

May 17, 1991

Hearing Room E 12:00 p.m.

Tapes 3 - 4

SENATE MEMBERS PRESENT: Sen. Dukes, Chair Sen. Bradbury

HOUSE MEMBERS PRESENT: Rep. Derfler Rep. Hugo Rep. Parks

STAFF PRESENT: Ruth Larson, Committee Administrator Scott Marshall,
Committee Assistant Sue Hanna, Legislative Counsel

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

WITNESS LIST: Frank Buschart, Board of Maritime Pilots _ Mike Haglend,
Lewis & Clark Pilotage TAPE 3, SIDE A

CHAIR DUKES: Calls the meeting to order at 12:48.

RUTH LARSON: Reviews the status of SB 907.

FRANK BUSCHART, BOARD OF MARITIME PILOTS: The requirements are that pilots are preconditioned. They must have been ship's masters, then they must get into an apprentice programs. They are trained in different situations on different types of ships. Then they apply for a license. The Association will notify the Board that they have a trainee ready for licensing. After passing the test, they apply for a license. By a vote of the Board, the applicant may become a pilot.

REP. DERFLER: How are the people selected for the program?

BUSCHART: The pilot associations choose who they train.

REP. PARKS: Is there any written criteria?

BUSCHART: Within their own by-laws there are. Conference Committee on SB 907 May 17, 19 91 - Page 2 ,

REP. HUGO: What criteria do the associations use to determine if a person is qualified? BUSCHART: That varies by association. We have had them submitted to us. We have a summarization and recommendations in draft form. REP. HUGO: Does the board administer the test? BUSCHART: Yes. REP. DERFLER: Are the procedures longstanding? BUSCHART: I'm not sure. SEN. BRADBURY: The program that is in place is very effective. It is an excellent apprentice program with many pertinent steps. BUSCHART: The fail rate on the test low. REP. HUGO: My concern is that the Oregon Bar Pilots Association has set the rules, and the board has followed willingly. Now we just need to concentrate on this bill for the safety of the water ways. CHAIR DUKES: We must not make safety secondary, and the board must have the authority to do what is necessary to ensure safety. REP. HUGO: Submits the -13 amendments and the hand-engrossed version. (EXHIBITS A & B) REP. DERFLER: Could we make rules providing for the division of the river and allowing different groups to service respective areas? CHAIR DUKES: It would be far less expensive for the ships coming into the Port of Astoria. CHAIR DUKES: I'm not sure what your primary purpose is concerning the organizations. REP. DERLFLER: If

safety is your concern, why not allow licenses for different areas. We are satisfied with the House version. CHAIR DUKES: Are you willing to let the Board implement safety as the highest priority? REP. DERFLER: No. REP. HUGO: The language does not preclude a safety rule. CHAIR DUKES: If safety is not the #1 issue, then we have reached an impasse. REP. PARKS: We feel that it is a good bill, but the original bill was an attempt to put them out of business.

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CHAIR DUKES: I don't believe that is the purpose of the bill.

REP. DERFLER: Do you think the language in the amendments protects your client? MIKE HAGLEND, LEWIS & CLARK PILOTAGE: I think prohibits the Board from enacting rules that would put them out of business.

SEN. BRADBURY: If you use this language, we need to define the term "monopolistic practices." We also need to deal with the language "supports and encourages."

HAGLEND: I agree, although this language would be sufficient.

CHAIR DUKES: Don't you trust the Board?

HAGLEND: It has difficulty adjusting to change.

356 REP. HUGO: We need to look at the -17 amendments and the new section on the back of page 10. CHAIR DUKES: And, we need to look at the impact of interjecting anything to do with safety. I don't expect the board to look for reasons to put others out of business.

REP. DERFLER: Does this language accomplish what the House committee wanted?

SUE MANNA, LEGISLATIVE COUNSEL: It's very close. You want to avoid this going to the courts.

REP. HUGO: What does "the only means available" mean?

444 HAGLEND: We will have two years to study whether this is a good policy.

CHAIR DUKES: Hopefully, the Board is out to create safety not a monopoly.

HAGLEND: I think you're worrying about something that can't happen.

CHAIR DUKES: The Board rejected the petition. I want to make sure the Board can enforce safety.

REP. DERFLER: The Board has a variety of people and the votes are tough to predict.

REP. HUGO: If we have the -17 amended by Legislative Counsel, we may have a bill.

CHAIR DUKES: Adjourns the meeting at 1:20.

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Submitted by, Reviewed by, Scott Marshall Ruth Larson Committee
Assistant Committee Administrator

EXHIBIT LOG A - Representative Hugo, 2 pages. B - "
" " ", 1 page

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