

A-Engrossed
Senate Bill 601

Ordered by the Senate April 21
Including Senate Amendments dated April 21

Sponsored by Senator JOHNSON (at the request of Oregon Board of Maritime Pilots)

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.

Authorizes Oregon Board of Maritime Pilots to issue subpoenas for investigatory purposes and to enter premises, ships and other facilities to conduct investigations.

A BILL FOR AN ACT

1
2 Relating to investigations by the Oregon Board of Maritime Pilots; creating new provisions; and
3 amending ORS 776.115.

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

5 **SECTION 1. Sections 2 and 3 of this 2009 Act are added to and made a part of ORS**
6 **chapter 776.**

7 **SECTION 2. (1) The Oregon Board of Maritime Pilots may issue subpoenas to compel the**
8 **attendance of witnesses and the production of records, documents, books, papers, memo-**
9 **randa or other information necessary to conduct an investigation under ORS 776.115, 776.375**
10 **or 776.405.**

11 **(2) If a person fails to comply with a subpoena issued under this section, a judge of the**
12 **circuit court, on the application of the board, shall compel obedience by instituting pro-**
13 **ceedings for contempt in the same manner that the court would institute proceedings for**
14 **contempt when a person fails to comply with a subpoena in a civil action.**

15 **SECTION 3. (1) When conducting an investigation under ORS 776.115, 776.375 or 776.405,**
16 **the Oregon Board of Maritime Pilots or its authorized representative may enter and inves-**
17 **tigate a premises, ship or facility.**

18 **(2) When conducting an investigation under subsection (1) of this section, the board or**
19 **its authorized representative may:**

20 **(a) Examine the records, documents, books, papers, memoranda or other information**
21 **kept at the premises, ship or facility.**

22 **(b) Examine under oath an officer, agent or employee of the premises, ship or facility.**

23 **(3) If the board or its authorized representative is inspecting a premises, ship or facility**
24 **that is not open to the public, the board or the representative shall present credentials to**
25 **the owner or occupant of the premises, ship or facility and obtain the consent of the owner**
26 **or occupant before conducting the inspection. If the owner or occupant denies entry to the**
27 **premises, ship or facility, the board or the representative must obtain a warrant to conduct**
28 **the inspection.**

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 **(4) The board or its authorized representative may use information obtained during an**
2 **investigation only to fulfill the board's duties under ORS 776.115, 776.375 or 776.405.**

3 **SECTION 4.** ORS 776.115 is amended to read:

4 776.115. The Oregon Board of Maritime Pilots shall:

5 (1) Fix the manner of calling and fixing the places of meetings and hold at least one meeting
6 each calendar year.

7 (2) Provide for efficient and competent pilotage service on all pilotage grounds, and regulate and
8 limit the number of licensees and trainees under this chapter, such number of licensees and trainees
9 to be regulated and limited to the number found by the board to be required to render efficient and
10 competent pilotage service. The primary consideration of the board is public safety. If a proposed
11 rule would result in the significant limitation of competition among licensees or pilot organizations
12 that exist in this state on January 1, 1991, the board shall first make a determination that the pro-
13 posed rule is essential to protect the safety of the public.

14 (3) Establish and fix the boundaries of pilotage grounds not described in ORS 776.025.

15 (4) In accordance with the applicable provisions of ORS chapter 183, establish by rule a licens-
16 ing system for persons licensed to pilot, for persons licensed as trainees and for pilot organizations
17 who train persons to pilot, including but not limited to provisions prescribing:

18 (a) The form and content of and the times and procedures for submitting an application for li-
19 cense issuance and renewal. The pendency of an investigation shall not affect the renewal process.

20 (b) The term of license of a pilot and the annual license fee, subject to the maximum annual li-
21 cense fee established pursuant to ORS 776.357.

22 (c) The requirements for and the manner of testing competency of license applicants.

23 (d) Those actions or circumstances that constitute failure to achieve or maintain competency
24 or that otherwise constitute a danger to public health and safety and for which the board may refuse
25 to issue or renew a license, may suspend or revoke a license or may reprimand a licensee.

26 (e) Classes of licenses that specify the size of vessels the licensee is authorized to be trained to
27 pilot or to pilot on those river pilotage grounds for which the trainee or pilot is licensed.

28 (5)(a) Fix, at reasonable and just rates, pilotage fees, extra fees for vessels in distress, fees for
29 extraordinary pilotage services, fees for a licensee or trainee being carried to sea unwillingly and
30 reimbursement for the return to station or for the detention of a licensee or trainee, except that
31 pilotage fees shall not be less inbound or outbound on vessels, propelled in whole or in part by their
32 own power, than the following:

33 (A) Between Astoria and Portland or Vancouver, \$2.50 per foot draft and 2 cents per net ton;

34 (B) Between Astoria or Knappton and the sea, \$3 per foot draft and 2 cents per net ton;

35 (C) Between Yaquina Bay and the sea, \$3 per foot draft and 2 cents per ton; and

36 (D) Between Coos Bay and the sea, \$2.50 per foot draft and 2 cents per ton.

37 (b) In fixing fees pursuant to paragraph (a) of this subsection, the board shall give due regard
38 to the following factors:

39 (A) The length and net tonnage of the vessels to be piloted.

40 (B) The difficulty and inconvenience of the particular service and the skill required to render
41 it.

42 (C) The supply of and demand for pilotage services.

43 (D) The public interest in maintaining efficient, economical and reliable pilotage service.

44 (E) Other factors relevant to the determination of reasonable and just rates.

45 (6) Conduct or authorize the holding of hearings. In so doing the board or the administrative law

1 judge may [*subpoena witnesses, administer oaths, take depositions, fix the fees and mileage of witnesses*
2 *and compel the attendance of witnesses and the production of papers, books, accounts, documents and*
3 *testimony.*] **issue subpoenas pursuant to section 2 of this 2009 Act, conduct investigations**
4 **pursuant to section 3 of this 2009 Act, administer oaths, take depositions and fix the fees and**
5 **mileage of witnesses.**

6 (7) Adopt any rule or make any order, as set forth in ORS chapter 183, for the effective admin-
7 istration and enforcement of this chapter.

8 (8) Establish rates pursuant to subsection (5) of this section, for a period of not less than two
9 years, that continue in effect until a subsequent hearing process. Rates may include automatic ad-
10 justment provisions to reflect changing economic conditions.

11