

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 47
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 1 of the printed A-engrossed bill, line 3, after the semicolon in-
2 sert “repealing section 3, chapter ___, Oregon Laws 2019 (Enrolled House
3 Bill 2076);”.

4 On page 5, after line 43, insert:

5 **“SECTION 10a. If House Bill 2118 becomes law, section 10 of this**
6 **2019 Act (amending ORS 830.110) is repealed and ORS 830.110, as**
7 **amended by section 38, chapter 57, Oregon Laws 2019 (Enrolled House**
8 **Bill 2118), is amended to read:**

9 “830.110. In addition to the powers and duties otherwise provided in this
10 chapter, the State Marine Board shall have the power and duty to:

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

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

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

19 “(4) Make contracts necessary to carry out the provisions of ORS 830.060
20 to 830.140, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795

1 to 830.820 and 830.830 to 830.870 **and section 7 of this 2019 Act.**

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

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

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

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

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

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

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

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

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

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

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

1 vised fee takes effect on January 1 and applies for the following three years.

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

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

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

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

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

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

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

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

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

26 “(18) Adopt rules providing for establishment of a Safe Boating Education
27 Course to be made available to courts and law enforcement agencies within
28 this state for use as a sentencing option for those individuals convicted of
29 boating offenses. The board shall specify the content of the Safe Boating
30 Education Course and shall prescribe procedures for making the course

1 available to local courts and law enforcement agencies, including procedures
2 for promptly notifying such courts whether individuals required to enroll in
3 the course have taken and successfully passed the course. Such rules may
4 provide for administration of the course through nonprofit organizations,
5 such as the United States Coast Guard Auxiliary, United States Power
6 Squadrons or similar groups.

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

10 On page 6, after line 22, insert:

11 **“SECTION 11a. If House Bill 2076 becomes law, section 11 of this**
12 **2019 Act (amending ORS 830.990) is repealed and ORS 830.990, as**
13 **amended by section 13, chapter __, Oregon Laws 2019 (Enrolled House**
14 **Bill 2076), is amended to read:**

15 *“830.990. [(1)(a) Violation of ORS 830.565 or section 2 of this 2019 Act by*
16 *a person operating a nonmotorized boat is a Class D violation. Notwithstand-*
17 *ing ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a*
18 *person operating a nonmotorized boat is \$30.]*

19 *“[(b)] (1) Violation of [ORS 830.565 or] section 2, chapter __, Oregon*
20 **Laws 2019 (Enrolled House Bill 2076), [of this 2019 Act] by a person oper-**
21 **ating a motorboat or violation of ORS 830.565 by a person operating a**
22 **sailboat that is at least 12 feet in length or a motorboat is a Class D**
23 **violation. Notwithstanding ORS 153.019, the presumptive fine for a violation**
24 **of section 2, chapter __, Oregon Laws 2019 (Enrolled House Bill 2076),**
25 **or ORS 830.565 by a person operating a motorboat is \$50.**

26 *“(2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094,*
27 *830.230, 830.415, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855*
28 **or section 5 of this 2019 Act, or rules adopted to carry out the purposes**
29 **of those statutes, commits a Class D violation.**

30 *“(3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375,*

1 830.475 (4), 830.480, 830.785, 830.805 or 830.825, or rules adopted to carry out
2 the purposes of those statutes, commits a Class C violation.

3 “(4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187,
4 830.195, 830.210, 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3),
5 830.335, 830.340, 830.345, 830.350, 830.355, 830.360, 830.362, 830.365, 830.370,
6 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or 830.830, or rules adopted
7 to carry out the purposes of those statutes, commits a Class B violation.

8 “(5) A person who violates ORS 830.305 or 830.390, or rules adopted to
9 carry out the purposes of those statutes, commits a Class A violation.

10 “(6) A person who violates section 12, **chapter __, Oregon Laws 2019**
11 **(Enrolled House Bill 2076)**, [of this 2019 Act] commits a Class C
12 misdemeanor.

13 “(7) A person who violates ORS 830.383 commits a Class B misdemeanor.

14 “(8) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325,
15 830.475 (1), 830.730 or 830.955 (1) commits a Class A misdemeanor.

16 “(9) A person who violates ORS 830.475 (2) commits a Class C felony.

17 “(10) A person who violates ORS 830.944 commits a Class A violation.”.

18 After line 30, insert:

19 **“SECTION 12a. If House Bill 2076 becomes law, section 3, chapter**
20 **__, Oregon Laws 2019 (Enrolled House Bill 2076) (amending ORS**
21 **830.565), is repealed.”.**

22 On page 7, delete lines 8 through 34 and insert:

23 **“SECTION 14a. If House Bill 2076 becomes law and House Bill 2080**
24 **does not become law, section 14 of this 2019 Act (amending ORS**
25 **830.575) is repealed and ORS 830.575, as amended by section 5, chapter**
26 **__, Oregon Laws 2019 (Enrolled House Bill 2076), is amended to read:**

27 “830.575. Notwithstanding ORS 830.790 (3), fees for issuance and renewal
28 of an aquatic invasive species prevention permit are as follows:

29 “(1) The biennial fee for a **sailboat that is at least 12 feet in length**
30 **or** motorboat issued a certificate of number under ORS 830.795 is \$5.

1 “[(2) *The annual fee for a nonmotorized boat at least 10 feet in length is*
2 *\$5.*]

3 “[(3)] **(2) The annual fee for a sailboat that is at least 12 feet in length**
4 **and not registered in Oregon or** a motorboat that is not registered in
5 Oregon is \$20.

6 “[(4) *The annual fee for an operator of a boat livery or an outfitter and*
7 *guide, as that term is defined in ORS 704.010, is:*]

8 “[(a) *\$30 for a person who owns 6 to 10 nonmotorized boats at least 10 feet*
9 *in length;*]

10 “[(b) *\$55 for a person who owns 11 to 20 nonmotorized boats at least 10 feet*
11 *in length; or*]

12 “[(c) *\$100 for a person who owns 21 or more nonmotorized boats at least*
13 *10 feet in length.*]

14 “[(5)] **(3) All fees collected under this section shall be deposited into the**
15 **Aquatic Invasive Species Prevention Fund established under ORS 830.585.**

16 “[(6) *As used in this section:*]

17 “[(a) *‘Nonmotorized boat’ includes a sailboat that is at least 10 feet but less*
18 *than 12 feet in length.*]

19 “[(b) *‘Motorboat’ includes a sailboat that is at least 12 feet in length.*]

20 “**SECTION 14b. If House Bill 2080 becomes law and House Bill 2076**
21 **does not become law, section 14 of this 2019 Act (amending ORS**
22 **830.575) is repealed and ORS 830.575, as amended by section 5, chapter**
23 **___, Oregon Laws 2019 (Enrolled House Bill 2080), is amended to read:**

24 “830.575. Notwithstanding ORS 830.790 (3), [*fees*] **the annual fee for is-**
25 **suance and renewal of an aquatic invasive species prevention permit for a**
26 **sailboat that is at least 12 feet in length operated by a nonresident or**
27 **a motorboat operated by a nonresident is \$20.** [*are as follows:*]

28 “[(1) *The annual fee for a manually propelled boat 10 feet or more in length*
29 *is \$5.*]

30 “[(2) *The annual fee for a motorboat operated by a nonresident is \$20.*]

1 “[(3) *The annual fee for an operator of a boat livery is:*]

2 “[(a) *\$30 for an operator who owns 6 to 10 manually propelled boats;*]

3 “[(b) *\$55 for an operator who owns 11 to 20 manually propelled boats; or*]

4 “[(c) *\$100 for an operator who owns 21 or more manually propelled boats.*]

5 “**SECTION 14c. If both House Bill 2076 and House Bill 2080 become**
6 **law, section 14 of this 2019 Act (amending ORS 830.575) is repealed and**
7 **ORS 830.575, as amended by section 5, chapter __, Oregon Laws 2019**
8 **(Enrolled House Bill 2076), and section 5, chapter __, Oregon Laws 2019**
9 **(Enrolled House Bill 2080), is amended to read:**

10 “830.575. (1) Notwithstanding ORS 830.790 (3), [*fees*] **the annual fee** for
11 issuance and renewal of an aquatic invasive species prevention permit **for**
12 **a sailboat that is at least 12 feet in length and not registered in Oregon**
13 **or a motorboat that is not registered in Oregon is \$20.** [*are as follows:*]

14 “[(1) *The annual fee for a nonmotorized boat at least 10 feet in length is*
15 *\$5.*]

16 “[(2) *The annual fee for a motorboat that is not registered in Oregon is*
17 *\$20.*]

18 “[(3) *The annual fee for an operator of a boat livery or an outfitter and*
19 *guide, as that term is defined in ORS 704.010, is:*]

20 “[(a) *\$30 for a person who owns 6 to 10 nonmotorized boats at least 10 feet*
21 *in length;*]

22 “[(b) *\$55 for a person who owns 11 to 20 nonmotorized boats at least 10 feet*
23 *in length; or*]

24 “[(c) *\$100 for a person who owns 21 or more nonmotorized boats at least*
25 *10 feet in length.*]

26 “[(4)] **(2)** All fees collected under this section shall be deposited into the
27 Aquatic Invasive Species Prevention Fund established under ORS 830.585.

28 “[(5) *As used in this section:*]

29 “[(a) *‘Nonmotorized boat’ includes a sailboat that is at least 10 feet but less*
30 *than 12 feet in length.*]

1 *“(b) ‘Motorboat’ includes a sailboat that is at least 12 feet in length.”*

2 **“SECTION 15. The amendments to ORS 830.110 by section 10 of this**
3 **2019 Act apply to fees imposed on and after January 1, 2020.**

4 **“SECTION 15a.** If House Bill 2118 becomes law, section 15 of this 2019
5 Act is amended to read:

6 **“Sec. 15.** The amendments to ORS 830.110 by section [10] **10a** of this 2019
7 Act apply to fees imposed on and after January 1, 2020.

8 **“SECTION 16. (1) The State Marine Board shall submit two reports**
9 **to the interim committees of the Legislative Assembly related to na-**
10 **tural resources, in the manner provided in ORS 192.245, on the imple-**
11 **mentation of sections 2 to 7 of this 2019 Act and the amendments to**
12 **ORS 830.110, 830.565, 830.570, 830.575 and 830.990 by sections 10 to 14c**
13 **of this 2019 Act. Each report must include the following:**

14 **“(a) An overview of the rules adopted by the board;**

15 **“(b) A description of the board’s educational outreach efforts;**

16 **“(c) Information about the number of waterway access permits is-**
17 **sued;**

18 **“(d) Information about the number of citations and warnings issued**
19 **for violation of section 5 of this 2019 Act; and**

20 **“(e) A description of the revenue and expenses related to the issu-**
21 **ance of waterway access permits.**

22 **“(2) The first report must be submitted no later than September 15,**
23 **2020.**

24 **“(3) The second report must be submitted no later than September**
25 **15, 2021.**

26 **“SECTION 17. Section 16 of this 2019 Act is repealed on January 2,**
27 **2022.**

28 **“SECTION 18. (1) Sections 2 to 9 of this 2019 Act and the amend-**
29 **ments to ORS 830.110, 830.565, 830.570 and 830.575 by sections 10, 10a and**
30 **12 to 14c of this 2019 Act become operative on January 1, 2020.**

1 **“(2) The amendments to ORS 830.990 by sections 11 and 11a of this**
2 **2019 Act become operative on August 1, 2020.**

3 **“(3) The State Marine Board may take any action before the oper-**
4 **ative date specified in subsection (1) of this section that is necessary**
5 **to enable the board to exercise, on and after the operative date speci-**
6 **fied in subsection (1) of this section, all the duties, functions and**
7 **powers conferred on the board by sections 2 to 9 of this 2019 Act and**
8 **the amendments to ORS 830.110, 830.565, 830.570 and 830.575 by sections**
9 **10, 10a and 12 to 14c of this 2019 Act.”.**

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