

Senate Bill 26

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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**.

Authorizes State Marine Board to make grants from funds received through federal Boating Infrastructure Grant Program.

Authorizes State Marine Board to distribute directly to federal agencies amounts remaining in Boating Safety, Law Enforcement and Facility Account that are in excess of funds otherwise obligated.

A BILL FOR AN ACT

1
2 Relating to the distribution of funds by the State Marine Board; amending ORS 830.137 and 830.150.

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

4 **SECTION 1.** ORS 830.137 is amended to read:

5 830.137. (1) In addition to the powers and duties otherwise provided in this chapter, the State
6 Marine Board shall have the power and duty to make grants from funds received through the Clean
7 Vessel Act of 1992, 16 U.S.C. 777c [*and g (1994), P. L. No. 102-587,*] **and 777g, P.L. 102-587, and**
8 **through the Boating Infrastructure Grant Program, as established by the Sportfishing and**
9 **Boating Safety Act of 1998, 16 U.S.C. 777g-1, P.L. 105-178,** to eligible public agencies as provided
10 in ORS 830.150. In addition, these funds may be distributed to eligible private marina or moorage
11 facilities that are open and available for public use for the construction and operation of boat waste
12 collection facilities.

13 (2) [*The board shall give first priority for*] **In** distributing funds from the Clean Vessel Act **of**
14 **1992, the board shall give first priority** to public boating facilities. Distribution of funds **from the**
15 **Clean Vessel Act of 1992** shall be made on the basis of need as that need appears to the board.

16 **SECTION 2.** ORS 830.150 is amended to read:

17 830.150. (1) Amounts remaining in the Boating Safety, Law Enforcement and Facility Account
18 in excess of funds obligated under ORS 830.140 (2) shall be distributed, upon application, to **a fed-**
19 **eral agency,** the state, a city, county, water improvement district, park and recreation district or
20 a port. Distribution shall be made on the basis of need for a facility as that need appears to the
21 State Marine Board.

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

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

27 (A) Construction and maintenance of boating facilities, for the acquisition of property therefor,
28 and other related facilities such as parking, potable water, sanitation and other facilities for the

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 convenience of the public using the boating facilities; and

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

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

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

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