

SENATE BILL REPORT

SB 6223

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 1, 2006

Title: An act relating to derelict or abandoned vessels.

Brief Description: Modifying provisions regarding abandoned or derelict vessels.

Sponsors: Senators Rockefeller, Regala, Oke, Berkey and Spanel.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/1/06 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 6223 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Fraser, Morton, Spanel, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

Background: In 2002, the statutes relating to derelict vessels were passed based upon the legislative finding that such vessels are public nuisances, pose a danger to navigation, detract from Washington's scenery, and threaten the environment. Thus, an authorized public entity is allowed, subject to the processes outlined in statute, to take custody of and to use or dispose of an abandoned or derelict vessel found on or above aquatic land within that entity's jurisdiction. Additionally, the owner of an abandoned or derelict vessel is generally responsible for reimbursing the authorized public entity for reasonable and auditable costs of removal or disposal.

According to data provided by the Department of Natural Resources (DNR), DNR has removed 25 vessels since the institution of the program, other authorized public entities have removed 72 vessels, and 41 owners have removed their vessels after being made aware of the program. There has been limited use of the program by smaller jurisdictions and approximately 100 vessels remain on the derelict vessel inventory.

Summary of Substitute Bill: New language is added making it a misdemeanor to cause a vessel to become abandoned or derelict upon aquatic lands.

Changes are made to provisions governing the actions of authorized public entities where a vessel is in immediate danger of sinking, breaking up, or blocking navigational channels. In such circumstances, where the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility, any authorized public entity may take temporary possession of the vessel. Before taking possession of the vessel, the entity must make reasonable attempts to contact either DNR or the United State Coast Guard. If the entity has

not already provided the required notice for taking possession of a vessel, it must do so immediately after taking possession. Where temporary possession of a vessel is taken, an authorized public entity can require payment of its reasonable and auditable costs before releasing the vessel back to the owner.

The owner of a vessel may request a hearing with DNR to contest a state agency's decision to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed. Appeals from such actions by local authorized public entities must occur through the processes set forth under RCW 53.08.320(5), relating to public moorage facility operators.

The derelict vessel removal account is authorized to receive gifts, grants, and endowments from public or private sources for the use and benefit of the derelict vessels program. Authorized public entities may be reimbursed for up to 90 percent, as opposed to the current 75 percent, of the total reasonable and auditable administrative costs of removal and disposal where the previous owner is unknown or insolvent. Additionally, costs associated with the removal and disposal of an abandoned or derelict vessel under the authority of a port district may expressly be reimbursed from the account.

The provision governing lawsuits for the redemption of a vessel in the custody of an authorized public entity is repealed.

Substitute Bill Compared to Original Bill: Separate procedures are designated for appeals from the actions of state agency authorized public entities and local authorized public entities.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will encourage personal responsibility by making it a misdemeanor to cause a vessel to become abandoned or derelict on aquatic lands. Additionally, state and local actions under this authority will be streamlined and encouraged by a reduction in the financial matching requirements and by allowing donations to the program. The changes in this bill will strengthen a program that is already functioning well.

Testimony Against: None.

Who Testified: PRO: David Kutz, Recreational Boating Association of Washington; Fran McNair, DNR; Eric Johnson, Washington Public Ports Association; Mike Cooper, Oil Spill Advisory Council; Rick Miraz, DNR. CON: None.