

Offered: 2/24/86
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 SENATE CS FOR HOUSE BILL NO. 100 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH 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; 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 that [WHICH] is used in or in aid of a
14 violation of AS 46.03.740 - 46.03.750 may be detained after a valid
15 search by the department, an agent of the department, a peace officer
16 of the state, or an authorized protection officer of the Department of
17 Fish and Game. Upon judgment of the court having jurisdiction that
18 the vessel was used in, or was the cause of, a violation of AS 46.03.-
19 740 - 46.03.750 with knowledge of its owner or under circumstances
20 indicating that the owner should reasonably have had this knowledge,
21 the vessel may be held as security for payment to the state of the
22 amount of damages assessed by the court under AS 46.03.758, 46.03.760,
23 and 46.03.822. If [AS 46.03.760(b), AND IF] the damages [SO] assessed
24 are not paid within 30 days after judgment or final determination of
25 an appeal, the vessel shall be sold at public auction, or as otherwise
26 directed by the court, and the damages paid from the proceeds. The
27 balance, if any, shall be paid by the court to the owner of the
28 vessel. The court shall permit the release of the vessel upon posting
29 of a bond set by the court in an amount not to exceed the maximum

1 amount of damages available under AS 46.03.758, 46.03.760, and
2 46.03.822 [\$100,000]. The damages received under this section shall
3 be transmitted to the proper state officer for deposit in the general
4 fund. A vessel seized under this section shall be returned or the
5 bond exonerated if no damages are assessed under AS 46.03.758, 46.03.-
6 760, or 46.03.822 [AS 46.03.760(b)].

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

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

14 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).