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REPRESENTATIVE PAUL SEATON HOUSE DISTRICT 30

Sponsor Statement

HB 131

HB 131 assists state agencies and municipalities with the problem of derelict and abandoned vessels in Alaska. Derelict vessels can be a very costly problem for the state. Sunken derelict vessels present environmental and navigation hazards requiring removal, the cost of which often falls on state agencies and municipalities. Abandoned vessels in harbors create a large problem for municipalities and take up valuable moorage space. HB 131 would provide state agencies and municipalities with authority in statute to address abandoned and derelict vessels.

During the past 20 years, the state has transferred ownership of most of the state-owned harbors to local municipalities. Municipal harbor masters often find themselves without sufficient legal authority to deal with abandoned and derelict vessels left in these harbor facilities. Some local municipal governments do not have the legal and financial resources to create or change codes to protect themselves from the liabilities and hazards of abandoned and derelict vessels. HB 131 provides clear authorization for municipalities to respond to abandoned and derelict vessels.

Current derelict vessel statute at AS 30.30 puts the primary duty to handle derelict vessels on the Department of Transportation and Public Facilities (DOT&PF). DOT&PF has not historically been funded to establish a derelict vessel program. The Department of Natural Resources (DNR) has responsibility for clean-up activities when an abandoned vessel is on state submerged land or state tideland. Often DNR relies on state criminal trespass statutes in their efforts to remove abandoned and derelict vessels from state submerged land. For DNR to perform

work under the Abandoned and Derelict Vessel statute, they must receive a delegation of authority from DOT&PF which can create time delays in performing necessary clean-up activities. HB 131 broadens to abandoned and derelict vessel statute from DOT&PF to “a state agency”. This provides agencies such as DNR and the Department of Environmental Conservation with a greater ability to quickly respond to individual derelict vessel situations.

HB 131 also creates a requirement that if a vessel has been denied entrance to a harbor due to its derelict status, the vessel may not be stored in state waters for more than two weeks unless all of the petroleum products and hazardous materials have been removed. The two-week timeline is consistent with the current DNR requirement that an anchored vessel receive authorization to be stored in state waters for more than two weeks.