

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	7 - 0 - 2
Yeas:	Esquivel, Krieger, Reardon, Thompson, Unger, Whitsett, Witt
Nays:	0
Exc.:	Clem, McKeown
Prepared By:	Beth Patrino, Administrator
Meeting Dates:	2/14, 3/5

WHAT THE MEASURE DOES: Defines “abandoned” and “derelict” vessel. Defines “enforcement agency” to include law enforcement agency, federal agency, State Marine Board or any other public body with responsibility for land or water on which vessel located. Authorizes enforcement agency to seize abandoned or derelict vessel under certain circumstances. Specifies pre and post-seizure notice requirements and authorizes seizure without notice if vessel presents hazard to navigation or threat to public health or safety. Stipulates if owner requests hearing, enforcement agency may not seize vessel until after hearing. States that vessel owner is liable to enforcement agency for all costs of vessel salvage, towing, storage and disposal; reduces liability by net proceeds of sale if enforcement agency sells seized vessel. Allows owner to reclaim vessel once costs are paid and enforcement agency is satisfied that owner is able to move vessel to place where it can be lawfully kept. Authorizes enforcement agency to contract for services to carry out provisions of Act. Creates offense of failure to remove abandoned vessel and offense of possession of derelict vessel. Establishes Salvaged Vessel Subaccount and authorized uses of funds. Adds to definition of “threatened spill or release” in spill response and hazardous materials statutes to address spill or release from ship in imminent danger of sinking. Adds ship to places Director of Department of Environmental Quality may enter to address spill or release of oil or hazardous materials.

ISSUES DISCUSSED:

- Existing seizure and notification process is long and burdensome
- Waiting time for a vessel to be abandoned is expensive and inefficient
- Some ports and law enforcement not always willing or able to act as removal authority
- What indicates that a ship is in imminent danger of sinking

EFFECT OF COMMITTEE AMENDMENT: Establishes vessel value of less than \$500 for purposes of post-seizure notice. Adds reference to statutory definition of “ship” in ORS 466.605 and adds clarification to definition of “threatened spill or release.”

BACKGROUND: Oregon law prohibits abandoning boats, floating homes and boathouses. The abandoned vessel statutes were last amended in 2003 to allow Oregon public ports to act as “removing authorities” in addition to law enforcement. Before vessels are abandoned they have almost always been in a “derelict” condition for months or years. House Bill 2233 A would modify the laws governing the seizure of an abandoned vessel.

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This summary has not been adopted or officially endorsed by action of the committee.