



Oregon

Kate Brown, Governor

State Marine Board

435 Commercial St NE, Suite 400

PO Box 14145

Salem, OR 97309-5065

(503) 378-8587

Fax (503) 378-4597

April 7, 2015



House Committee on Judiciary

Representative Jeff Barker (Chair)
Representative Andy Olsen (Vice-Chair)
Representative Jennifer Williamson (Vice-Chair)
Representative Brent Barton
Representative Mitch Greenlick
Representative Wayne Krieger
Representative Ann Lininger
Representative Bill Post
Representative Sherrie Sprenger

Dear Chair Barker, Vice-Chair Olson, Vice-Chair Williamson, and Committee Members,

The Marine Board is neutral on HB 3498. This bill proposes to expand the offenses that must be reported on the Outfitter and Guide application and provides direction and authority to the Marine Board to condition, revoke, suspend or deny registration.

All applicants seeking to be licensed as a guide or outfitter in Oregon must complete an affidavit noting certain criminal convictions within the previous two years. This bill adds violations of ORS 830, Small Watercraft, the crimes of delivery, manufacture or possession of a controlled substance as defined in ORS 475.005 and assault in any degree, criminal homicide as defined in ORS 163.005 or kidnapping in any degree to those violations and crimes that must be reported on the application.

This bill also establishes a new requirement to report crimes, the result of which prohibit possession of a firearm or require registration as a sex offender, regardless of when the crime occurred. If a person is convicted of a crime and is either prohibited from carrying a firearm or required to register as a sex offender, the individual's Outfitter and Guide license shall be revoked upon conviction. However, the Outfitter and Guide may apply for renewal the following year. This reporting will allow the board to consider additional information – such as completion of probationary periods, treatments or evaluations – and determine if the guide registration will be denied, issued conditionally, or routinely issued.

It is important to note that any person aggrieved by a decision of the Marine Board regarding the issuance or denial of an Outfitter and Guide registration is entitled to judicial review of the decision in accordance with the procedure for contested cases provided by ORS Chapter 183.



House Committee on Judiciary
HB 3498
April 7, 2015
Page 2

HB 3498 is the result of discussions within the Outfitter and Guide community, and specifically the Guide Advisory Committee, convened under the ORS 704.525. This committee has been meeting regularly since 2010 and in 2013 unanimously supported increasing fees to better fund law enforcement and program administration for improved scrutiny of their credentials, and to demonstrate the quality of many Outfitters and Guides who are registered by the Marine Board.

In 2015, as a result of the improved program oversight created through this advisory process, the Oregon State Marine Board has returned approximately 400 Outfitter and Guide applications for clarification; issued 15 conditional licenses for certain types of violations, revoked one guide registration for multiple violations with another pending, and has worked closely with Oregon State Police to investigate 21 potential criminal violations.

Guides, law enforcement and members of the public have expressed deep concern that certain registered sex offenders are allowed to take families into remote waterways or on backcountry hunting trips, or that individuals who use, manufacture or sell illegal drugs are guiding people in rugged terrain or hazardous waterways.

Thank you for your time. Please allow me to answer any questions you may have.

Sincerely,

Randy Henry, Boating Safety Program Manager