

HOUSE BILL REPORT

HB 1753

As Reported by House Committee On:

Agriculture and Natural Resources

Title: An act relating to changing certain notice provisions in the derelict vessel removal program.

Brief Description: Changing certain notice provisions in the derelict vessel removal program.

Sponsors: Representatives Bronoske, Leavitt and Reed.

Brief History:

Committee Activity:

Agriculture and Natural Resources: 2/14/23, 2/17/23 [DPS].

Brief Summary of Substitute Bill

- Provides that notice of intent to obtain custody of a derelict vessel must be mailed 10 days, rather than 20 days, prior to taking custody of the derelict vessel.
- Provides that notice of intent to obtain custody of a derelict vessel must be posted on the vessel 15 days, rather than 30 days, prior to taking custody of the derelict vessel.
- Provides that notice of intent to obtain custody of a derelict vessel no longer needs to be published in a newspaper prior to taking custody of the derelict vessel.

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba, Kretz, Lekanoff, Orcutt, Schmick and Springer.

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

Staff: Robert Hatfield (786-7117).

Background:

The Derelict Vessel Removal Program (DVRP) is administered by the Department of Natural Resources (DNR). Under the DVRP, certain authorized public entities, including the DNR and most public agencies that own or manage aquatic lands, may take custody and dispose of abandoned or derelict vessels on aquatic lands within their jurisdiction. The owner of an abandoned or derelict vessel is responsible for the cost of removal and disposal of the vessel.

Before an authorized public entity may take custody of a derelict vessel, the public entity must take certain steps, including:

- mailing notice of its intent to obtain custody of the vessel at least 20 days prior to taking custody;
- posting notice of its intent clearly on the vessel for 30 days; and
- publishing its intent at least once in a newspaper of general circulation for the county in which the vessel is located.

Summary of Substitute Bill:

Notice of intent to obtain custody of a derelict vessel must be mailed 10 days, rather than 20 days, prior to taking custody of the derelict vessel.

Notice of intent must be posted on the derelict vessel 15 days, rather than 30 days, prior to taking custody of the derelict vessel.

Notice of intent no longer needs to be published in a newspaper prior to taking custody of the derelict vessel.

Substitute Bill Compared to Original Bill:

The substitute bill removes language that would have authorized the notice of intent to obtain custody of a derelict vessel to be emailed to the last known owner.

The substitute bill removes language that would have shortened the timeline to request a hearing to appeal the seizure of a derelict vessel from 30 days to 15 days.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The 30-day waiting period before a public entity may take custody of a derelict vessel is a little too long. It is not good to have a boat tied to the dock for a month when it is clearly an abandoned vessel.

One marina in the central Puget Sound region attracts thousands of vessels each year, many of which end up being derelict vessels. These vessels pose a threat to staff and to users of the marinas. The 30-day waiting period exacerbates the risk posed by these vessels.

It is valuable to have the provision of the bill that would allow for emailing the notice of intent to take custody of a derelict vessel. The 15-day notice period in the bill will help clean up public nuisances. The derelict vessel removal program (DVRP) should be expanded to apply to more than public entities; it should also apply to private properties, such as private tidelands or private marinas.

The bill makes the DVRP process more efficient while protecting due process rights. There are a few technical changes that would be helpful.

(Opposed) None.

Persons Testifying: Representative Dan Bronoske, prime sponsor; Joe Brady, Metro Parks Tacoma; Alex Wilsie, Tacoma Fire Department; Brian Considine and Troy Wood, Department of Natural Resources; and Bob Wise, Recreational Boating Association of Washington.

Persons Signed In To Testify But Not Testifying: None.