

Enrolled
Senate Bill 432

Sponsored by Senator VERGER; Senator JOHNSON, Representatives BOONE, COWAN, KRIEGER,
MORGAN, ROBLAN, WITT

CHAPTER

AN ACT

Relating to shipbreaking; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

- (a) **“Dry dock” means a graving dock or a floating dry dock.**
- (b) **“Floating dry dock” means a vessel that can be flooded to allow a load to be floated in and drained to allow that load to come to rest on a dry platform.**
- (c) **“Fouling communities” means the matrix consisting of:**
 - (A) **Native or nonnative species attached to the hull of a ship including, but not limited to, barnacles, bivalves, bryozoans, tunicates and seaweeds; and**
 - (B) **Native or nonnative mobile species such as crustaceans, sea stars and worms that may be unattached to the hull, but that inhabit a fouling community or inhabit protected recesses and crevices in the hull, such as sea chests.**
- (d) **“Fouling organisms” means native or nonnative species that attach to the hull of a ship including, but not limited to, sessile bottom-dwelling invertebrates, algae and microorganisms such as bacteria and diatoms.**
- (e) **“Graving dock” means a paved excavation in the ground that can be flooded to allow a load to be floated in and drained to allow that load to come to rest on a dry platform.**
- (f) **“Hazardous materials” includes, but is not limited to, asbestos, polychlorinated biphenyls, oil, fuel, bilge and ballast water, paint and lead.**
- (g) **“Ship” means a vessel that weighs in excess of 200 gross tons and operates upon navigable waterways.**
- (h) **“Shipbreaking” means the process of dismantling a ship for scrap or disposal.**
- (i) **“Shipwreck” means a ship that has been stranded or destroyed by being driven ashore or onto the rocks or the shoal.**
- (j) **“Waters of this state” has the meaning given that term in ORS 196.800.**
- (2) **In the State of Oregon, a person:**
 - (a) **May perform shipbreaking activities only in a dry dock.**
 - (b) **May not perform shipbreaking activities in the waters of this state:**
 - (A) **At a pier.**
 - (B) **At a dismantling slip.**
 - (C) **In any other manner that allows hazardous materials, fouling communities or fouling organisms that are in or on the ship to enter the waters of this state.**

(3) Notwithstanding subsection (2) of this section, a person may in the waters of this state:

(a) Dismantle for removal a ship that has been shipwrecked if the Department of State Lands determines, in consultation with others as the department finds appropriate including, but not limited to, other state agencies, the United States Coast Guard and the shipowner, that it is physically impracticable to move the shipwreck to a dry dock.

(b) Partially dismantle a ship as may be required in the process of ship repair.

(4) Subsection (2) of this section does not apply to the shipbreaking of a flat-bottomed barge that is not self-propelled and that operates in the waters of this state.

SECTION 2. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by Senate April 16, 2007

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Secretary of Senate

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President of Senate

Passed by House May 3, 2007

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Speaker of House

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State