

Enrolled Senate Bill 26

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CHAPTER

AN ACT

Relating to the distribution of funds by the State Marine Board; amending ORS 830.137 and 830.150.

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

SECTION 1. ORS 830.137 is amended to read:

830.137. (1) In addition to the powers and duties otherwise provided in this chapter, the State Marine Board shall have the power and duty to make grants from funds received through the Clean Vessel Act of 1992, 16 U.S.C. 777c [*and g (1994), P. L. No. 102-587,*] **and 777g, P.L. 102-587, and through the Boating Infrastructure Grant Program, as established by the Sportfishing and Boating Safety Act of 1998, 16 U.S.C. 777g-1, P.L. 105-178,** to eligible public agencies as provided in ORS 830.150. In addition, these funds may be distributed to eligible private marina or moorage facilities that are open and available for public use for the construction and operation of boat waste collection facilities.

(2) [*The board shall give first priority for*] **In distributing funds from the Clean Vessel Act of 1992, the board shall give first priority to public boating facilities. Distribution of funds from the Clean Vessel Act of 1992 shall be made on the basis of need as that need appears to the board.**

SECTION 2. ORS 830.150 is amended to read:

830.150. (1) Amounts remaining in the Boating Safety, Law Enforcement and Facility Account in excess of funds obligated under ORS 830.140 (2) shall be distributed, upon application, to **a federal agency**, the state, a city, county, water improvement district, park and recreation district or a port. Distribution shall be made on the basis of need for a facility as that need appears to the State Marine Board.

(2)(a) In distributing funds under subsection (1) of this section, the board shall give first priority to applications for facilities designed to control water pollution or otherwise enhance water quality, including but not limited to pumping stations for recreational boat holding tanks, and to those other facilities for which there appears the greatest public need.

(b) Subject to paragraph (a) of this subsection, the board may distribute funds for:

(A) Construction and maintenance of boating facilities, for the acquisition of property therefor, and other related facilities such as parking, potable water, sanitation and other facilities for the convenience of the public using the boating facilities; and

(B) Removal of derelict structures floating upon and abandoned dock or boat mooring facilities situated in, upon or over the waters of this state if such structures or facilities constitute a hazard to boating upon such waters.

(3) Prior to making any distribution of funds under this section, the board shall hold a public hearing in the area where a facility is to be constructed or land acquired if in the judgment of the board, use of the facility would stimulate significant change in the character of the recreational use of the waters.

(4) The board shall make no distribution of funds under this section for construction or acquisition if in the judgment of the board the applicant has not included in the construction or acquisition plans adequate provision for protecting the quality of the waters affected by the plans. The board's denial of any application under this subsection must include specific notice to the applicant of the point or points of the plan that are found by the board to be inadequate.

Passed by Senate February 26, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 9, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State