

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

FILED 5-11-16 3:04 PM ARCHIVES DIVISION SECRETARY OF STATE
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<u>Oregon State Marine Board</u> Agency and Division	<u>250</u> Administrative Rules Chapter Number
<u>June LeTarte</u> Rules Coordinator	<u>(503) 378-2617</u> Telephone
<u>Oregon State Marine Board, P.O. Box 14145, Salem, OR 97309-5065</u> Address	

RULE CAPTION

Amend Outfitter/Guide rules to modify non-resident tag program fees and adopt civil penalties.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
6-30-16	7:00 p.m.	12700 SE 82nd Ave, Clackamas, OR	Mervin Hee
7-14-16	7:00 p.m.	620 Antelope Rd, White City, OR	Mervin Hee
7-28-16	7:00 p.m.	63095 Deschutes Market Road, Bend, OR	Mervin Hee

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

250-016-0095; 250-016-0100

AMEND:

250-016-0020; 250-016-0035; 250-016-0040

REPEAL:

250-016-0030

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 704.500; ORS 704.900

Other Authority:

Statutes Implemented:

ORS 704.500; ORS 704.900

RULE SUMMARY

Adopt civil penalty rules to comply with Oregon Revised Statutes. Amend rules to remove unauthorized exclusions. The non-resident tag program requirements will be modified and an additional hunt unit certification fee will be added.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

<u>07-31-2016 5:30 p.m.</u> Last Day (m/d/yyyy) and Time for public comment	<u>June LeTarte</u> Rules Coordinator Name	<u>June.Letarte@state.or.us</u> Email Address
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*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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STATEMENT OF NEED AND FISCAL IMPACT
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Oregon State Marine Board
Agency and Division

250
Administrative Rules Chapter Number

Amend Outfitter/Guide rules to modify non-resident tag program fees and adopt civil penalties.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Chapter 250 Division 016

Statutory Authority:

ORS 704.500; ORS 704.900

Other Authority:

Statutes Implemented:

ORS 704.500; ORS 704.900

Need for the Rule(s):

The agency needs to adopt civil penalty rules to comply with Oregon Revised Statutes and amend rules to remove unauthorized exclusions. The non-resident tag program changes will ease issues concerning the prolonged time period to obtain federal permits and also address complaints that non-Oregon guides are taking advantage of program gaps. The non-residence tag application fee will be increased to cover administrative costs associated with hunt certifications.

Documents Relied Upon, and where they are available:

Guide Advisory Committee and Non-Resident Tag Program Committee meeting minutes from February - April 2016 meetings.

Rule documents are available for public inspection at the Oregon State Marine Board, Director's Office between 8:30 am - 4:00 pm on normal working days, Monday-Friday.

Fiscal and Economic Impact:

Fiscal and Economic Impact will result from rulemaking. Implementing penalties will impact the agency's administrative program costs in terms of staff hours and additional recordkeeping.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Implementing civil penalties procedures will require the agency to undertake additional recordkeeping and to attend an administrative hearing process. The agency estimates it will take four hours of staff time to document, process and participate in the administrative hearing for each civil action. The agency cost may be off-set by the civil penalties generated. The proposed changes may result in a minor reduction of work load on State and Local law enforcement by providing an alternative for enforcement actions on minor registration violations. The changes to the non-residence tag program permit requirements will double the agency's review time of applications and permits.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

There are 1,410 Outfitter Guides of which 171 are non-boating. Forty guide businesses participate in the non-resident tag program.

The federal permit application requirement will impact guide businesses participating in the non-resident tag program. Each business will continue to be required make application and to pay the federal permit fees prior to applying for a hunt. The proposed increase in the non-resident tag fee will increase each participant's an average of \$25.00. The maximum increase would be \$75.00.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

There are no new reporting, recordkeeping and other administrative activities required of small businesses for compliance with these rule changes.

c. Equipment, supplies, labor and increased administration required for compliance:

There is no equipment, supplies, or labor, required for compliance with these rule changes.

How were small businesses involved in the development of this rule?

Small business owners including Outfitters and Guides participated in the meetings to discuss rule concept and possible impacts.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

07-31-2016 5:30 p.m.	June LeTarte	June.Letarte@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address