

Introduced: 1/19/87
Referred: Resources and
Finance

1 IN THE HOUSE

BY DAVIS AND KOPONEN

2

HOUSE BILL NO. 11

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the oil and hazardous substance
7 release mitigation account; 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 which is used in or in aid of a violation of
13 AS 46.03.740 - 46.03.750 may be detained after a valid search by the
14 department, an agent of the department, a peace officer of the state,
15 or an authorized protection officer of the Department of Fish and
16 Game. Upon judgment of the court having jurisdiction that the vessel
17 was used in or the cause of a violation of AS 46.03.740 - 46.03.750
18 with knowledge of its owner or under circumstances indicating that the
19 owner should reasonably have had this knowledge, the vessel may be
20 held as security for payment to the state of the amount of damages
21 assessed by the court under AS 46.03.760(b), and if the damages so
22 assessed are not paid within 30 days after judgment or final deter-
23 mination of an appeal, the vessel shall be sold at public auction, or
24 as otherwise directed by the court, and the damages paid from the
25 proceeds. The balance, if any, shall be paid by the court to the
26 owner of the vessel. The court shall permit the release of the vessel
27 upon posting of a bond set by the court in an amount not to exceed
28 \$100,000. The damages received under this section shall be deposited
29 [TRANSMITTED TO THE PROPER STATE OFFICER FOR DEPOSIT] in the general

1 fund and credited to a special account called the "oil and hazardous
2 substance release mitigation account." [.] A vessel seized under this
3 section shall be returned or the bond exonerated if no damages are
4 assessed under AS 46.03.760(b).

5 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).