

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 04/21/15

**Action:** Do Pass As Amended And Be Printed Engrossed.

**Meeting Dates:** 04/07, 04/21

**Vote:**

Yeas: 9 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Sprenger, Williamson

**Prepared By:** Laura Handzel, Administrator

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**WHAT THE MEASURE DOES:**

Requires applicant for registration by State Marine Board (Board) as outfitter and guide to submit affidavit disclosing criminal convictions. Permits Board to take action for serious or repeated violations of small watercraft statutes and convictions of certain crimes. Directs Board to revoke registration if outfitter and guide is convicted of certain other crimes. Authorizes Board to take action before operative date. Applies to applications for initial or renewed registration received by Board on or after effective date. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Evolution of marine outfitter and guide industry
- Right to appeal to administrative law judge
- Permissive nature of bill
- Work done during 2013 Legislative Session
- Public safety issues remaining since 2013
- Overbreadth of controlled substances
- Examples of oversight
- Need for amendments

**EFFECT OF COMMITTEE AMENDMENT:**

Removes marijuana from inclusion as controlled substance.

**BACKGROUND:**

Currently, any person in Oregon who acts as an outfitter or guide must first and annually register with the State Marine Board (Board). Registration requires an affidavit from applicants stating they have not been convicted of certain crimes, consisting mostly of permitting or wildlife violations, in the previous 24 months. The Board currently has authority to take action, including suspension, revocation, or denial, against outfitters and guides who have committed certain violations.

House Bill 3498 A additionally requires applicants to state by affidavit that they have not been convicted in the previous 24 months of: 1) Crimes involving the delivery, manufacture or possession of a controlled substance as defined in ORS 475.005; and 2) Assault in any degree, criminal homicide as defined in ORS 163.005, or kidnapping. The bill also requires applicants to state by affidavit that they have never been convicted of: 1) A crime prohibiting them from possessing a firearm; or 2) A crime requiring them to register as a sex offender. The bill expands the Legislative Assembly list of violations directly related to fitness required for registration. House Bill 3498 A authorizes the Board, in its discretion, to reprimand, suspend for up to 24 months, revoke or deny registration for certain criminal offenses. The bill additionally directs the Board to revoke registration if an outfitter

and guide is convicted of a crime prohibiting the possession of a firearm or a crime requiring them to register as a sex offender. House Bill 3498 A authorizes the Board to take action before the operative date of January 1, 2016, in order to enact changes. It applies to applications for initial or renewed registration received by the Board on or after effective date, and it applies to convictions of acts committed on or after effective date. House Bill 3498 A declares an emergency and is effective on passage.