

**SENATE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2243
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

June 12

1 On page 1 of the printed A-engrossed bill, line 2, after “183.705,” insert “184.615, 184.651,”.

2 In line 5, after “635.030,” insert “670.304, 670.306,”.

3 In line 7, after “726.125,” insert “776.105, 776.365,” and delete the third “and”.

4 In line 8, after “2005” insert “; and declaring an emergency”.

5 On page 30, after line 4, insert:

6 **“SECTION 48a. If Senate Bill 206 becomes law, section 48 of this 2007 Act (amending ORS**
7 **685.100) is repealed and ORS 685.100, as amended by section 4, chapter __, Oregon Laws 2007**
8 **(Enrolled Senate Bill 206), is amended to read:**

9 “685.100. (1) Upon approval of an application for a licensure, the Board of Naturopathic Exam-
10 iners shall issue a license certificate that shall be displayed at all times in the office of the person
11 to whom it was issued while the license is active.

12 “(2) A person holding an active license issued under this chapter may apply to the board for
13 license renewal. A completed renewal application consists of:

14 “(a) A completed board renewal form containing any information required by the board to de-
15 termine the applicant’s eligibility for license renewal;

16 “(b) Proof of compliance with continuing education requirements set by the board; and

17 “(c) Payment of the active license renewal fee established by the board under subsection (8) of
18 this section.

19 “(3) Failure to submit a completed renewal application annually by December 31, **or by such**
20 **date as may be specified by board rule**, shall result in the lapse of the license. A lapsed license
21 may be restored by the board upon receipt, *[by January 31]* **not more than 30 days after the li-**
22 **cence lapses**, of a completed renewal application and payment of the restoration fee under sub-
23 section (8) of this section.

24 “(4) A license that has lapsed for more than one month may be restored by the board upon
25 payment of the restoration fee established by the board and submission of a completed renewal ap-
26 plication and any other information required by the board.

27 “(5) A person holding an active license under this chapter may convert the license to inactive
28 status by meeting the requirements set by rule of the board and paying any required fees. A person
29 holding a license issued under this chapter who is at least 70 years of age and retired from the
30 practice of naturopathic medicine may convert the license to retired status by meeting the require-
31 ments set by rule of the board and paying any required fees.

32 “(6)(a) A person who chooses to allow a license to become inactive may file a written applica-
33 tion to reactivate a license that has been inactive for one year or less by paying the restoration fee
34 and the renewal fee for an active license and demonstrating compliance with ORS 685.102. A fee

1 paid to place the license in inactive status shall not be credited toward payment of the renewal fee
2 for an active license. The board may prorate the renewal fee.

3 “(b) A person who chooses to allow a license to become inactive may file a written application
4 to reactivate a license that has been inactive for more than one year by paying the renewal fee for
5 an active license and demonstrating compliance with the continuing education requirement set by
6 rule of the board under ORS 685.102 (6). The board may prorate the renewal fee.

7 “(7) The executive director of the board shall issue a renewal notice to each person holding a
8 license under this chapter [*by the first day of November of each year*] **at least 60 days before the**
9 **renewal application is due.**

10 “(8) The board shall assess fees for:

11 “(a) An initial license.

12 “(b) Examination.

13 “(c) Renewal of an active license.

14 “(d) Yearly renewal of an inactive or retired license.

15 “(e) Restoration of an inactive, lapsed or revoked license.

16 “(f) A certificate of special competency in natural childbirth.

17 “(g) A duplicate license.

18 “(h) A wall certificate.

19 “(i) Copies of public documents, mailing labels, lists and diskettes.

20 “(9) Subject to prior approval of the Oregon Department of Administrative Services and a report
21 to the Emergency Board prior to adopting the fees and charges, the fees and charges established
22 under this section shall not exceed the cost of administering the regulatory program of the board
23 pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative
24 Assembly within the board’s budget, as the budget may be modified by the Emergency Board.”.

25 On page 33, after line 12, insert:

26 “**SECTION 54a. If Senate Bill 168 becomes law, section 54 of this 2007 Act (amending ORS**
27 **696.530) is repealed and ORS 696.530, as amended by section 1, chapter 225, Oregon Laws 2007**
28 **(Enrolled Senate Bill 168), is amended to read:**

29 “696.530. (1) The license of an escrow agent expires **on** June 30 next after the date of issuance
30 [*if it is not renewed by July 1 of such year*] **or on such date as may be specified by rule of the**
31 **Real Estate Commissioner.** A license may be renewed by filing a renewal application in writing,
32 verified by the applicant and in the form prescribed by the [*Real Estate*] commissioner, and paying
33 the annual license fee for the next succeeding fiscal year.

34 “(2) The filing fees are:

35 “(a) For filing an original or a renewal application, \$300 for the main office and \$150 for each
36 branch office.

37 “(b) For filing an application for a duplicate copy of a license, upon satisfactory showing of loss
38 of the license, the sum of \$20.

39 “(c) For a name change or a change of address of an escrow agent, \$10 for the main office plus
40 \$10 for each affected branch office.

41 “(3) The commissioner, by rule, may provide an opportunity for the late renewal of an expired
42 escrow agent license by an applicant who fails to renew the license by [*July 1 as required in*] **the**
43 **date specified under** subsection (1) of this section.”.

44 On page 41, after line 36, insert:

45 “**SECTION 63.** ORS 776.105 is amended to read:

1 “776.105. (1) The Oregon Board of Maritime Pilots is established within the [*Department of*
2 *Transportation*] **Public Utility Commission of Oregon**, and shall consist of nine members appointed
3 by the Governor for terms of four years. The appointments of members of the board are subject to
4 confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

5 “(2) Three members of the board shall be public members, one of whom shall act as chairperson
6 of the board. The public members of the board may not:

7 “(a) During the preceding five years or during their terms of office, have any interest in the
8 ownership, operation or management of any tugs, cargo or passenger vessels or in the carriage of
9 freight or passengers by vessel;

10 “(b) During the preceding five years or during their terms of office, have any interest in any
11 association or organization represented under subsection (4) of this section or principally comprised
12 of persons engaged in commercial pursuits in the maritime industry as described in paragraph (a)
13 of this subsection in any capacity; or

14 “(c) Hold or have held a maritime pilot license issued by any state or federal authority.

15 “(3) Three members shall be licensees under this chapter. One member shall be a Columbia
16 River bar licensee, one member shall be a Columbia River licensee and one member shall be a Coos
17 Bay or Yaquina Bay licensee. A licensee member shall:

18 “(a) Have been licensed for more than three years under this chapter;

19 “(b) Be actively engaged in piloting; and

20 “(c) Be a resident of this state.

21 “(4) Except as provided in subsection (5) of this section, three members of the board shall, for
22 at least three years immediately preceding their appointment, have been and during their terms of
23 office be engaged in the activities of a person, as defined in ORS 174.100, that operates or represents
24 commercial oceangoing vessels.

25 “(5) The Governor may appoint a past or present employee or commissioner of a port to serve
26 on the board in lieu of one of the operators or representatives of a commercial oceangoing vessel
27 under subsection (4) of this section.

28 “(6)(a) The majority of members shall constitute a quorum for the transaction of all business if
29 at least one member of each group, as described in subsections (2), (3) and (4) of this section, is
30 present.

31 “(b) Notwithstanding paragraph (a) of this subsection, when the board fixes pilotage fees under
32 ORS 776.115 (5) a quorum shall consist of seven members.

33 “(c) Notwithstanding paragraph (a) of this subsection, for purposes of ORS 192.610 to 192.690 a
34 quorum shall consist of five members.

35 “(7) The [*Director of Transportation, or a designated representative, shall serve as an*] **commis-**
36 **sion may appoint a member of the commission, or a designee, as a nonvoting**, ex officio
37 member of the board [*but without the right to vote*].

38 “(8)(a) **The commission is responsible for the administrative oversight of the board. The**
39 **responsibilities of the commission include, but are not limited to:**

40 “(A) **Budgeting;**

41 “(B) **Financial management;**

42 “(C) **Record keeping;**

43 “(D) **Staffing;**

44 “(E) **Purchasing and contracting;**

45 “(F) **Collecting fees; and**

1 “(G) Compliance with rulemaking procedures set forth in ORS chapter 183.

2 “(b) In consultation with the board, the commission shall:

3 “(A) Fix the qualifications of and appoint an administrative officer for the board; and

4 “(B) Subject to the State Personnel Relations Law, fix the compensation of the adminis-
5 trative officer.

6 “**SECTION 64.** ORS 184.615 is amended to read:

7 “184.615. (1) The Department of Transportation is established.

8 “(2) The Department of Transportation shall consist of the Director of Transportation and all
9 personnel employed in the department. Except as otherwise provided in subsections (4) and (5) of
10 this section, for purposes of administration, subject to the approval of the Oregon Transportation
11 Commission, the director may organize and reorganize the department as the director considers
12 necessary to properly conduct the work of the department.

13 “(3) The department shall carry out policies adopted by the commission and all duties and re-
14 sponsibilities vested in it by law including, but not necessarily limited to, duties and responsibilities
15 concerning drivers and motor vehicles, highways, motor carriers, public transit, rail[,] **and** trans-
16 portation safety [*and the Oregon Board of Maritime Pilots*].

17 “(4) The director shall appoint an administrator for each area of critical concern to the de-
18 partment. The administrator shall be responsible for planning and operations in that area, for re-
19 lationships between the department and persons affected by the operations of the area, for advocacy
20 of the area within the department planning and operations processes and for such other duties as
21 may be provided by law. For purposes of this subsection, ‘area of critical concern’ includes, but is
22 not necessarily limited to, driver and motor vehicle services, highways, motor carriers, public
23 transit, rail[,] **and** transportation safety [*and maritime pilotage*]. In appointing administrators under
24 this subsection, the director shall consider recommendations of any advisory committee interested
25 in the area of responsibility. Administrators appointed under this subsection are in the unclassified
26 service for purposes of the State Personnel Relations Law.

27 “(5) Whenever a duty or function is specifically given by statute to the director, and that duty
28 or function involves day-to-day operations of an area of critical concern to the department, the di-
29 rector shall delegate the duty or function to the administrator of the area of critical concern.

30 “**SECTION 65.** ORS 184.651 is amended to read:

31 “184.651. The Department of Transportation shall develop, operate and maintain a full cost ac-
32 counting system that accurately and separately accounts for all direct, indirect and administrative
33 costs incurred by each of the following units of the department:

34 “[(1) *Oregon Board of Maritime Pilots*.]

35 “[(2)] (1) Central services.

36 “[(3)] (2) Driver and motor vehicle services.

37 “[(4)] (3) Highways.

38 “[(5)] (4) Motor carriers.

39 “[(6)] (5) Rail.

40 “[(7)] (6) Transit.

41 “[(8)] (7) Transportation development.

42 “[(9)] (8) Transportation safety.

43 “**SECTION 66.** ORS 670.304 is amended to read:

44 “670.304. Except as otherwise specifically provided, ORS 670.300 to 670.380 apply to the follow-
45 ing professional licensing and advisory boards:

1 “(1) Professional licensing and advisory boards established in the Office of the Secretary of
2 State.

3 “(2) The Oregon Board of Maritime Pilots[, *in the Department of Transportation*].

4 “(3) The Board of Cosmetology, in the Oregon Health Licensing Agency.

5 “(4) The State Board of Architect Examiners.

6 “(5) The State Landscape Contractors Board.

7 “(6) The State Board of Examiners for Engineering and Land Surveying.

8 “(7) State Landscape Architect Board.

9 “(8) State Board of Geologist Examiners.

10 “(9) State Board of Tax Practitioners.

11 “(10) Oregon Board of Accountancy.

12 “(11) The Construction Contractors Board.

13 “**SECTION 67.** ORS 670.306 is amended to read:

14 “670.306. (1) Subsections (2) and (3) of this section shall apply only to the following professional
15 licensing boards:

16 “(a) State Board of Architect Examiners.

17 “(b) Construction Contractors Board.

18 “(c) State Board of Examiners for Engineering and Land Surveying.

19 “(d) State Landscape Architect Board.

20 “(e) State Landscape Contractors Board.

21 “(f) Oregon Board of Accountancy.

22 “[*(g) Oregon Board of Maritime Pilots.*]

23 “[*(h)*] **(g)** State Board of Tax Practitioners.

24 “(2) A board shall fix the qualifications of and appoint an administrative officer. The determi-
25 nation of qualifications and appointment of an administrative officer shall be made after
26 consultation[:]

27 “[*(a) In the case of a board referred to in subsection (1)(a), (b), (c), (d), (e), (f) or (h) of this*
28 *section,*] with the Governor.

29 “[*(b) In the case of the Oregon Board of Maritime Pilots, with the Director of Transportation.*]

30 “(3) An administrative officer of a board shall not be a member of that board.

31 “(4) Subject to the applicable rules of the State Personnel Relations Law, the board shall fix the
32 compensation of its administrator, who shall be in the unclassified service.

33 “(5) Subject to applicable rules of the State Personnel Relations Law, the administrative officer
34 shall appoint all subordinate employees, prescribe their duties and fix their compensation.

35 “**SECTION 68.** ORS 776.365 is amended to read:

36 “776.365. [*The money received under this chapter shall be paid into the State Treasury and placed*
37 *to the credit of the General Fund in the Pilot Account which account hereby is established. Such*
38 *moneys hereby are appropriated continuously and shall be used only for the administration and*
39 *enforcement of this chapter. The Oregon Department of Administrative Services shall draw warrants*
40 *for all claims approved by the Oregon Board of Maritime Pilots pursuant to the appropriations on the*
41 *State Treasurer, payable out of the Pilot Account in the General Fund.*] **The Pilot Account is es-**
42 **tablished in the State Treasury, separate and distinct from the General Fund. All moneys**
43 **received by the Oregon Board of Maritime Pilots under this chapter shall be deposited in the**
44 **account. All moneys in the account are continuously appropriated to the board and the board**
45 **may use the moneys only for the administration and enforcement of this chapter and for**

1 expenses incurred by the Public Utility Commission in its oversight of the board.

2 **“SECTION 69.** The Oregon Board of Maritime Pilots is transferred from the Department
3 of Transportation to the Public Utility Commission of Oregon.

4 **“SECTION 70.** (1) The Director of Transportation shall:

5 **“(a)** Deliver to the Public Utility Commission of Oregon all records and property within
6 the jurisdiction of the director that relate to the Oregon Board of Maritime Pilots; and

7 **“(b)** Transfer to the Public Utility Commission of Oregon those employees employed by
8 the Oregon Board of Maritime Pilots.

9 **“(2)** The Public Utility Commission of Oregon shall take possession of the records and
10 property, and shall take charge of the employees and employ them in the exercise of the
11 duties, functions and powers of the Oregon Board of Maritime Pilots, without reduction of
12 compensation but subject to change or termination of employment as provided by law.

13 **“(3)** The Governor shall resolve any dispute between the Department of Transportation
14 and the Public Utility Commission of Oregon relating to transfers of records, property and
15 employees under this section, and the Governor’s decision is final.

16 **“SECTION 71.** (1) The unexpended balances of amounts authorized to be expended by the
17 Department of Transportation for the biennium beginning July 1, 2005, from revenues dedi-
18 cated, continuously appropriated, appropriated or otherwise made available for the purpose
19 of administering and enforcing the duties, functions and powers of the Oregon Board of
20 Maritime Pilots are transferred to and are available for expenditure by the Public Utility
21 Commission of Oregon for the biennium beginning July 1, 2005, for the purpose of funding
22 the expenses of the Oregon Board of Maritime Pilots.

23 **“(2)** The expenditure classifications, if any, established by Acts authorizing or limiting
24 expenditures by the Department of Transportation for the Oregon Board of Maritime Pilots
25 remain applicable to expenditures by the Public Utility Commission of Oregon under this
26 section.

27 **“SECTION 72.** The transfer of the Oregon Board of Maritime Pilots to the Public Utility
28 Commission of Oregon by section 69 of this 2007 Act does not affect any action, proceeding
29 or prosecution involving or with respect to such duties, functions and powers begun before
30 and pending at the time of the transfer, except that the Public Utility Commission of Oregon
31 is substituted for the Department of Transportation in the action, proceeding or prosecution.

32 **“SECTION 73.** (1) Nothing in sections 69 to 73 of this 2007 Act relieves a person of a li-
33 ability, duty or obligation accruing under or with respect to the duties, functions and powers
34 of the Oregon Board of Maritime Pilots. The Public Utility Commission of Oregon may
35 undertake the collection or enforcement of any such liability, duty or obligation.

36 **“(2)** The rights and obligations of the Department of Transportation legally incurred un-
37 der contracts, leases and business transactions executed, entered into or begun before the
38 operative date of section 69 of this 2007 Act accruing under or with respect to the duties,
39 functions and powers of the Oregon Board of Maritime Pilots are transferred to the Public
40 Utility Commission of Oregon. For the purpose of succession to these rights and obligations,
41 the Public Utility Commission of Oregon is a continuation of the Department of Transpor-
42 tation and not a new authority.

43 **“SECTION 74.** (1) Sections 69 to 73 of this 2007 Act and the amendments to ORS 184.615,
44 184.651, 670.304, 670.306, 776.105 and 776.365 by sections 63 to 68 of this 2007 Act become op-
45 erative July 1, 2007.

1 **“(2) Section 61 of this 2007 Act, the amendments to ORS 183.335, 183.705, 435.050, 438.130,**
2 **460.065, 508.470, 508.781, 508.807, 508.892, 508.947, 537.747, 571.075, 571.535, 585.040, 586.270,**
3 **601.030, 601.080, 603.025, 604.620, 616.706, 618.146, 619.031, 621.166, 621.266, 621.335, 622.050,**
4 **624.020, 628.230, 632.715, 632.730, 633.015, 633.029, 633.318, 633.700, 634.112, 635.030, 675.290,**
5 **678.760, 681.320, 682.047, 682.216, 685.100, 686.420, 688.650, 689.275, 691.465, 692.160, 696.530,**
6 **704.020, 726.125, 835.106 and 837.020 and section 1, chapter 73, Oregon Laws 2005, by sections**
7 **1 to 59 and 62 of this 2007 Act and the repeal of sections 2 and 3, chapter 73, Oregon Laws**
8 **2005, by section 60 of this 2007 Act become operative on January 1, 2008.**

9 **“SECTION 75. This 2007 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
11 **on its passage.”.**

12
