

## CONCURRENCE IN SENATE AMENDMENTS

AB 1323 (Frazier)

As Amended June 10, 2015

Majority vote

ASSEMBLY: 74-0 (May 22, 2015) SENATE: 40-0 (September 8, 2015)

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Original Committee Reference: **NAT. RES.**

**SUMMARY:** Authorizes a public agency to remove and dispose of marine debris after 10 days if the marine debris is floating, sunk, partially sunk, or beached in or on a public waterway, public beach, or on state tidelands or submerged lands, as specified.

**The Senate amendments** are technical and clarifying.

**EXISTING LAW:**

## 1) Pursuant to the Public Resources Code:

- a) Authorizes the State Lands Commission (SLC) to remove vessels located on state lands under specified conditions.
- b) Authorizes SLC to remove and dispose of an abandoned or derelict vessel on a navigable waterway that is not under the jurisdiction of SLC, if requested by the public entity that has regulatory authority over the area in which the vessel is located.
- c) Defines "vessel" as:
  - i) A vessel, boat, raft, or similar watercraft;
  - ii) A buoy, anchor, mooring, or other ground tackles used to secure a vessel, boat, raft, or similar watercraft; or,
  - iii) A hulk, derelict, wreck, or parts of a ship, vessel, or other watercraft.

## 2) Pursuant to the Harbors and Navigation Code:

- a) Requires the sheriff of any county in which wrecked property is found, when no person entitled to the possession appears, to take possession of it, have it independently appraised, and safely store it for the owner. Establishes timelines and guidelines for managing wrecked property that is not claimed.
- b) States that any hulk, derelict, wreck, or parts of any ship, vessel, or other watercraft sunk, beached, or allowed to remain in an unseaworthy or dilapidated condition upon publicly owned submerged lands, salt marsh, or tidelands without consent for longer than 30 days is abandoned property.
- c) Authorizes a local government to take title of the abandoned property for purposes of abatement, as specified. Establishes requirements for the collection of property tax and sale of abandoned property.

- d) Authorizes removal of abandoned property by a peace officer to remove and, if necessary, store a vessel removed from a public waterway under specified conditions.
  - e) Authorizes the public entity to pursue cost recovery in any court in the state.
  - f) Prohibits a person from abandoning a vessel upon a public waterway or public or private property without the express consent of the owner, except for immediate safety concerns.
- 3) Establishes the Abandoned Watercraft Abatement Fund (AWAF), administered by the Department of Boating and Waterways, to provide grants to local agencies to remove, store, and dispose of abandoned, wrecked, or dismantled recreational vessels which pose a substantial hazard to navigation.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:** The state has experienced an increase in the amount of watercraft being abandoned in state waterways over the last several years. Boats are some of the most expensive luxury items to maintain and store, and unlike other luxury goods cannot be disposed of easily or cheaply. An August 2010 Petaluma *Argus-Courier* article reported that some boat owners were selling vessels for as little as one-dollar to avoid the cost of removing their boats from California waterways and properly disposing of the vessel. Even more distressing, the *Argue-Courier* noted that an underground “scuttle” economy has developed whereby a boat owner pays individuals to strip a boat of all usable material and identifiable markings then dump the boat in a public waterway.

Abandoned boats, especially those that capsize and sink, can interfere with boating traffic and damage operational vessels attempting to navigate a waterway. More troublesome, abandoned boats that begin to deteriorate can leach toxic chemicals or fuel into state waterways. Removing these vessels is difficult, potentially dangerous, and expensive. To ensure that a boat does not further deteriorate and expose salvage crews or the local environment to toxic chemicals, salvage efforts take significant time and require great care and effort. The sooner an abandoned boat is removed from the waterway, the less likely it is to pose harm to the environment and salvage crews.

Currently, there are processes in place to allow SLC and local authorities to remove vessels from state and public waterways, under certain conditions. However, such removals are expensive, and the process is lengthy, which often results in it only being used for intact vessels with clear ownership markings. The state has taken action to assist with the cost by establishing the AWAF, which provides grants to local public agencies for the removal of abandoned vessels and other navigational hazards. The grants cover the costs of removal, storage, and disposal of abandoned vessels. This bill addresses the remaining barrier to local public entities by streamlining the process for the removal of marine debris.