

Senate Bill 795

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes laws about the cleanup of marine vessels that have been left alone or that are in bad shape. (Flesch Readability Score: 100.0).

Modifies the meaning of terms used for purposes of the abandoned and derelict vessel laws.

Clarifies that an authorized agency may remove and dispose of marine debris without notice.

Creates the offense of abandoning a vessel. Punishes by a maximum fine of \$2,000. Expands the offense of possession of a derelict vessel.

Authorizes the Director of the Department of State Lands to procure or supervise the procurement of goods, services and personal services related to the removal of abandoned and derelict vessels.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to marine cleanup; amending ORS 274.376, 279A.050, 830.908, 830.911, 830.918, 830.923,
3 830.933, 830.936, 830.938, 830.940, 830.944 and 830.948; repealing ORS 830.928 and 830.931; and
4 prescribing an effective date.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 830.908 is amended to read:

7 830.908. As used in ORS 830.908 to 830.948:

8 (1) "Abandoned vessel" means a vessel that has been left without authorization **and is** on public
9 or private land, the waters of this state, or any other water **without authorization**.

10 (2) "Authorized agency" means a law enforcement agency, a federal agency, the State
11 Marine Board or any other public body, as defined in ORS 174.109.

12 [(2)] (3) "Business day" means any day other than a Saturday, a Sunday or a legal holiday as
13 described in ORS 187.010.

14 [(3)] (4) "Derelict vessel" means a vessel that is on the waters of this state **or is in such close**
15 **proximity to the waters of this state that the vessel is likely to enter the water** and that is:

16 (a) Sunk or in imminent danger of sinking;

17 (b) Obstructing a waterway;

18 (c) Endangering life or property; [or]

19 (d) In such dilapidated condition that it is in danger of becoming [*a significant*] **an** environmental
20 hazard [*as evidenced by repeated and documented instances of leaking fuel, sewage or other*
21 *pollutants.*]; **or**

22 (e) **Likely to meet one of the conditions listed in this subsection if the vessel enters the**
23 **water.**

24 [(4) "*Enforcement agency*" means a law enforcement agency, a federal agency, the State Marine
25 Board or any other public body, as defined in ORS 174.109, that has responsibility for land or water

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 *on which an abandoned vessel or a derelict vessel is located.]*

2 (5) **“Marine debris” has the meaning given that term in ORS 274.376.**

3 [(5)] (6) **“Owner” means a person who [has a property interest in a vessel] is listed as the owner**
4 **of a vessel in the records of the State Marine Board or another state agency.**

5 [(6)(a)] (7)(a) **“Vessel” means a boat, a boathouse as defined in ORS 830.700, a floating home as**
6 **defined in ORS 830.700, or any other floating structure that is normally secured to a pier or pilings.**

7 (b) **“Vessel” does not include:**

8 (A) A dock as defined in ORS 307.120;

9 (B) **A boat that is no longer capable of being used as a means of transportation on the**
10 **water due its dilapidated condition; or**

11 (C) **Any structure or component of a structure that, in its current state, does not meet**
12 **the definition of boathouse or floating home in ORS 830.700.**

13 **SECTION 2.** ORS 274.376 is amended to read:

14 274.376. As used in ORS 274.376 to 274.388:

15 (1) **“Abandoned structure” means a structure that has been left without authorization on, under**
16 **or over state-owned submerged or submersible lands.**

17 [(2) *“Abandoned vessel” has the meaning given that term in ORS 830.908.*]

18 [(3)] (2) **“Derelict structure” means a structure that is on, under or over state-owned submerged**
19 **or submersible lands and that is:**

20 (a) Sunk or in imminent danger of sinking due to its dilapidated condition;

21 (b) Obstructing a waterway;

22 (c) Endangering life or property; or

23 (d) In dilapidated condition such that it is in danger of becoming an environmental hazard [*as*
24 *evidenced by instances of leaking fuel, sewage or other pollutants*].

25 [(4) *“Derelict vessel” has the meaning given that term in ORS 830.908.*]

26 [(5)] (3) **“Marine debris” means any manufactured or processed solid material, or a boat, as**
27 **defined in ORS 830.700, that is no longer capable of being used as a means of transportation**
28 **on the water due its dilapidated condition, that:**

29 (a) Persists in the marine environment; and

30 (b) Is disposed of or abandoned, either with intention or unintentionally, in **or in close prox-**
31 **imity to** any waters of which the submersible or submerged lands belong to the State of Oregon.

32 [(6)] (4) **“Owner” means a person who has a property interest in a structure [or vessel].**

33 **SECTION 3.** ORS 830.911 is amended to read:

34 830.911. [(1) *An enforcement agency may seize a vessel as an abandoned vessel if:*]

35 [(a) *The enforcement agency has probable cause to believe the vessel is an abandoned vessel; and*]

36 [(b) *An owner does not move the vessel to a place where the vessel can be lawfully kept within the*
37 *time specified in the notice given under ORS 830.918, or within such additional time as may be speci-*
38 *fied in an order issued under ORS 830.936 (6).*]

39 [(2) *An enforcement agency may seize a vessel as a derelict vessel if:*]

40 [(a) *The enforcement agency has probable cause to believe the vessel is a derelict vessel and the*
41 *enforcement agency documented the facts supporting that belief; and*]

42 [(b) *The owner does not correct the problems identified in the notice given under ORS 830.918*
43 *within the time specified in the notice, or within such additional time as may be specified in an order*
44 *issued under ORS 830.936 (6).*]

45 [(3) *A vessel may be seized as a derelict vessel by reason of an imminent danger of sinking only*

1 *if the enforcement agency has documented the facts supporting the belief that the vessel is in imminent*
 2 *danger of sinking.]*

3 *[(4) If an enforcement agency has probable cause to believe a vessel is an abandoned vessel or a*
 4 *derelict vessel, the enforcement agency may:]*

5 *[(a) Secure the vessel in such a manner as to prevent harm to life or damage to property or to*
 6 *prevent the vessel from becoming a hazard to navigation.]*

7 *[(b) Take action to mitigate any imminent environmental threat the vessel poses.]*

8 *[(c) Salvage, tow and store the vessel.]*

9 **(1) If an authorized agency has probable cause to believe a vessel is an abandoned vessel**
 10 **or a derelict vessel, the enforcement agency may take any of the following actions:**

11 **(a) Initiate seizure of the vessel.**

12 **(b) Secure the vessel in such a manner as to prevent harm to life or damage to property**
 13 **or to prevent the vessel from becoming a hazard to navigation.**

14 **(c) Take action to mitigate any imminent environmental threat the vessel poses.**

15 **(d) Tow and store the vessel.**

16 **(2) When an authorized agency takes action as described in subsection (1)(b), (c) or (d)**
 17 **of this section, the agency shall make a good faith effort to contact the owner of the vessel.**

18 **(3) An authorized agency that seizes an abandoned vessel or derelict vessel shall give**
 19 **notice before the vessel is seized as provided in ORS 830.918.**

20 *[(5)] (4) If an [enforcement] authorized agency has probable cause to believe a vessel is an*
 21 *abandoned vessel, the [enforcement] authorized agency may enter and inspect the interior of the*
 22 *vessel, and objects in plain view within the interior of the vessel, only to the extent necessary to*
 23 *identify the owners of the vessel.*

24 *[(6)] (5) If an [enforcement] authorized agency has probable cause to believe a vessel is a dere-*
 25 *lict vessel by reason of endangering life or property, or by reason of being in danger of becoming*
 26 *an environmental hazard, the [enforcement] authorized agency may enter and inspect the interior*
 27 *of the vessel, objects in plain view within the interior of the vessel, and closed compartments within*
 28 *the interior of the vessel, only to the extent necessary to determine whether the vessel endangers*
 29 *life or property, or is in danger of becoming an environmental hazard.*

30 *[(7)] (6) An Oregon State Police officer, a sheriff, a deputy sheriff or a municipal police officer*
 31 *may enter privately owned land for the purpose of determining whether a vessel is abandoned only*
 32 *with the consent of the landowner.*

33 **SECTION 4.** ORS 830.918 is amended to read:

34 830.918. (1) *[Except as provided in ORS 830.923,]* At least 10 business days before seizing an
 35 abandoned vessel or a derelict vessel an *[enforcement] authorized* agency shall provide notice by:

36 (a) Attaching a notice to the vessel; **and**

37 **(b) If the vessel has or had a certificate under ORS 830.770 or 830.775 and the identifying**
 38 **numbers on the boat are clearly visible and legible as required under ORS 830.780, serve no-**
 39 **tice by first class mail or, if requested by the recipient of the notice, by electronic mail, to**
 40 **the owners.**

41 *[(b) If the vessel has or had a certificate under ORS 830.770 or 830.775, mailing notice to the*
 42 *persons last shown as owners of the vessel in the records of the State Marine Board; and]*

43 *[(c) Mailing notice to any other person for whom the enforcement agency has obtained a mailing*
 44 *address and who the enforcement agency has reason to believe is an owner of the vessel.]*

45 (2) The notice required under this section must include:

1 (a) The name, **mailing** address and telephone number of the *[enforcement]* **authorized** agency.

2 (b) A statement indicating whether the *[enforcement]* **authorized** agency proposes to seize the
3 vessel by reason of being an abandoned vessel, a derelict vessel, or both.

4 (c) The *[time]* **date** by which the owner must act to *[avoid having the vessel seized]* **prevent**
5 **seizure of the vessel by the authorized agency.**

6 *[(d) A statement indicating that if the vessel is seized, the owner will be liable for the costs of*
7 *salvage, towing and storage of the vessel.]*

8 **(d) A statement indicating:**

9 **(A) That if the vessel is seized, the vessel and personal property left inside the vessel**
10 **may be destroyed or sold and the owner may be liable for the costs of salvage, towing,**
11 **storage and disposal of the vessel and personal property left inside the vessel;**

12 **(B) The amount of the costs that have accrued as of the date the notice is sent; and**

13 **(C) An estimate of the final costs.**

14 *[(e) A statement indicating that if the vessel is seized the vessel may be destroyed or sold if the*
15 *costs of salvage, towing, storage and disposal are not paid.]*

16 *[(f)]* (e) A statement indicating the owner may request a hearing before the *[enforcement]* **au-**
17 **thorized** agency seizes the vessel, and the time and manner in which a request may be made.

18 **(f) A statement that the vessel will be seized unless the problems identified in the notice**
19 **are remedied and the vessel is moved to a place where it can be lawfully kept within the**
20 **specified time frame. The vessel and the personal property left inside may be immediately**
21 **reclaimed by establishing to the agency's satisfaction proof of ownership or right to pos-**
22 **session and payment of the costs that have accrued.**

23 **(g) A statement that the owner may be cited for abandoning a vessel or possession of a**
24 **derelict vessel under ORS 830.944.**

25 *[(3) In addition to the requirements of subsection (2) of this section, if an enforcement agency pro-*
26 *poses to seize a vessel by reason of being an abandoned vessel the notice required by this section must*
27 *indicate that:]*

28 *[(a) The vessel will be seized unless the owner moves the vessel to a place where the vessel can*
29 *be lawfully kept within the time specified in the notice; and]*

30 *[(b) The owner may be cited for failure to remove an abandoned vessel if the owner fails to move*
31 *the vessel to a place where the vessel can be lawfully kept within the time specified in the notice.]*

32 *[(4) In addition to the requirements of subsection (2) of this section, if an enforcement agency pro-*
33 *poses to seize a vessel by reason of being a derelict vessel the notice required by this section must in-*
34 *dicat e:]*

35 *[(a) The reason or reasons that the enforcement agency believes that the vessel is a derelict*
36 *vessel;]*

37 *[(b) That the vessel will be seized unless either the problems identified in the notice are remedied*
38 *within the time specified in the notice; and]*

39 *[(c) That the owner may be cited for possession of a derelict vessel if the owner fails to remedy the*
40 *problems identified in the notice within the time specified in the notice.]*

41 *[(5)]* **(3)** An owner of a vessel may request a hearing before an *[enforcement]* **authorized** agency
42 seizes a vessel under ORS 830.908 to 830.948 by submitting a request for a hearing **within the time**
43 **frame specified by the authorized agency, which must be at least** *[to the enforcement agency not*
44 *more than]* 10 business days after the notice required by this section is given. The request must in-
45 dicate *[if the owner contends that the vessel is not abandoned or derelict, or indicate such other]* spe-

1 cific grounds on which seizure of the vessel is challenged.

2 **SECTION 5.** ORS 830.923 is amended to read:

3 830.923. **An authorized agency may immediately remove and dispose of marine debris**
4 **without notice.** [(1) *Nothing in ORS 830.908 to 830.948 affects the ability of an enforcement agency*
5 *to immediately seize without notice a vessel that presents a hazard to navigation or an imminent threat*
6 *to public health or safety.*]

7 [(2) *If an enforcement agency seizes without notice a vessel that presents a hazard to navigation*
8 *or an imminent threat to public health or safety, and the enforcement agency wishes to dispose of the*
9 *vessel under ORS 830.908 to 830.948, the enforcement agency shall provide notice as described in ORS*
10 *830.931.*]

11 **SECTION 6.** ORS 830.933 is amended to read:

12 830.933. (1) At any time before the date specified in the notice given pursuant to [ORS 830.931
13 (2)] **ORS 830.918**, any owner may reclaim the vessel **or personal property left inside the vessel**
14 by:

15 (a) Paying all costs incurred by the [enforcement] **authorized** agency in salvaging, towing and
16 storing the vessel **and the personal property left inside the vessel**; and

17 (b) Establishing to the satisfaction of the [enforcement] **authorized** agency that the owner is able
18 to move the vessel to a place where the vessel can be lawfully kept.

19 (2) If a vessel **is** seized under ORS 830.908 to 830.948 [*is not reclaimed in the manner provided*
20 *by this section*], title to the vessel and all personal property found in the vessel vests in the
21 [enforcement] **authorized** agency, and the [enforcement] **authorized** agency may sell or otherwise
22 dispose of the vessel and the property.

23 **SECTION 7.** ORS 830.936 is amended to read:

24 830.936. (1) If an owner of a vessel requests a [*preseizure*] hearing as provided in ORS 830.918
25 [(5)], the [enforcement] **authorized** agency may not seize the vessel until after the hearing.

26 (2) If an owner of a vessel requests a hearing as provided in ORS 830.918 [(5) or 830.931 (4)], the
27 [enforcement] **authorized** agency shall set a time for the hearing that is no more than [*seven*] **10**
28 business days after the [enforcement] **authorized** agency receives the request. The [enforcement]
29 **authorized** agency shall provide notice of the hearing to the person requesting the hearing, and to
30 all other persons [*described in ORS 830.918 (1)*] **who were given notice under ORS 830.918.**

31 (3) If an owner of a vessel requests a hearing **conducted** under this section and fails to appear
32 at the hearing, the owner is not entitled to another hearing **and the authorized agency shall seize**
33 **and dispose of the vessel and any personal property left inside as provided in ORS 830.933**
34 [*unless the owner shows good reasons to the enforcement agency for the person's failure to appear*].

35 (4) An [enforcement] **authorized** agency shall conduct a single hearing under this section for all
36 requests for hearing that relate to the same vessel.

37 [(5) *Hearings held under this section may be informal in nature, but the presentation of evidence*
38 *in a hearing shall be consistent with the standards for presentation of evidence under ORS 183.450.*]

39 [(6)] (5) If the notice given under ORS 830.918 indicates that the [enforcement] **authorized**
40 agency proposes to seize a vessel by reason of being an abandoned vessel, and the owner of a vessel
41 requests a [*preseizure*] hearing under ORS 830.918 [(5)], the owner may present a plan of action for
42 moving the vessel to a place where the vessel can be lawfully kept. If the notice given under ORS
43 830.918 indicates that the [enforcement] **authorized** agency proposes to seize a vessel by reason of
44 being a derelict vessel, and the owner of a vessel requests a [*preseizure*] hearing under ORS 830.918
45 [(5)], the owner may present a plan of action for remedying the problems identified in the notice. If

1 the hearing officer approves the plan of action, the hearing officer by order may establish a time for
 2 moving the vessel, or remedying the problems, that is later than the time specified in the notice.
 3 If the hearing officer issues an order under this subsection, and the owner fails to move the vessel,
 4 or to remedy the problems, within the time allowed, the [enforcement] **authorized** agency may seize
 5 the vessel and take such other action authorized under ORS 830.908 to 830.948 without further no-
 6 tice to the owner or opportunity for hearing. *[except:]*

7 *[(a) Giving post-seizure notice under ORS 830.931; and]*

8 *[(b) If the owner requests a hearing under ORS 830.918 (5), allowing the owner to challenge the*
 9 *reasonableness of salvage, towing or storage costs as provided under ORS 830.931 (5).]*

10 *[(7) If the owner of a vessel requests a post-seizure hearing under ORS 830.931 (4) to challenge the*
 11 *reasonableness of costs incurred by the enforcement agency in salvaging, towing or storage of the ves-*
 12 *sel, costs that were incurred in compliance with laws, ordinances or rules establishing allowable costs*
 13 *for those purposes are reasonable as a matter of law.]*

14 *[(8)]* **(6)** If an [enforcement] **authorized** agency determines after a hearing under this section that
 15 seizure of the vessel is not warranted under the law, the [enforcement] **authorized** agency shall im-
 16 mediately release custody of the vessel **and the personal property inside the vessel** to the owner
 17 who requested the hearing and may not charge the owner any costs incurred by the agency in sal-
 18 vaging, towing or storage *[of the vessel]*.

19 *[(9)]* **(7)** If an [enforcement] **authorized** agency determines after a hearing under this section that
 20 seizure of the vessel is warranted, the [enforcement] **authorized** agency shall seize *[the vessel if the*
 21 *vessel has not already been seized]* and dispose of the vessel **and any personal property left inside**
 22 as provided in ORS 830.933.

23 *[(10)]* **(8)** An [enforcement] **authorized** agency shall mail a written statement of the
 24 [enforcement] **authorized** agency's determination to all owners who requested a hearing **conducted**
 25 under this section.

26 *[(11)]* **(9)** The hearing officer at a hearing under this section may be an officer, official or em-
 27 ployee of the [enforcement] **authorized** agency but may not have participated in any determination
 28 or investigation related to seizure of the vessel that is the subject of the hearing.

29 *[(12)]* **(10)** If the [enforcement] **authorized** agency conducting a hearing under this section is a
 30 state agency, the determination of the [enforcement] **authorized** agency is an order other than a
 31 contested case and is subject to review under ORS 183.484. If the [enforcement] **authorized** agency
 32 conducting a hearing under this section is not a state agency, judicial review of the order is as
 33 provided in ORS 34.010 to 34.100.

34 **SECTION 8.** ORS 830.938 is amended to read:

35 830.938. (1) Except as otherwise provided in ORS 830.908 to 830.948[.];

36 **(a)** The owner of an abandoned vessel or a derelict vessel is liable to an [enforcement] **author-**
 37 **ized** agency for all costs arising out of salvage, towing, storage and disposal of a vessel seized under
 38 ORS 830.908 to 830.948; **and**

39 **(b) If an authorized agency has probable cause to believe that a person other than the**
 40 **owner causes a vessel to be abandoned or derelict knowingly, intentionally, recklessly or with**
 41 **criminal negligence, as those terms are defined in ORS 161.085, that person may be held liable**
 42 **for all costs arising out of salvage, towing, storage and disposal of the vessel.**

43 **(2)** Any order imposing liability for those costs is subject to judicial review as provided in ORS
 44 830.936 *[(12)]* **(10).**

45 *[(2)]* **(3)** If an [enforcement] **authorized** agency sells a vessel seized under ORS 830.908 to 830.948,

1 the liability imposed under this section shall be reduced by the net proceeds of the sale.

2 [(3)] (4) Except for costs of reclaiming a vessel under ORS 830.933 (1), an owner of a vessel
 3 whose only interest in the vessel is a security interest is not liable for costs arising out of salvage,
 4 towing, storage and disposal of a vessel under ORS 830.908 to 830.948.

5 **SECTION 9.** ORS 830.940 is amended to read:

6 830.940. An [enforcement] **authorized** agency may enter into a contract with any person to carry
 7 out the provisions of ORS 830.908 to 830.948 on behalf of the [enforcement] **authorized** agency.

8 **SECTION 10.** ORS 830.944 is amended to read:

9 830.944. (1) **A person commits the offense of abandoning a vessel if the person leaves a**
 10 **vessel without authorization on public or private land, the waters of this state, or any other**
 11 **water.**

12 [(1)] (2) A person commits the offense of failure to remove an abandoned vessel if the person is
 13 the owner of an abandoned vessel and, after notice is given under ORS 830.918, the person fails to
 14 move the vessel to a place where the vessel can be lawfully kept within the time specified in the
 15 notice, or within the time allowed under an order issued under ORS 830.936 [(6)] (5).

16 [(2)] (3) A person commits the offense of possession of a derelict vessel if:

17 (a) The person is the owner of a derelict vessel and, after notice is given under ORS 830.918,
 18 the person fails to remedy the problems identified in the notice within the time specified in the no-
 19 tice, or within the time allowed under an order issued under ORS 830.936 [(6)] (5); **or**

20 (b) **The person in possession or control of a vessel knowingly, intentionally, recklessly**
 21 **or with criminal negligence, as those terms are defined in ORS 161.085, causes a vessel to**
 22 **become a derelict vessel.**

23 [(3) *An owner of a vessel does not violate this section if the owner's only interest in the vessel is*
 24 *a security interest.*]

25 **SECTION 11.** ORS 830.948 is amended to read:

26 830.948. (1) The Salvaged Vessel Subaccount is established within the Boating Safety, Law
 27 Enforcement and Facility Account created under ORS 830.140. The subaccount shall consist of
 28 moneys deposited into the subaccount by the State Marine Board from fees collected pursuant to
 29 ORS 830.790 and 830.850. The moneys in the subaccount are continuously appropriated to the board
 30 for the purposes specified in this section.

31 (2) The board may not deposit more than \$150,000 per biennium into the Salvaged Vessel Sub-
 32 account and may not retain more than \$150,000 in the subaccount at any time. After the board has
 33 deposited \$150,000 into the subaccount under this subsection or any time there is more than \$150,000
 34 in the subaccount, any remaining moneys from fees collected pursuant to ORS 830.790 and 830.850
 35 shall be deposited in the Boating Safety, Law Enforcement and Facility Account.

36 (3) The board may use the moneys in the Salvaged Vessel Subaccount to pay the expenses of the
 37 board in implementing ORS 830.908 to 830.948 that are associated with the salvage, towing, storage
 38 and disposal of:

39 (a) Vessels other than boats that are abandoned vessels or derelict vessels; [and]

40 (b) Vessels that are boats of less than 200 gross tons; **and**

41 (c) **Marine debris.**

42 (4) The board may use the moneys in the Salvaged Vessel Subaccount to pay an [enforcement]
 43 **authorized** agency for no more than 90 percent of the costs of salvage, towing, storage and cleanup
 44 of an abandoned vessel or a derelict vessel that has or had a certificate under ORS 830.770 or
 45 830.775 and that is:

1 (a) A boat of less than 200 gross tons; or

2 (b) Any other abandoned vessel or derelict vessel that is not a boat.

3 (5) The board may use the moneys in the Salvaged Vessel Subaccount to pay an [*enforcement*]
4 **authorized** agency for no more than 75 percent of the costs of salvage, towing, storage and cleanup
5 of an abandoned vessel or a derelict vessel that has never had a certificate under ORS 830.770 or
6 830.775 and that is:

7 (a) A boat of less than 200 gross tons; or

8 (b) Any other abandoned vessel or derelict vessel that is not a boat.

9 (6) The board may reimburse an [*enforcement*] **authorized** agency under subsection (4) or (5) of
10 this section for costs associated with an abandoned vessel or a derelict vessel only if the [*enforce-*
11 *ment*] **authorized** agency complied with ORS 830.908 to 830.948 in seizing the vessel.

12 (7) The board may use the moneys in the Salvaged Vessel Subaccount to award grants to the
13 state, a city, a county, a water improvement district, a park and recreation district or a port as
14 provided in ORS 830.150 for the disposal of a vessel that has or had a certificate under ORS 830.770
15 or 830.775 and that the owner has surrendered to an accepting public agency if:

16 (a) The public agency has determined that the vessel was in danger of being an abandoned
17 vessel or a derelict vessel and was likely to cause damage to the environment or become a hazard
18 to navigation; and

19 (b) The decision to accept the vessel was based solely on the public agency's determination un-
20 der paragraph (a) of this subsection.

21 (8) The board may recover payments made from the Salvaged Vessel Subaccount from an owner
22 of a vessel who is liable for the costs of salvage, towing, storage and disposal under ORS 830.938.
23 The board shall deposit all funds recovered under this section into the subaccount in accordance
24 with the provisions of subsection (2) of this section.

25 **SECTION 12.** ORS 279A.050 is amended to read:

26 279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting
27 agency shall exercise all of the contracting agency's procurement authority in accordance with the
28 provisions of the Public Contracting Code.

29 (b) If a contracting agency has authority under this section to carry out functions described in
30 this section, or has authority to make procurements under a provision of law other than the Public
31 Contracting Code, the contracting agency need not exercise the contracting agency's authority in
32 accordance with the provisions of the code if, under ORS 279A.025, the code does not apply to the
33 contract or contracting agency.

34 (2)(a) Except as otherwise provided in paragraph (b) of this subsection and the Public Con-
35 tracting Code, for state agencies the Director of the Oregon Department of Administrative Services
36 has all the authority available to carry out the provisions of the Public Contracting Code.

37 (b) Except as otherwise provided in the Public Contracting Code, for state agencies the director
38 may delegate to the State Chief Information Officer the authority to procure or supervise the pro-
39 curement of all goods, services and personal services related to information technology and tele-
40 communications for state contracting agencies. This paragraph does not apply to contracts under
41 which the contractor delivers to the state agency information technology products or services inci-
42 dentally in performing a personal services contract described in ORS chapter 279C or a construction
43 contract described in ORS chapter 279C.

44 (3) Except as otherwise provided in the Public Contracting Code, the Director of Transportation
45 has all the authority available to:

1 (a) Procure or supervise the procurement of all services and personal services to construct, ac-
2 quire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking
3 facilities in connection with any public transportation system in accordance with ORS 184.689 (5);

4 (b) Procure or supervise the procurement of all goods, services, public improvements and per-
5 sonal services that relate to operating, maintaining or constructing highways, bridges and other
6 transportation facilities that are subject to the authority of the Department of Transportation; and

7 (c) Establish standards for, prescribe forms for and conduct the prequalification of prospective
8 bidders on public improvement contracts that relate to operating, maintaining or constructing
9 highways, bridges and other transportation facilities that are subject to the authority of the De-
10 partment of Transportation.

11 (4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has all
12 the authority to procure or supervise the procurement of goods, services and personal services re-
13 lated to programs under the authority of the Secretary of State.

14 (5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has all the
15 authority to procure or supervise the procurement of goods, services and personal services related
16 to programs under the authority of the State Treasurer.

17 (6) The state agencies listed in this subsection have all the authority to do the following in ac-
18 cordance with the Public Contracting Code:

19 (a) The Department of Human Services to procure or supervise the procurement of goods, ser-
20 vices and personal services under ORS 179.040 for the department's institutions and the procurement
21 of goods, services and personal services for constructing, demolishing, exchanging, maintaining, op-
22 erating and equipping housing for the purpose of providing care to individuals with intellectual
23 disabilities or other developmental disabilities, subject to applicable provisions of ORS 427.335;

24 (b) The Oregon Health Authority to procure or supervise the procurement of goods, services and
25 personal services under ORS 179.040 and construction materials, equipment and supplies for the
26 authority's institutions and the procurement of goods, services, personal services, construction ma-
27 terials, equipment and supplies for constructing, demolishing, exchanging, maintaining, operating
28 and equipping housing for individuals with chronic mental illness, subject to applicable provisions
29 of ORS 426.504;

30 (c) The State Department of Fish and Wildlife to procure or supervise the procurement of con-
31 struction materials, equipment, supplies, services and personal services for public improvements,
32 public works or ordinary construction described in ORS 279C.320 that is subject to the authority
33 of the State Department of Fish and Wildlife;

34 (d) The State Parks and Recreation Department to procure or supervise the procurement of all
35 goods, services, public improvements and personal services related to state parks;

36 (e) The Oregon Department of Aviation to procure or supervise the procurement of construction
37 materials, equipment, supplies, services and personal services for public improvements, public works
38 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon
39 Department of Aviation;

40 (f) The Oregon Business Development Department to procure or supervise the procurement of
41 all goods, services, personal services and public improvements related to its foreign trade offices
42 operating outside the state;

43 (g) The Housing and Community Services Department to procure or supervise the procurement
44 of goods, services and personal services that are unrelated to the department's duties prescribed in
45 ORS chapters 456 and 458, and not otherwise provided for by ORS 456.625 (19);

1 (h) The Department of Corrections to procure or supervise the procurement of construction
2 materials, equipment, supplies, services and personal services for public improvements, public works
3 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Depart-
4 ment of Corrections;

5 (i) The Department of Corrections, subject to any applicable provisions of ORS 279A.120,
6 279A.125, 279A.145 and 283.110 to 283.395, to procure or supervise the procurement of goods, ser-
7 vices and personal services under ORS 179.040 for its institutions;

8 (j) The Department of Veterans' Affairs to procure or supervise the procurement of real estate
9 broker and principal real estate broker services related to programs under the department's au-
10 thority;

11 (k) The Oregon Military Department to procure or supervise the procurement of construction
12 materials, equipment, supplies, services and personal services for public improvements, public works
13 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon
14 Military Department;

15 (L) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085
16 and 329.485 and the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802), to procure or
17 supervise the procurement of goods, services, personal services and information technology related
18 to student assessment;

19 (m) The Department of Early Learning and Care to procure or supervise the procurement of
20 goods, services, personal services and information technology related to the authority of the de-
21 partment or the Early Learning Council; and

22 (n) Any state agency to conduct a procurement when the agency is specifically authorized by
23 any provision of law other than the Public Contracting Code to enter into a contract.

24 (7)(a) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Depart-
25 ment of Administrative Services has exclusive authority, unless the director delegates the authority,
26 to procure or supervise the procurement of all price agreements on behalf of the state agencies
27 identified in subsection (6) of this section under which more than one state agency may order goods,
28 services or personal services.

29 (b) The director may delegate to the State Chief Information Officer the exclusive authority to
30 procure or supervise the procurement of all price agreements related to information technology and
31 telecommunications on behalf of the state agencies identified in subsection (6) of this section.
32 Notwithstanding any authority that a state agency may have under subsection (3) or (6) of this
33 section, the state agency may not establish a price agreement or enter into a contract for goods,
34 services or personal services without the approval of the director or the State Chief Information
35 Officer if the director or the State Chief Information Officer has established a price agreement for
36 the goods, services or personal services.

37 (c) The State Chief Information Officer may review any solicitation document for procuring in-
38 formation technology or telecommunications that a state agency intends to issue before the state
39 agency issues the solicitation document and may require the state agency to name the State Chief
40 Information Officer as a third-party beneficiary with full authority to enforce the terms and condi-
41 tions of any public contract for information technology or telecommunications. The State Chief In-
42 formation Officer must approve a state agency's procurement for information technology or
43 telecommunications if the procurement has an anticipated contract price of \$1 million or more. The
44 State Chief Information Officer may require the state agency to name the State Chief Information
45 Officer as the contracting party on behalf of the State of Oregon in a procurement for information

1 technology or telecommunications that has an anticipated contract price of \$1 million or more.

2 **(8) Except as otherwise provided in the Public Contracting Code, the Director of the De-**
3 **partment of State Lands has all the authority to procure or supervise the procurement of**
4 **goods, services and personal services related to the removal of abandoned vessels and dere-**
5 **lict vessels, as defined in ORS 830.908, and derelict structures as defined in ORS 274.376.**

6 **SECTION 13. ORS 830.928 and 830.931 are repealed.**

7 **SECTION 14. This 2025 Act takes effect on the 91st day after the date on which the 2025**
8 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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