

Original sponsors: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 389 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to recovery of state costs for oil
7 and hazardous substance releases; and providing for
8 an effective date."

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

10 * Section 1. AS 46.08 is amended by adding a new section to read:

11 Sec. 46.08.075. LIENS AGAINST PROPERTY AS SECURITY FOR STATE
12 EXPENDITURES. (a) The state has a lien for expenditures by the state
13 from the oil and hazardous substance release response fund or from any
14 other state fund, for the containment, cleanup, or mitigation of oil
15 or hazardous substance spills, against all property owned by a person
16 who is determined by the commissioner to be liable for the expendi-
17 tures under this chapter, AS 46.03, AS 46.04, 42 U.S.C. 9607, or other
18 state or federal law. The lien includes interest, at the maximum rate
19 allowable under AS 45.45.010(a), from the date of the expenditures.

20 (b) A lien established under this section against real property
21 is not effective unless

22 (1) a certificate of lien is recorded in the district
23 recorder's office for the district in which the property is located,
24 describing the property and stating the amount of the lien, the name
25 of the owner as grantor, and, if known, the name of the person causing
26 the oil or hazardous substance release; and

27 (2) the commissioner sends a copy of the certificate by
28 certified mail to the persons described in (1) of this subsection and
29 to all other persons of record holding an interest in the property.

1 (c) When any amount with respect to which a lien has been re-
2 corded under this section has been paid or reduced, the commissioner
3 shall, upon request of the property owner, issue a certificate dis-
4 charging or partially releasing the lien. That certificate may be
5 recorded in the office where the certificate of lien was recorded.

6 (d) A person with an ownership interest in property against
7 which a lien is recorded may bring an action in the superior court to
8 require that the lien be released. The lien shall be released if the
9 court finds that the owner of the property is not liable for the costs
10 of the state in connection with containment, cleanup, or mitigation of
11 the oil or hazardous substance release.

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