

Introduced: 5/9/85
Referred: Judiciary
and Finance

1 IN THE HOUSE

BY DAVIS

2

HOUSE BILL NO.438

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to penalties for violating the

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Alaska Historic Preservation Act; and providing for

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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 41.35.210 is amended to read:

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Sec. 41.35.210. CRIMINAL PENALTIES. A person who violates a
12 provision of this chapter is guilty of a misdemeanor, and upon
13 conviction is punishable by a fine of \$5,000 [\$1,000], or by
14 imprisonment for not more than one year [SIX MONTHS], or by both.

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* Sec. 2. AS 41.35 is amended by adding a new section to read:

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Sec. 41.35.215. CIVIL PENALTIES. (a) In addition to other
17 penalties and remedies provided by law, a person who violates a pro-
18 vision of this chapter is subject to a maximum civil penalty of
19 \$100,000 for each violation.

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(b) A penalty may not be assessed unless the commissioner first
21 issues an order to show cause why the penalty should not be levied.
22 The order shall describe the violation with reasonable particularity
23 and designate the maximum penalty that may be assessed for the viola-
24 tion. The order shall state a time and place for the hearing.

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(c) After a hearing the commissioner shall enter findings of
26 fact and a final order that shall state when the penalties, if any,
27 are payable. Actions to recover damages shall be brought by the
28 attorney general, and any penalties recovered shall be deposited into
29 the general fund.

1 * Sec. 3. This Act takes effect July 1, 1986.