

Original sponsors: Palmer, Hammond and Engstrom

Offered: 3/21/68
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

2 HOUSE CS FOR 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;
7 and providing for an effective date."

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

9 * Section 1. AS 46.05.170 is amended to read:

10 Sec. 46.05.170. POLLUTION PROHIBITED. (a) No person may pollute
11 or add to the pollution of waters of the state.

12 (b) It is unlawful for a person to deposit in, cause to be
13 deposited in, permit to pass into, or place where it can pass into the
14 waters of this state petroleum, acid, coal or oil tar, lampblack,
15 aniline, asphalt, bitumen, or residuary product of petroleum in a
16 manner so as to constitute pollution as defined in this chapter.
17 Pollution caused by an Act of God or by circumstances beyond the control
18 of the person in charge, shall be considered a defense of the violation
19 by the person charged.

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 AS 46.05.210 is repealed and re-enacted to read:

21 Sec. 46.05.210. PENALTIES. (a) A person who violates sec. 170
22 of this chapter is guilty of a misdemeanor and upon conviction is
23 punishable by a fine of not less than \$500 nor more than \$25,000 and
24 imprisonment for not less than 30 days nor more than a year. Each
25 unlawful act constitutes a separate offense.

26 (b) In addition to the penalties provided in (a) of this section,
27 a person who violates sec. 170 of this chapter is liable, in a civil
28 action, to the state for liquidated damages to be assessed by the court
29 for an amount not less than \$5,000 nor more than \$100,000, depending

1 on the severity of the violation.

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

3 **Sec. 46.05.215. DETENTION OF VESSEL WITHOUT WARRANT AS SECURITY**
4 **FOR DAMAGES.** A vessel which is used in or in aid of a violation of
5 **sec. 170 of this chapter may be detained after a valid search by the**
6 **department, an agent of the department, any peace officer of the state,**
7 **or an authorized protection officer of the Department of Fish and Game.**
8 **Upon judgment of the court having jurisdiction that the vessel was used**
9 **in or the cause of a violation of sec. 170 of this chapter with know-**
10 **ledge of its owner or under circumstances indicating that the owner**
11 **should reasonably have had such knowledge, the vessel may be held as**
12 **security for payment to the state of the amount of damages assessed by**
13 **the court under sec. 210(b), and if the damages so assessed are not paid**
14 **within thirty (30) days after judgment or final determination of any**
15 **appeal, the vessel shall be sold at public auction, or as otherwise**
16 **directed by the court, and the damages paid from the proceeds. The**
17 **balance, if any, shall be paid by the court to the owner of said vessel.**
18 **The court shall permit the release of the vessel upon posting of a bond**
19 **set by the court in an amount not to exceed \$100,000. The damages re-**
20 **ceived hereunder shall be transmitted to the proper state officer for**
21 **deposit in the general fund. A vessel seized under this section shall**
22 **be returned or the bond exonerated if no damages are assessed under**
23 **sec. 210(b).**

24 **Sec. 46.05.230. ENFORCEMENT.** This chapter may be enforced by any
25 **peace officer in the state and by authorized protection officers of the**
26 **Department of Fish and Game.**

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