

HOUSE COMMITTEE ON WATER

January 31, 2005 Hearing Room 357

1:00 PM Tapes 16 - 17

MEMBERS PRESENT: Rep. Bob Jenson, Chair

Rep. Jerry Krummel, Vice-Chair

Rep. Jackie Dingfelder, Vice-Chair

Rep. Phil Barnhart

Rep. Alan Brown

Rep. Billy Dalto

Rep. Mike Schaufler

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD & WITNESSES:

Overview of the State Marine Board – Informational Meeting

HB 2066 - Public Hearing

HB 2084 - Public Hearing

HB 2267 - Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 16, A

004 Chair Jenson Calls the meeting to order at 1:03 p.m. as a subcommittee of the full committee. Opens an informational meeting.

overview of the State marine board - informational meeting

025 Paul Donheffner Director, Oregon State Marine Board. Provides an overview of the State Marine Board whose mission is safety, boater education and public access while trying to protect the environment (**EXhibit A**).

073 Rep. Dingfelder Asks if the State Marine Board has any input on the navigability of a river.

076 Donheffner Indicates that the Marine Board is involved in public use and management of waterways, not ownership of the bottom.

088 Rep. Dingfelder Wonders, if a river becomes navigable, is the Marine Board responsible for maintenance and enforcement.

093 Donheffner Says they manage waterways statewide regardless of declarations of navigability.

110 Rep. Brown Asks about the division point between boats registered by the State Marine Board and commercial fishing boats.

114 Donheffner Explains that a vessel can either be titled or documented; it is the method of proving ownership.

124 Rep. Brown Asks if a day salmon trawler would be licensed by the Marine Board.

126 Donheffner Responds, yes.

130 Donheffner Continues review of **EXHIBIT A** with Boating Safety Education.

138 Rep. Barnhart Asks for more detailed information on accident investigation and reporting.

139 Donheffner Indicates that any boating accident that involves injury beyond first aid is investigated.

158	Rep. Dingfelder	Asks who is responsible for educating boaters about tsunamis and what type of information is available for fishermen.
167	Donheffner	Replies there is no information he is aware of.
172	Rep. Brown	Suspects this might be a topic addressed by the Tsunami Warning Task Force.
180	Donheffner	Continues overview of the State Marine Board with Marine Law Enforcement/Safety Services as well as Boating Facilities.
225	Donheffner	Discusses Boating Dimension graphs/charts in EXHIBIT A .
240	Chair Jenson	Inquires about out-of-state registration of luxury boats.
245	Donheffner	Responds they only register boats used in Oregon.
260	Chair Jenson	Wonders about the many boats used in Oregon that come from out-of-state.
266	Donheffner	Explains that when a boat is registered in Oregon, the owner has to declare Oregon as their state of principal use.
270	Chair Jenson	Feels principal use can be different than place of residency – a person from California could register a boat in Oregon without being in violation of Oregon laws.
272	Donheffner	Replies that they would have to swear that Oregon is their state of principal use – if the boat never comes to Oregon, they would have filed a false statement. Indicates lists are routinely shared with neighboring states and the information verified.
275	Rep. Schaufler	Asks how many boats are over 30 feet.
280	Donheffner	Approximately 8,000 – 15, 000. Continues his overview with Growth in Boat Registration, 1988-2002 . Indicates that old boats are coming off the rolls faster than new boats being registered.
302	Rep. Dingfelder	Asks if just motorized boats are required to register.

303	Donheffner	Replies all motor boats and sailboats 12 feet and over.
314	Rep. Dingfelder	Questions if jet skis are registered.
316	Donheffner	Yes. Continues overview discussing Sustainable Boating Activities.
344	Chair Jenson	Asks what techniques are being used to prevent the spread of invasive species on boats, motors and trailers.
346	Donheffner	Describes efforts to educate boaters about invasive species.
362	Chair Jenson	Inquires if any provisions exist for out-of-state luxury or ocean-going boats to prevent them from bringing invasive species into Oregon.
376	Donheffner	Responds there is no formal program of inspection, or prohibition.
381	Rep. Schaufler	Asks for clarification on who must comply with the EPA and low-emission engines by 2006.
390	Donheffner	Replies it is all engines sold.
394	Rep. Schaufler	Wonders what will happen to older engines.
396	Donheffner	Notes they will continue to be able to use those engines.

TAPE 17, A

022	Rep. Schaufler	Expresses confidence that these old engines will eventually be replaced by lower emission engines.
029	Rep. Dingfelder	Remarks on the legislation last session giving incentives to expedite the transition to cleaner engines. Asks for an update on what the Marine Board is doing to facilitate the turnover to cleaner engines.
035	Donheffner	Discusses the Clean Marina Initiative which they are hoping to get underway next year. Says they are reviewing other states (Maryland, Connecticut, California) for best management practices at marinas to prevent non-point source pollution.

050	Chair Jenson	Asks if they report this activity and the outcomes to anyone.
052	Donheffner	Indicates this is a new program they are hoping to launch next year, so no reporting has been done to date.
058	Chair Jenson	Editorializes about the Marine Board coming under the Oregon Plan and therefore the need to communicate with the Oregon Watershed Enhancement Board (OWEB) on their activities.
077	Rep. Schaufler	Wonders if the problems with invasive species would be part of their clean marina initiative.
085	Donheffner	Responds that would fall under the best management practices. Reviews Governor's recommended budget for 2005-07.
105	Rep. Brown	Asks how the \$12 million facilities figure is dispersed.
108	Donheffner	Replies it is mostly in the form of grants to local governments and other agencies.
115	Rep. Barnhart	Asks for an approximate breakdown between administration and education.
116	Donheffner	Responds that the allocation is documented in terms of employees: five staff in education; about 12 staff in registration; and three in administration.
128	Rep. Barnhart	Clarifies that three people work in the "back office" and the "front office" has people doing education and registration work.
134	Donheffner	Explains there are five people working full-time on education and a dozen working registration. Offers to provide additional information.
139	Rep. Brown	Comments this small agency has been very responsive and helpful.
149	Chair Jenson	Closes the informational meeting. Opens a public hearing on HB 2066.

148	Sandy Thiele-Cirka	Administrator. Summarizes the bill.
160	Greg Johnson	Director, Portland Marine Dealers Association. Submits testimony and testifies in support of HB 2066 (EXhibit B).
190	Chair Jenson	Clarifies that he wants the reimbursement raised from \$1 to \$2.50.
192	Johnson	Responds affirmatively.
211	Chair Jenson	Asks how many licenses an average dealership would issue.
213	Johnson	Indicates some of the larger dealers average 50-75 registrations a week.
223	Rep. Brown	Requests clarification about what the dealerships do in regard to registration and titling of boats.
233	Paul Mayer	President, Stevens Marine, Inc. Submits testimony and testifies in support of HB 2066 (EXhibit C). Elaborates on what is involved in the administration of registrations and titles. Advocates the increase in the agent's fee to \$2.50.
260	Rep. Dingfelder	Asks if this increase would be to cover the administrative costs.
263	Mayer	Responds affirmatively.
272	Rep. Dingfelder	Says it would be helpful to have a better understanding of how many transactions are provided per week, per month, etc. and how this money is collected.
284	Rep. Dalto	Wonders if this is a fee for doing the paperwork, similar to buying a new car.
286	Mayer	Indicates, yes. Contends a breakdown of the figures could be provided.
310	Rep. Brown	Comments that it must cost dealers more than \$2.50 to provide this service.
315	Mayer	Replies it is not a profit-generating service.

325	Rep. Krummel	Asks if the fee is for a temporary permit before the license arrives from the Marine Board.
333	Mayer	Describes how these transactions are performed.
345	Rep. Krummel	Wonders if new stickers have to be applied before a privately purchased boat can be used.
359	Mayer	Notes two aspects of the process: <ul style="list-style-type: none"> • title transfer (exchange of old title to their name) • need current tags if boat has expired tags
367	Rep. Schaufler	Asks if there is a public office where people can go or is this service provided through private vendors.
369	Mayer	Notes that they can come to Salem.
382	Rep. Krummel	Wonders about putting in statute that a marina can charge a fee and not put a cap on it – whatever the market can bear.
400	Mayer	Discusses the benefit to the customer if all dealers charge the same price and thus make boating a positive experience.
439	Thiele-Cirka	Asks for clarification of when a dealer would perform these registration services.
440	Mayer	Provides example of someone needing tags quickly to be able to go boating.

TAPE 16, B

015	Rep. Barnhart	Appreciates hearing these types of questions giving committee members background into what is precipitating this measure.
028	Thiele-Cirka	Notes written testimony from Clemens Marina, Inc. (EXhibit D) .
030	Paul Donheffner	Director, Oregon State Marine Board. Submits testimony and testifies in support of HB 2066 (EXhibit E) . Notes that agent fees have not

been adjusted since 1975 even though costs have risen. Recommends that the subsequent referral to Ways & Means be rescinded.

085	Rep. Schaufler	Recommends not limiting the amount; says people will respond to the fact this is a 250 percent increase, rather than a fee going from \$1 to \$2.50.
095	Rep. Barnhart	Reads lines 1 and 2 on page 2 of bill; notes this is a charge for services, not a fee in the normal sense.
106	Donheffner	Clarifies it is a ceiling on the fee the agent is allowed to charge for the services.
130	Chair Jenson	Agrees this is a service charge in addition to the prescribed fees.
135	Rep. Barnhart	Points out that the relating clause contends this is a service charge. Asks for the history of the current \$1 service charge.
145	Donheffner	Explains the history of the charge.
164	Rep. Schaufler	Reiterates his recommendation that the service charge not be capped rather than having a 250 percent increase.
181	Chair Jenson	Points out that Section 1 (10) says the agent “may” charge not “shall” charge.
197	Donheffner	Advocates for a uniform application of the service charge.
208	Rep. Schaufler	Asks how much the vendor gets reimbursed, per transaction, on fishing licenses.
222	Mayer	Doesn’t know the fee because it is automated.
242	Chair Jenson	Suggests this amount be referred to as a “service charge” and not a “fee.”
250	Chair Jenson	Closes the public hearing on HB 2066. Opens a public hearing on HB 2084.

265	Paul Rainey	Oregon Guides and Packers Association. Testifies in support of HB 2084 which allows reciprocity with Washington on the Columbia River guides.
288	Bob Rees	President, Northwest Guides Association. Testifies in support of HB 2084. Expresses opposition to Washington's limited entry program for charter vessels.
336	Rep. Brown	Questions the reciprocity between Oregon and Washington.
339	Rees	Answers that reciprocity takes place as a sport angler, but not as a commercial operator. Explains HB 2084 would clarify reciprocity.
371	Rep. Dingfelder	Wonders if this same issue has occurred on the Klamath with California outfitters.
380	Rees	Responds that he does not have that information.

TAPE 17, B

010	Paul Donheffner	Director, Oregon State Marine Board. Answers the previous question saying this is not a problem because there are no waterways that border California and Oregon. Submits testimony and testifies in support of HB 2084 (EXhibit F). Reviews history of bill and lack of reciprocity that currently exists between Washington and Oregon, due to lack of liability insurance (for charter boats) and first aid requirements in Washington.
072	Donheffner	Points out that the language in the bill was recommended by Legislative Counsel to provide flexibility through the administrative rule process. Notes that Washington guides have been operating without the insurance or first aid cards since 1995.
092	Rep. Schaufler	Asks for an explanation of what is covered under Oregon's liability insurance requirement.
099	Donheffner	Replies, in Oregon, guides carry \$300,000 worth of liability insurance and have to provide proof of first aid training.
110	Rep. Schaufler	Inquires what percentage might voluntarily carry insurance.

114	Donheffner	Suspects anyone with assets.
117	Rep. Brown	Wonders how these requirements match up with those of the Coast Guard.
119	Donheffner	Responds that all operators carry a Coast Guard operator's license and most Coast Guard rules are uniform in both states.
124	Rep. Brown	Asks if the Coast Guard has insurance requirements.
126	Donheffner	Replies that the Coast Guard does not require insurance.
128	Rep. Brown	Inquires if there is any additional training required by the Coast Guard.
129	Donheffner	Points out that Oregon does require first aid training for guides, but not for charter boats.
132	Rep. Dingfelder	Questions why promote "lowering the bar" by lessening requirements in Oregon.
144	Donheffner	Clarifies they are not proposing to lower the bar for Oregon guides or charter boats. States they are proposing to recognize a Washington business license to carry people fishing on the Columbia River only.
168	Rep. Dingfelder	Expresses concern that Washington guides may not be as well trained as Oregon guides.
175	Rep. Barnhart	States confusion with the bill removing the reciprocity portion on page 1, lines 24-27, while recommending requirements between the two states be comparable on line 29.
199	Donheffner	Remarks it is difficult for requirements to be comparable when Oregon requires more than the state of Washington.
227	Rep. Barnhart	Asks for clarification on the application between Section 1 and Section 2 of the measure.
237	Donheffner	Responds that Section 1 relates to guides; Section 2 to charter boats.

241	Rep. Schaufler	Expresses his concern with the inconsistency in these regulations.
275	Chair Jenson	Notes he will consult with Legislative Counsel before the bill is scheduled for a work session. Asks the State Marine Board to consider the potential addition of a sunset clause for future discussion.
300	Chair Jenson	Closes the public hearing on HB 2084. Opens a public hearing on HB 2267.

hb 2267 – public hearing

302	Paul Donheffner	Director, Oregon State Marine Board. Submits testimony (EXhibit G) and testifies in support of HB 2267. Explains HB 2267 rectifies a problem in ORS 830.015 which is out of sync with federal laws that govern boating.
372	Rep. Brown	Asks if the wording in HB 2267 is acceptable to the Coast Guard.
378	Donheffner	Replies, yes.
388	Rep. Barnhart	Clarifies that this change means equipment and safety regulations for the State of Oregon have to be followed regardless of ownership.
390	Donheffner	Responds affirmatively.
393	Chair Jenson	Closes the public hearing on HB 2267. Adjourns the meeting at 2:48 p.m.

EXHIBIT SUMMARY

- A. State Marine Board, Agency Overview, Paul Donheffner, 13 pp
- B. HB 2066, written testimony, Greg Johnson, 2 pp
- C. HB 2066, written testimony, Paul Mayer, 2 pp
- D. HB 2066, written testimony from Clemans Marina, Inc., Greg Johnson, 2 pp
- E. HB 2066, written testimony and letter from Greg Johnson, Paul Donheffner, 2 pp
- F. HB 2084, written testimony, Paul Donheffner, 2 pp
- G. HB 2267, written testimony and letter from Coast Guard, Paul Donheffner, 2 pp