
SUBSTITUTE SENATE BILL 5058

State of Washington

61st Legislature

2009 Regular Session

By Senate Natural Resources, Ocean & Recreation (originally sponsored by Senator Rockefeller)

READ FIRST TIME 01/30/09.

1 AN ACT Relating to creating a pilot vessel amnesty disposal program
2 within the department of natural resources; amending RCW 79.100.100;
3 creating new sections; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the derelict
6 vessel removal program has proven highly successful. A vessel
7 generally becomes abandoned or derelict after a long chain of legal
8 ownership transactions in which successive owners either lack the
9 inclination or financial resources to properly maintain the vessel and
10 pass it along in progressive stages of decline. The result is a
11 decrepit vessel selling for nominal cost to someone who cannot bring it
12 back to a safe working condition, or properly dispose of it. The
13 vessel often becomes abandoned or derelict, resulting in cost to the
14 state for removal and disposal. It is more expensive to solve the
15 problem at this point. Therefore, the legislature authorizes the
16 department of natural resources to create a pilot vessel amnesty
17 disposal program to prevent vessels from becoming abandoned or derelict
18 and to address this issue when it is less expensive and poses fewer
19 threats.

1 NEW SECTION. **Sec. 2.** (1) The department of natural resources,
2 through its derelict vessel removal program, shall develop and
3 administer a pilot vessel amnesty disposal program.

4 (2) The purpose of the pilot vessel amnesty disposal program is to
5 allow the department to dismantle and dispose of vessels that pose a
6 high risk of becoming a derelict vessel or abandoned vessel, but that
7 do not yet meet the definition of "derelict vessel" or "abandoned
8 vessel" as those terms are defined under RCW 79.100.010. The
9 department of natural resources shall seek to dismantle and dispose of
10 as many vessels as possible, particularly those posing the greatest
11 risk of becoming abandoned or derelict in the future.

12 (3) In determining the geographic scope of the pilot vessel amnesty
13 disposal program, the department of natural resources shall consider
14 the purpose of the pilot program set forth in subsection (2) of this
15 section. In particular, the department shall give consideration to
16 counties that have experienced the highest number of vessels on the
17 department's inventory of abandoned and derelict vessels, regardless of
18 whether or not the vessels have been removed.

19 (4) The department of natural resources shall disseminate
20 information about the pilot vessel amnesty disposal program, including
21 information about the application process, on its internet site and
22 through appropriate agency publications and information sources as
23 determined by the department. The department shall disseminate such
24 information during and for a reasonable time prior to accepting
25 applications, as determined by the department.

26 (5) The department of natural resources shall accept and review
27 pilot vessel amnesty disposal program applications from eligible vessel
28 owners during the period or periods identified by the department. To
29 be eligible for the pilot vessel amnesty disposal program, an applicant
30 must demonstrate to the department's satisfaction that the applicant:

31 (a) Is a Washington state resident;

32 (b) Owns a vessel that is in an advanced state of disrepair, has no
33 material value, and has a high likelihood of becoming an abandoned or
34 derelict vessel as those terms are defined under RCW 79.100.010; and

35 (c) Has insufficient resources to properly dispose of the vessel
36 outside of the pilot vessel amnesty disposal program.

37 (6) The department of natural resources may take other actions not

1 inconsistent with this section in order to develop and administer the
2 pilot vessel amnesty disposal program.

3 (7) The department of natural resources must provide a brief
4 summary of the pilot vessel amnesty disposal program to the appropriate
5 committees of the senate and house of representatives by September 1,
6 2011, to include information about applications for the pilot vessel
7 amnesty disposal program, the vessels disposed of, and a recommendation
8 whether the pilot vessel amnesty disposal program should be made
9 permanent.

10 NEW SECTION. **Sec. 3.** The department of natural resources may
11 expend two hundred thousand dollars, or as much thereof as may be
12 necessary, from any moneys appropriated to the department from the
13 derelict vessel removal account in the omnibus appropriations act for
14 the biennium ending June 30, 2011, for the purposes of this act.

15 **Sec. 4.** RCW 79.100.100 and 2007 c 342 s 4 are each amended to read
16 as follows:

17 (1) The derelict vessel removal account is created in the state
18 treasury. All receipts from RCW 79.100.050 and 79.100.060 and those
19 moneys specified in RCW 88.02.030 and 88.02.050 must be deposited into
20 the account. The account is authorized to receive fund transfers and
21 appropriations from the general fund, deposits from the derelict vessel
22 removal surcharge under RCW 88.02.270, as well as gifts, grants, and
23 endowments from public or private sources as may be made from time to
24 time, in trust or otherwise, for the use and benefit of the purposes of
25 this chapter and expend the same or any income according to the terms
26 of the gifts, grants, or endowments provided those terms do not
27 conflict with any provisions of this section or any guidelines
28 developed to prioritize reimbursement of removal projects associated
29 with this chapter. Moneys in the account may only be spent after
30 appropriation. Expenditures from the account shall be used by the
31 department: (a) To reimburse authorized public entities for up to
32 ninety percent of the total reasonable and auditable administrative,
33 removal, disposal, and environmental damage costs of abandoned or
34 derelict vessels when the previous owner is either unknown after a
35 reasonable search effort or insolvent; and (b) until June 30, 2011, for
36 the purposes of the pilot vessel amnesty disposal program authorized

1 under this act. Reimbursement shall not be made unless the department
2 determines that the public entity has made reasonable efforts to
3 identify and locate the party responsible for the vessel, regardless of
4 the title of owner of the vessel. Funds in the account resulting from
5 transfers from the general fund or from the deposit of funds from the
6 watercraft excise tax as provided for under RCW 82.49.030 shall be used
7 to reimburse one hundred percent of these costs and should be
8 prioritized for the removal of large vessels. Costs associated with
9 removal and disposal of an abandoned or derelict vessel under the
10 authority granted in RCW 53.08.320 also qualify for reimbursement from
11 the derelict vessel removal account. In each biennium, up to twenty
12 percent of the expenditures from the account may be used for
13 administrative expenses of the department of licensing and department
14 of natural resources in implementing this chapter.

15 (2) If the balance of the account reaches one million dollars as of
16 March 1st of any year, exclusive of any transfer or appropriation of
17 funds into the account or funds deposited into the account collected
18 under RCW 88.02.270, the department must notify the department of
19 licensing and the collection of any fees associated with this account
20 must be suspended for the following fiscal year.

21 (3) Priority for use of this account is for the removal of derelict
22 and abandoned vessels that are in danger of sinking, breaking up, or
23 blocking navigation channels, or that present environmental risks such
24 as leaking fuel or other hazardous substances. The department must
25 develop criteria, in the form of informal guidelines, to prioritize
26 removal projects associated with this chapter, but may not consider
27 whether the applicant is a state or local entity when prioritizing.
28 The guidelines must also include guidance to the authorized public
29 entities as to what removal activities and associated costs are
30 reasonable and eligible for reimbursement.

31 (4) The department must keep all authorized public entities
32 apprized of the balance of the derelict vessel removal account and the
33 funds available for reimbursement. The guidelines developed by the
34 department must also be made available to the other authorized public
35 entities. This subsection (4) must be satisfied by utilizing the least
36 costly method, including maintaining the information on the
37 department's internet web site, or any other cost-effective method.

1 (5) An authorized public entity may contribute its ten percent of
2 costs that are not eligible for reimbursement by using in-kind
3 services, including the use of existing staff, equipment, and
4 volunteers.

5 (6) This chapter does not guarantee reimbursement for an authorized
6 public entity. Authorized public entities seeking certainty in
7 reimbursement prior to taking action under this chapter may first
8 notify the department of their proposed action and the estimated total
9 costs. Upon notification by an authorized public entity, the
10 department must make the authorized public entity aware of the status
11 of the fund and the likelihood of reimbursement being available. The
12 department may offer technical assistance and assure reimbursement for
13 up to two years following the removal action if an assurance is
14 appropriate given the balance of the fund and the details of the
15 proposed action.

16 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act expire June
17 30, 2011.

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