

Enrolled
Senate Bill 851

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

CHAPTER

AN ACT

Relating to the Oregon Board of Maritime Pilots; creating new provisions; amending ORS 776.105 and 776.365; limiting expenditures; and declaring an emergency.

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

SECTION 1. ORS 776.105 is amended to read:

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

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

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

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

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

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

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

(b) Be actively engaged in piloting; and

(c) Be a resident of this state.

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

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

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

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

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

(7) The commission may appoint a member of the commission, or a designee, as a nonvoting, ex officio member of the board.

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

- (A) Budgeting;
- (B) Financial management;
- (C) Record keeping;
- (D) Staffing;
- (E) Purchasing and contracting;
- (F) Collecting fees; and
- (G) Compliance with rulemaking procedures set forth in ORS chapter 183.

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

(A) Fix the qualifications of and appoint **an executive director and** an administrative officer for the board; and

(B) Subject to the State Personnel Relations Law, fix the compensation of the **executive director and the** administrative officer.

SECTION 2. Sections 3 and 4 of this 2013 Act are added to and made a part of ORS chapter 776.

SECTION 3. (1) Except as provided in subsection (2) of this section, each licensee under this chapter shall collect a board operations fee from each vessel using the services of a licensee. The purpose of the fee is to allow the Oregon Board of Maritime Pilots to carry out its duties, functions and powers under this chapter. The fee may not exceed the amount described in section 4 of this 2013 Act.

(2) The fee described in subsection (1) of this section shall be collected in the following manner:

(a) For vessels entering or leaving the Columbia River, licensees for the Columbia River bar pilotage ground shall collect the fee from inbound vessels and licensees for the Columbia and Willamette River pilotage ground shall collect the fee from outbound vessels.

(b) For vessels entering or leaving Coos Bay or Yaquina Bay, licensees for the Coos Bay or Yaquina Bay pilotage ground shall collect the fee from inbound and outbound vessels.

(3) The board shall prescribe the procedures for collecting and remitting the fee imposed under this section.

(4) Each quarter the board shall review the amount of the fee. If the board determines that the fee should be adjusted, then the board may adjust the fee subject to:

- (a) Prior approval of the Oregon Department of Administrative Services; and**
- (b) A report to the Emergency Board.**

SECTION 4. (1) Subject to subsection (2) of this section, the maximum board operations fee for a vessel is \$100.

(2) The Oregon Board of Maritime Pilots shall adjust the amount of the maximum board operations fee for a vessel each biennium beginning July 1, 2015, by a proportional amount equal to the percentage change in the 24-month period prior to the beginning of the biennium in the Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published by the Bureau of Labor Statistics of the United States Department of Labor.

SECTION 5. ORS 776.365 is amended to read:

776.365. The Pilot Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the Oregon Board of Maritime Pilots under this chapter shall be deposited in the account. All moneys in the account are continuously appropriated to the board

and the board may use the moneys only **to carry out the duties, functions and powers of the board**, for the administration and enforcement of this chapter and for expenses incurred by the Public Utility Commission in its oversight of the board.

SECTION 6. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 1 (4), chapter 291, Oregon Laws 2013 (Enrolled House Bill 5043), for the biennium beginning July 1, 2013, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Public Utility Commission of Oregon, is increased by \$449,173 for the purpose of carrying out sections 3 and 4 of this 2013 Act and the amendments to ORS 776.105 and 776.365 by sections 1 and 5 of this 2013 Act.

SECTION 7. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect July 1, 2013.

Passed by Senate June 13, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 19, 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