

SENATE BILL REPORT

SB 5058

As of January 29, 2009

Title: An act relating to creating a pilot vessel amnesty disposal program within the department of natural resources.

Brief Description: Creating a pilot vessel amnesty disposal program.

Sponsors: Senator Rockefeller.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/19/09.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Curt Gavigan (786-7437)

Background: In 2002 the Legislature established what has become known as the Derelict Vessel Removal Program (DVRP), which is administrated by the Department of Natural Resources (DNR).

Certain state agencies and local governments, including DNR, may take custody and dispose of abandoned or derelict vessels on or above aquatic lands within their jurisdiction. Such agencies are known as authorized public entities (APEs). Prior to taking custody of a vessel, an APE must follow the notice and procedural requirements set forth in statute.

An abandoned or derelict vessel owner must generally reimburse an APE for reasonable removal and disposal costs. An APE may, however, seek reimbursement of up to 90 percent of such costs from DNR if the owner is unknown or insolvent. DVRP funding comes primarily from a \$2 surcharge on vessel registrations, as well as a temporary additional \$1 surcharge on vessel registrations imposed until 2014.

APEs may only exercise authority and receive reimbursement through the DVRP if a vessel is "abandoned" or "derelict." Those terms are specifically defined in statute.

Summary of Bill: DNR must develop and administer a pilot vessel amnesty disposal program (amnesty program). Under the amnesty program, DNR must dispose of vessels that pose a high risk of becoming abandoned or derelict but that do not yet qualify for the DVRP.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

To be eligible for the amnesty program, an applicant must demonstrate to DNR that the applicant:

- is a Washington State resident;
- owns a vessel that is in an advanced state of disrepair, has no material value, and has a high likelihood of becoming an abandoned or derelict vessel; and
- has insufficient resources to properly dispose of the vessel.

When determining the geographic scope of the amnesty program, DNR must consider counties that have experienced the highest numbers of derelict vessels. DNR must publicize the amnesty program on its internet site and through appropriate agency publications during and for a reasonable time prior to accepting applications.

DNR may spend up to \$200,000 of its appropriation from the Derelict Vessel Removal Account for the 2009-2011 biennium to carry out the amnesty program.

The amnesty program expires June 30, 2011. DNR must provide a report to the Legislature by September 1, 2011, including a recommendation whether the amnesty program should be made permanent.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The DVRP has proven very successful, and is supported by the recreational boaters who fund the program. However, the program is limited to vessels that have already become "abandoned" or "derelict." This bill is aimed at stopping vessels from becoming derelict in the first place, which often results from older vessels being transferred to successive owners who are less and less able to care for the boat. Stopping vessels from ever becoming derelict would be cheaper and more environmentally friendly than cleanup of a derelict vessel. This proposal was recommend in a 2006 Oil Spill Advisory Council report.

Persons Testifying: PRO: Senator Rockefeller, prime sponsor; Rich Doenges, DNR.