

# Senator Peter A. Micciche

## Alaska State Legislature

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## SB92: Derelict Vessels Act

### Explanation of Changes Ver. D to Ver. I.A

#### Senate Resources

Throughout: Changes "the state or municipal agency" to "the state agency or municipality" throughout the bill to conforming to existing statute and defines "state agency" on page 16, lines 1-2.

1. Page 2, line 29: Removes "the United States or". This was a minor oversight, removed to require federally documented vessels to register with the state.
2. Page 5, line 28: Removes the word "Docked". This made the subsection unnecessarily specific.
3. Page 5, line 27: Removes the words "(a) of" from the proposed newly created subsection (f). This will permit reporting of the entire chapter not just one subsection.
4. Page 6, lines 22-25: Rewrites the following sentence to read "On application for injunctive relief and a finding that a person has violated AS 30.30.010, the superior court may grant the injunction." This request by the court system provides additional clarity.
5. Page 7, lines 1, 4: Changes the days a vessel owner has to obtain authorization to be exempted from a derelict classification from "30" to "14." This change conforms the statute to current DNR practices.
6. Page 7, Line 25: Inserts the words "if possible." The prior version of the bill required the state agency or municipality to physically post a written notice of impoundment on the vessel 30 days prior to impoundment without exception.
7. Page 8, Lines 15-16: Inserts language that reads "with the state agency or municipality that sent the notice." The bill previously allowed the vessel owner to file a demand for a pre-impoundment hearing, but did not specify to what entity the vessel owner could make such a demand.
8. Page 9, Line 26: Changes the reference from AS 30.30.097 to AS 30.30.096.

9. Page 12: The prior version's Section 22 related to insurance requirements, is removed and not in the proposed Committee Substitute. The following sections are renumbered accordingly.

10. Page 13, lines 3-18: Reformats the subparagraphs into paragraphs. The words "and if" are removed to make it clear that there are multiple circumstances.

11. Pages 13-14, lines 19-31, 1-7: Renames section "Duties and Powers of the Department" from "Derelict Vessel Prevention Program." Conforming to this change, the subsequent new proposed section AS 30.30.096 entitled "Duties and Powers of the Department" has been removed and absorbed into AS 30.30.095, and the new proposed section AS.30.30.097 entitled "Derelict Vessel Prevention Fund" is renumbered is now section AS 30.30.096 under the Committee Substitute.

12. Page 13, Line 25: Amends the proposed newly created AS 30.30.096 by changing paragraph (b)(4) to read "money collected under AS 05.25.096(a)(5) and (6). The prior version read "money received by the Department of Administration for registering and titling vessels."

#### Senate Finance

1. Page 3, lines 7-31 through Page 4, line 1: Adds new subsections that will allow the Department of Administration to issue a "No Title Issued" registration in the event that they are not satisfied with proof of ownership or believe there may be an undisclosed security interest. A certificate of title will be issued if the applicant presents sufficient documentation or if the "No Title Issued" registration goes uncontested for three years. This section also ensures that the Department will not be held liable for any damages or costs. An exemption from mandatory titling for vessels 24 feet and under has been added in this section as well, but these vessel owners may obtain a title if they so choose.

2. Page 6, lines 7-8: Change class B misdemeanor to an unclassified misdemeanor. Current fines and term of imprisonment do not match current classes.

3. Page 7, line 22: Change the 30-day period to 20 days. This makes the bill consistent with current DNR practices.

4. Page 7, line 26: Change "state agency's" to "Alaska Online Public Notice System". This is current practice.

5. Page 8, lines 10-11 and page 9, line 22: Inserts “if known” at the end of each line. This provides consistency across sections and recognizes that even with the additional requirements to clarify ownership, some vessel owners may still be difficult to locate.
6. Page 8, line 19: Insert “financial or security” before the word “interest”. This clarifies the type of person with standing in pre- and post-impoundment hearings.
7. Page 8, line 25: Change “person” to “an individual”. The use of person is broad. This will allow employees from departments or municipalities to conduct hearings.
8. Page 9, lines 6-7: Changes “proceed with the state agency or municipality disposition of the vessel as provided under AS 30.30.055” to “impound the vessel and proceed with disposition of the vessel as provided under AS 30.30.055”. This clarifies that the finding allows the completion of the action.
9. Page 9, lines 10-11: Replace the word “publish” with “post” and “website of the state agency” with “Alaska Online Public Notice System” for consistency.
10. Page 9 lines 29-31 and page 10 lines 1-3: Rewrites previous 30.30.055(a) to clarify ambiguity. Previous draft read “A state agency or municipality may impound a derelict vessel immobilizing and removing the vessel or towing the vessel from the water and placing it in storage.”
11. Page 10, lines 7-8: Adds “or, if no bids are received, by negotiated sale” to the end of the subsection.
12. Page 10, lines 11-19: Amends section to clarify that proceeds of sale will be dispersed in order, that funds received will be used to cover the cost of administering the sale and that the balance will be deposited into the derelict vessel prevention program fund.
13. Page 11, lines 29-30: Adds official closures of state agencies and municipalities as well as a sentence clarifying that the post-impoundment hearing will be conducted in an informal manner. This makes post-impoundment hearings consistent with pre-impoundment hearings and allows for closures other than weekends and holidays to be considered for post-impoundment time requirement.
14. Page 12, lines 15-16: Inserts “Except as provided in AS 30.30.065(e)” at the beginning of the new section. This ensures that if the hearing officer finds there is not enough substantial evidence to impound a vessel that the owner is not liable for all costs incurred.
15. Page 13, lines 21-22: Inserts “to the extent that funds are available from the derelict vessel

prevention program fund (AS 30.30.096)" for clarity.

16. Page 14, lines 5-6: Rewrites to read "develop and maintain a publicly available database of known derelict vessels in the state." This clarifies that this database is only for existing derelict vessels and not for all vessels.

17. Page 14, line 17: Adds new subsection (4), which allows the fund to be used to pay for administration costs.

18. Page 16: Deletes previous Section 32, Revisor's Instruction, at the request of the Revisor. This allows more flexibility.

#### Senate Floor Amendment

Page 4, line 10: Remove increase in boat registration fee.