

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

By JOINT COMMITTEE ON WAYS AND MEANS

June 5

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

3 On page 5, after line 43, insert:

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5 **830.110) is repealed and ORS 830.110, as amended by section 38, chapter 57, Oregon Laws 2019**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

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

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

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

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

16 “(4) Make contracts necessary to carry out the provisions of ORS 830.060 to 830.140, 830.700 to
17 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870 **and**
18 **section 7 of this 2019 Act.**

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

21 “(6) Study, plan and recommend the development of boating facilities throughout the state which
22 will promote the safety and pleasure of the public through boating.

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

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

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

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

30 “(b) The secretary of the department of the federal government under which the United States
31 Coast Guard is operating has exempted from numbering the same boats or classes of boats.

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

1 “(a) \$2.50 per transaction for calendar years 2008, 2009 and 2010;]
2 “(b) \$3.75 per transaction for calendar years 2011, 2012 and 2013; and]
3 “(c) Beginning in 2014, and] Every three years [thereafter,] the board shall issue an order re-
4 vising the fee **imposed under** [specified in paragraph (b) of] this subsection on January 1, based on
5 changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as pub-
6 lished by the Bureau of Labor Statistics of the United States Department of Labor. The board shall
7 round the amount of the fee to the nearest half-dollar. The revised fee takes effect on January 1 and
8 applies for the following three years.

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

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

13 “(13) Make rules for the uniform navigational marking of the waters of this state. Such rules
14 shall not conflict with markings prescribed by the United States Coast Guard. No political subdivi-
15 sion or person shall mark the waters of this state in any manner in conflict with the markings
16 prescribed by the board.

17 “(14) Make rules regarding marine toilets and their use consistent with the prevention and
18 control of pollution of the waters of this state and not in conflict with the rules of the Oregon
19 Health Authority or the Environmental Quality Commission.

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

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

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

27 “(a) The kinds of protective covering or physical barriers that are acceptable to be used be-
28 tween a submersible polystyrene device and the water.

29 “(b) Guidelines for the use of submersible polystyrene devices for the repair or maintenance of
30 existing docks or floats.

31 “(18) Adopt rules providing for establishment of a Safe Boating Education Course to be made
32 available to courts and law enforcement agencies within this state for use as a sentencing option
33 for those individuals convicted of boating offenses. The board shall specify the content of the Safe
34 Boating Education Course and shall prescribe procedures for making the course available to local
35 courts and law enforcement agencies, including procedures for promptly notifying such courts
36 whether individuals required to enroll in the course have taken and successfully passed the course.
37 Such rules may provide for administration of the course through nonprofit organizations, such as the
38 United States Coast Guard Auxiliary, United States Power Squadrons or similar groups.

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

41 On page 6, after line 22, insert:

42 “**SECTION 11a. If House Bill 2076 becomes law, section 11 of this 2019 Act (amending ORS**
43 **830.990) is repealed and ORS 830.990, as amended by section 13, chapter __, Oregon Laws 2019**
44 **(Enrolled House Bill 2076), is amended to read:**

45 “830.990. [(1)(a) Violation of ORS 830.565 or section 2 of this 2019 Act by a person operating a

1 nonmotorized boat is a Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a
2 violation of ORS 830.565 by a person operating a nonmotorized boat is \$30.]

3 “[*b*] (1) Violation of [ORS 830.565 or] section 2, chapter ___, Oregon Laws 2019 (Enrolled
4 House Bill 2076), [of this 2019 Act] by a person operating a motorboat or violation of ORS 830.565
5 by a person operating a sailboat that is at least 12 feet in length or a motorboat is a Class
6 D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of section 2, chapter
7 ___, Oregon Laws 2019 (Enrolled House Bill 2076), or ORS 830.565 by a person operating a
8 motorboat is \$50.

9 “(2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415,
10 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855 or section 5 of this 2019 Act, or rules
11 adopted to carry out the purposes of those statutes, commits a Class D violation.

12 “(3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480,
13 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a
14 Class C violation.

15 “(4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210,
16 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350,
17 830.355, 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or
18 830.830, or rules adopted to carry out the purposes of those statutes, commits a Class B violation.

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

21 “(6) A person who violates section 12, chapter ___, Oregon Laws 2019 (Enrolled House Bill
22 2076), [of this 2019 Act] commits a Class C misdemeanor.

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

24 “(8) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730 or
25 830.955 (1) commits a Class A misdemeanor.

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

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

28 After line 30, insert:

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

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

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

35 “830.575. Notwithstanding ORS 830.790 (3), fees for issuance and renewal of an aquatic invasive
36 species prevention permit are as follows:

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

39 “[*2*] The annual fee for a nonmotorized boat at least 10 feet in length is \$5.]

40 “[*3*] (2) The annual fee for a **sailboat that is at least 12 feet in length and not registered**
41 **in Oregon or** a motorboat that is not registered in Oregon is \$20.

42 “[*4*] The annual fee for an operator of a boat livery or an outfitter and guide, as that term is de-
43 fined in ORS 704.010, is:]

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

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

1 “(c) \$100 for a person who owns 21 or more nonmotorized boats at least 10 feet in length.]
2 “[(5)] (3) All fees collected under this section shall be deposited into the Aquatic Invasive Spe-
3 cies Prevention Fund established under ORS 830.585.
4 “[(6) As used in this section:]
5 “[(a) ‘Nonmotorized boat’ includes a sailboat that is at least 10 feet but less than 12 feet in
6 length.]
7 “[(b) ‘Motorboat’ includes a sailboat that is at least 12 feet in length.]
8 “**SECTION 14b. If House Bill 2080 becomes law and House Bill 2076 does not become law,**
9 **section 14 of this 2019 Act (amending ORS 830.575) is repealed and ORS 830.575, as amended**
10 **by section 5, chapter __, Oregon Laws 2019 (Enrolled House Bill 2080), is amended to read:**
11 “830.575. Notwithstanding ORS 830.790 (3), [fees] **the annual fee** for issuance and renewal of
12 an aquatic invasive species prevention permit **for a sailboat that is at least 12 feet in length**
13 **operated by a nonresident or a motorboat operated by a nonresident is \$20.** [are as follows:]
14 “[(1) The annual fee for a manually propelled boat 10 feet or more in length is \$5.]
15 “[(2) The annual fee for a motorboat operated by a nonresident is \$20.]
16 “[(3) The annual fee for an operator of a boat livery is:]
17 “[(a) \$30 for an operator who owns 6 to 10 manually propelled boats;]
18 “[(b) \$55 for an operator who owns 11 to 20 manually propelled boats; or]
19 “[(c) \$100 for an operator who owns 21 or more manually propelled boats.]
20 “**SECTION 14c. If both House Bill 2076 and House Bill 2080 become law, section 14 of this**
21 **2019 Act (amending ORS 830.575) is repealed and ORS 830.575, as amended by section 5,**
22 **chapter __, Oregon Laws 2019 (Enrolled House Bill 2076), and section 5, chapter __, Oregon**
23 **Laws 2019 (Enrolled House Bill 2080), is amended to read:**
24 “830.575. (1) Notwithstanding ORS 830.790 (3), [fees] **the annual fee** for issuance and renewal
25 of an aquatic invasive species prevention permit **for a sailboat that is at least 12 feet in length**
26 **and not registered in Oregon or a motorboat that is not registered in Oregon is \$20.** [are as
27 follows:]
28 “[(1) The annual fee for a nonmotorized boat at least 10 feet in length is \$5.]
29 “[(2) The annual fee for a motorboat that is not registered in Oregon is \$20.]
30 “[(3) The annual fee for an operator of a boat livery or an outfitter and guide, as that term is de-
31 fined in ORS 704.010, is:]
32 “[(a) \$30 for a person who owns 6 to 10 nonmotorized boats at least 10 feet in length;]
33 “[(b) \$55 for a person who owns 11 to 20 nonmotorized boats at least 10 feet in length; or]
34 “[(c) \$100 for a person who owns 21 or more nonmotorized boats at least 10 feet in length.]
35 “[(4)] (2) All fees collected under this section shall be deposited into the Aquatic Invasive Spe-
36 cies Prevention Fund established under ORS 830.585.
37 “[(5) As used in this section:]
38 “[(a) ‘Nonmotorized boat’ includes a sailboat that is at least 10 feet but less than 12 feet in
39 length.]
40 “[(b) ‘Motorboat’ includes a sailboat that is at least 12 feet in length.]
41 “**SECTION 15. The amendments to ORS 830.110 by section 10 of this 2019 Act apply to fees**
42 **imposed on and after January 1, 2020.**
43 “**SECTION 15a.** If House Bill 2118 becomes law, section 15 of this 2019 Act is amended to read:
44 “**Sec. 15.** The amendments to ORS 830.110 by section [10] **10a** of this 2019 Act apply to fees
45 imposed on and after January 1, 2020.

1 **“SECTION 16.** (1) The State Marine Board shall submit two reports to the interim com-
2 mittees of the Legislative Assembly related to natural resources, in the manner provided in
3 ORS 192.245, on the implementation of sections 2 to 7 of this 2019 Act and the amendments
4 to ORS 830.110, 830.565, 830.570, 830.575 and 830.990 by sections 10 to 14c of this 2019 Act. Each
5 report must include the following:

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

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

8 “(c) Information about the number of waterway access permits issued;

9 “(d) Information about the number of citations and warnings issued for violation of sec-
10 tion 5 of this 2019 Act; and

11 “(e) A description of the revenue and expenses related to the issuance of waterway ac-
12 cess permits.

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

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

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

16 **“SECTION 18.** (1) Sections 2 to 9 of this 2019 Act and the amendments to ORS 830.110,
17 830.565, 830.570 and 830.575 by sections 10, 10a and 12 to 14c of this 2019 Act become operative
18 on January 1, 2020.

19 “(2) The amendments to ORS 830.990 by sections 11 and 11a of this 2019 Act become op-
20 erative on August 1, 2020.

21 “(3) The State Marine Board may take any action before the operative date specified in
22 subsection (1) of this section that is necessary to enable the board to exercise, on and after
23 the operative date specified in subsection (1) of this section, all the duties, functions and
24 powers conferred on the board by sections 2 to 9 of this 2019 Act and the amendments to
25 ORS 830.110, 830.565, 830.570 and 830.575 by sections 10, 10a and 12 to 14c of this 2019 Act.”.