

HB 2076-1
(LC 494)
5/7/19 (HE/ps)

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
HOUSE BILL 2076
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 4 of the printed bill, after line 22, insert:

2 **“SECTION 7a. If House Bill 2118 becomes law, section 7 of this 2019**
3 **Act (amending ORS 830.110) is repealed and ORS 830.110, as amended**
4 **by section 38, chapter __, Oregon Laws 2019 (Enrolled House Bill 2118),**
5 **is amended to read:**

6 “830.110. In addition to the powers and duties otherwise provided in this
7 chapter, the State Marine Board shall have the power and duty to:

8 “(1) Make all rules necessary to carry out the provisions of this chapter.
9 The rules shall be made in accordance with ORS chapter 183.

10 “(2) Devise a system of identifying numbers for boats, floating homes and
11 boathouses. If an agency of the federal government has an overall system of
12 identification numbering for boats within the United States, the system de-
13 vised by the board shall conform with the federal system.

14 “(3) Cooperate with state and federal agencies to promote uniformity of
15 the laws relating to boating and their enforcement.

16 “(4) Make contracts necessary to carry out the provisions of ORS 830.060
17 to 830.140, **830.565 to 830.575**, 830.700 to 830.715, 830.725, 830.730, 830.770,
18 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870.

19 “(5) Advise and assist county sheriffs and other peace officers in the
20 enforcement of laws relating to boating.

1 “(6) Study, plan and recommend the development of boating facilities
2 throughout the state which will promote the safety and pleasure of the pub-
3 lic through boating.

4 “(7) Publicize the advantage of safe boating.

5 “(8) Accept gifts and grants of property and money to be used to further
6 the purposes of this chapter.

7 “(9) Exempt from any provisions of this chapter any class of boats if it
8 determines that the safety of persons and property will not be materially
9 promoted by the applicability of those provisions to the class of boats. The
10 board may not exempt from numbering any class of boats unless:

11 “(a) The board determines that the numbering will not materially aid in
12 their identification; and

13 “(b) The secretary of the department of the federal government under
14 which the United States Coast Guard is operating has exempted from num-
15 bering the same boats or classes of boats.

16 “(10) Appoint and require the bonding of agents to issue a temporary
17 permit to operate a boat. In addition to the prescribed fees, the agents may
18 charge [*the following*] **a fee prescribed by the board** for their services in
19 issuing the temporary permit[:].

20 “[*(a) \$2.50 per transaction for calendar years 2008, 2009 and 2010;*]

21 “[*(b) \$3.75 per transaction for calendar years 2011, 2012 and 2013; and*]

22 “[*(c) Beginning in 2014, and*] Every three years [*thereafter,*] the board
23 shall issue an order revising the fee [*specified in paragraph (b) of*] **imposed**
24 **under** this subsection on January 1, based on changes in the Consumer Price
25 Index for All Urban Consumers, West Region (All Items), as published by the
26 Bureau of Labor Statistics of the United States Department of Labor. The
27 board shall round the amount of the fee to the nearest half-dollar. The re-
28 vised fee takes effect on January 1 and applies for the following three years.

29 “(11) Publish and distribute to the interested public the boating laws of
30 this state and resumes or explanations of those laws.

1 “(12) Publish and distribute forms for any application required under this
2 chapter and require the use of such forms.

3 “(13) Make rules for the uniform navigational marking of the waters of
4 this state. Such rules shall not conflict with markings prescribed by the
5 United States Coast Guard. No political subdivision or person shall mark the
6 waters of this state in any manner in conflict with the markings prescribed
7 by the board.

8 “(14) Make rules regarding marine toilets and their use consistent with
9 the prevention and control of pollution of the waters of this state and not
10 in conflict with the rules of the Oregon Health Authority or the Environ-
11 mental Quality Commission.

12 “(15) Institute proceedings to enjoin unlawful obstructions injuring free
13 navigation on the waters of this state.

14 “(16) Make rules regulating water ski course markers, ski jumps and
15 other special use devices placed in the waters of this state. Such rules may
16 regulate the installation and use of the devices and may require a permit.

17 “(17) Adopt rules necessary to carry out and enforce the provisions of
18 ORS 830.950 and 830.955. The rules shall include but need not be limited to:

19 “(a) The kinds of protective covering or physical barriers that are ac-
20 ceptable to be used between a submersible polystyrene device and the water.

21 “(b) Guidelines for the use of submersible polystyrene devices for the re-
22 pair or maintenance of existing docks or floats.

23 “(18) Adopt rules providing for establishment of a Safe Boating Education
24 Course to be made available to courts and law enforcement agencies within
25 this state for use as a sentencing option for those individuals convicted of
26 boating offenses. The board shall specify the content of the Safe Boating
27 Education Course and shall prescribe procedures for making the course
28 available to local courts and law enforcement agencies, including procedures
29 for promptly notifying such courts whether individuals required to enroll in
30 the course have taken and successfully passed the course. Such rules may

1 provide for administration of the course through nonprofit organizations,
2 such as the United States Coast Guard Auxiliary, United States Power
3 Squadrons or similar groups.

4 “(19) For purposes of ORS 830.175, 830.180, 830.185, 830.187 and 830.195, in
5 cooperation with the State Aviation Board, regulate boats that are seaplanes
6 as provided in ORS 830.605 and 835.200.”.

7 On page 7, after line 19, insert:

8 “**SECTION 16a.** If House Bill 2118 becomes law, section 16 of this 2019
9 Act is amended to read:

10 “**Sec. 16.** The amendments to ORS 830.110 by section [7] **7a** of this 2019
11 Act apply to fees imposed on or after January 1, 2020.”.

12
