

Introduced: 3/23/84
Referred: Resources and
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE
BY REQUEST

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SENATE BILL NO. 534

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to detention of vessels as security
7 for oil-pollution damages; and providing for an
8 effective date."

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

10 * Section 1. AS 46.03.770 is amended to read:

11 Sec. 46.03.770. DETENTION OF VESSEL WITHOUT WARRANT AS SECURITY
12 FOR DAMAGES. A vessel that [WHICH] is used in or in aid of a
13 violation of AS 46.03.740 - 46.03.750 may be detained after a valid
14 search by the department, an agent of the department, a peace officer
15 of the state, or an authorized protection officer of the Department of
16 Fish and Game. Upon judgment of the court having jurisdiction that
17 the vessel was used in or the cause of a violation of AS 46.03.740 -
18 46.03.750 with knowledge of its owner or under circumstances
19 indicating that the owner should reasonably have had this knowledge,
20 the vessel may be held as security for payment to the state of the
21 amount of damages assessed by the court under AS 46.03.760(b), and if
22 the damages so assessed are not paid within 30 days after judgment or
23 final determination of an appeal, the vessel shall be sold at public
24 auction, or as otherwise directed by the court, and the damages paid
25 from the proceeds. The balance, if any, shall be paid by the court to
26 the owner of the vessel. The court shall permit the release of the
27 vessel upon posting of a bond set by the court in an amount not to
28 exceed the maximum amount of damages available under AS 46.03.758,
29 46.03.760, and 46.03.822 [\$100,000]. The damages received under this

1 section shall be transmitted to the proper state officer for deposit
2 in the general fund. A vessel seized under this section shall be
3 returned or the bond exonerated if no damages are assessed under
4 AS 46.03.758, 46.03.760, or 46.03.822 [AS 46.03.760(b)].

5 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
6 10.070(c).