

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Concur in Senate Amendments dated 6/24 and Further Amend and Repass the Bill

Vote: 6 – 0 – 0

Yeas: Baertschiger, Prozanski, Roblan, Esquivel, McKeown, Witt

Nays: 0

Exc.: 0

Prepared By: Beth Patrino, Administrator

Meeting Dates: 7/1

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 responsible 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. Establishes process for owner to present remediation plan prior to seizure. Authorizes seizure without notice if vessel poses navigation hazard or imminent threat to public health and safety. Holds owners liable for salvage, towing, storage and disposal costs associated with seizure incurred by enforcement agency. Reduces owner liability by net proceeds if enforcement agency sells vessel. Allows owner to reclaim vessel upon payment of costs and showing ability to move vessel to place where it can be lawfully kept. Vests title with enforcement agency if vessel not reclaimed. Allows enforcement agency to contract 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 to enter upon ship to address spill or release of oil or hazardous material with documented facts.

ISSUES DISCUSSED:

- Provisions of proposed amendment

EFFECT OF COMMITTEE AMENDMENT: Authorizes enforcement agency to seize derelict vessel if agency has probable cause to believe vessel is derelict and documents facts supporting belief. Authorizes seizure of derelict vessel by reason of imminent danger of sinking if enforcement agency documents facts supporting belief vessel in imminent danger of sinking.

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.