

Original sponsors: Palmer, Hammond and Engstrom

Offered: 3/21/68
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

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HOUSE CS FOR CS FOR SENATE BILL NO. 321

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to the pollution of state waters;

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and providing for an effective date."

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

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* Section 1. AS 46.05.170 is amended to read:

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Sec. 46.05.170. POLLUTION PROHIBITED. (a) No person may pollute

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or add to the pollution of waters of the state.

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(b) It is unlawful for a person knowingly to deposit in, cause

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to be deposited in, permit to pass into, or place where it can pass into

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the waters of this state petroleum, acid, coal or oil tar, lampblack,

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aniline, asphalt, bitumen, or residuary product of petroleum in a

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manner so as to constitute pollution as defined in this chapter.

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* Sec. 2. AS 46.05.210 is repealed and re-enacted to read:

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Sec. 46.05.210. PENALTIES. (a) A person who violates sec. 170

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of this chapter is guilty of a misdemeanor and upon conviction is

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punishable by a fine of not less than \$500 nor more than \$25,000 and

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imprisonment for not less than 30 days nor more than a year. Each

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unlawful act constitutes a separate offense.

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(b) In addition to the penalties provided in (a) of this section,

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a person who violates sec. 170 of this chapter is liable, in a civil

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action, to the state for liquidated damages to be assessed by the court

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for an amount not less than \$5,000 nor more than \$100,000, depending

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on the severity of the violation.

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* Sec. 3. AS 46.05 is amended by adding new sections to read:

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Sec. 46.05.215. SEIZURE OF VESSEL WITHOUT WARRANT AND CONFISCATION

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BY COURT. A vessel which is used in or in aid of a violation of sec. 170 of this chapter may be seized under a valid search by the department or an agent of the department or any other law enforcement officer of the state. Upon judgment of the court having jurisdiction that the vessel was used in or in aid of a violation of sec. 170 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. 46.05.230. ENFORCEMENT. This chapter may be enforced by any peace officer in the state and by authorized protection officers of the Department of Fish and Game.

* Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.