

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 5 - 0 - 0

Yeas: Beyer, Burdick, Ferrioli, Starr, Rosenbaum

Nays: 0

Exc.: 0

Prepared By: Lori Brocker, Administrator

Meeting Dates: 6/12, 6/18

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 is located. Establishes process and authority for enforcement agency to seize abandoned or derelict vessel. Specifies pre and post-seizure notice requirements. Allows vessel owner to request and receive hearing before seizure, or after seizure as specified. Authorizes seizure without notice if vessel poses hazard to navigation or imminent threat to public health and safety. Holds owners liable for salvage, towing, storage and disposal costs incurred by enforcement agency. Reduces owner liability by net proceeds if enforcement agency sells vessel. Establishes process for owner to present plan of action to remedy problems prior to seizure. Allows owner to reclaim vessel upon payment of all costs and establishing that owner is able to move vessel to place where it can be lawfully kept. Vests title with enforcement agency if vessel is not reclaimed. Allows enforcement agency to contract with person to carry out Act. Creates offense of failure to remove abandoned vessel and offense of possession of derelict vessel. Replaces Abandoned Boat Removal and Cleanup subaccount with Salvaged Vessel Subaccount and establishes authorized uses. Adds ship in imminent danger of sinking to definition of “threatened spill or release” in spill response and hazardous materials statutes. Allows Director of Department of Environmental Quality (DEQ) to enter upon ship to address spill or release of oil or hazardous material with documented facts.

ISSUES DISCUSSED:

- History of measure
- Amendments
- Seizure and notification process

EFFECT OF COMMITTEE AMENDMENT: Modifies definitions of “derelict” vessel and “owner.” Excludes docks from definition of vessel. Requires enforcement agency to have probable cause to believe vessel abandoned or derelict. Requires State Marine Director or designee to determine vessel derelict before enforcement agency may seize vessel. Requires State Marine Director or designee to document facts supporting finding that derelict vessel in imminent danger of sinking. Modifies authorization for enforcement agency to enter and inspect vessels. Extends pre-seizure notice and post-seizure deadline to request hearing from seven days to 10 business days. Removes provision allowing vesting of title to agency after 15 days when vessel valued less than \$500. Establishes process for owner to present plan of action to remedy problems prior to seizure. Modifies definition of “threatened spill or release.” Requires Director of Department of Environmental Quality to document facts supporting belief that ship poses threat of spill or release before entering ship. Changes classification of offense from Class B misdemeanor to Class A violation. Removes provision stating enforcement agency not liable if agency complies with Act.

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 2233B would modify the laws governing the seizure of an abandoned vessel and allow for seizure of derelict vessels.

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