

Introduced: 1/23/85
Referred: Transportation and
Resources

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 100

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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

1 46.03.822 [\$100,000]. The damages received under this section shall
2 be transmitted to the proper state officer for deposit in the general
3 fund. A vessel seized under this section shall be returned or the
4 bond exonerated if no damages are assessed under AS 46.03.758, 46.03.-
5 760, or 46.03.822 [46.03.760(b)].

6 * Sec. 2. AS 46.03.826(5) is amended to read:

7 (5) "[OWNING OR] having control over a hazardous substance"
8 means producing, handling, storing, transporting or refining a hazard-
9 ous substance for commercial purposes immediately before entry of the
10 hazardous substance in or upon the waters, surface or subsurface lands
11 of the state, and specifically includes bailees and carriers of a
12 hazardous substance;

13 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).