original sponsors: Palmer, Hammond and  
Engstrom

Offered: 2/29/68  
Referred: Rules

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR 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 art. 6 to read:

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

15 Sec. 16.05.902. PENALTIES. (a) A person who violates sec. 901 of  
16 this chapter is guilty of a misdemeanor and upon conviction is punishable  
17 by a fine of not less than \$500 nor more than \$25,000 and imprisonment  
18 for not less than 30 days nor more than a year. Each unlawful act con-  
19 stitutes a separate offense.

20 (b) In addition to the penalties provided in (a) of this section,  
21 a person who violates sec. 901 of this chapter is liable, in a civil  
22 action, to the state for liquidated damages to be assessed by the court  
23 for an amount not less than \$5,000 nor more than \$100,000, depending on  
24 the severity of the violation.

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

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vessel was used in or in aid of a violation of sec. 901 of this chapter with knowledge of its owner or under circumstances indicating that the owner should reasonably have had such knowledge, the vessel shall be forfeited to the state and shall be sold at public auction or as otherwise directed by the court. 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, upon final disposition 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.