

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 3089 – **Conference Committee Report** **STATUS:** B Engrossed*
SUBJECT: Wildlife management
GOVERNMENT UNIT AFFECTED: Department of Fish and Wildlife and Judicial Department
PREPARED BY: John Terpening
REVIEWED BY: Paul Siebert and John Borden
DATE: June 19, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES: See Comments.		

REVENUES:
See Comments.

EFFECTIVE DATE: January 1, 2010.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: The bill directs that public lands used for wildlife management purposed be open to access for hunting except as limited by the Fish and Wildlife Commission; directs that the Commission shall, to extent practicable, avoid making management determinations that result in a net loss of access to hunting on public lands; directs the Department of Fish and Wildlife (ODFW) to report on acres closed or open to hunting; modifies the definition of 'game mammal'; authorizes expenditure of funds from the Access and Habitat Program for acquisition of easements; directs the Fish and Wildlife Commission to consider giving additional preference points to residents issued pioneer hunting licenses; and, allows the Commission to adopt rules establishing a scheduled of penalties for wildlife provision violations.

ODFW indicates that the fiscal impact associated with the bill is expected to be minimal and absorbable with existing resources or indeterminate.

The bill provision that directs the Fish and Wildlife Commission to report to the legislature is expected to involve a minimal amount of existing staff time.

Provisions related to the modification of 'game mammal' to include the gray wolf as a special status mammal will require ODFW to revise rules, which will involve a minimal amount of existing staff time and can be absorbed with existing resources. The Department indicates that if the rules for special status were challenged, there would also be an indeterminate amount of increase legal fees associated with implementation of this section of the bill.

The bill authorizes expenditure of funds from the Access and Habitat Program for acquisition of easements. ODFW indicates that the bill would have an indeterminate fiscal impact. ODFW indicates that they are currently able to use easements for habitat improvement projects, but not for access projects. Typically, ODFW establishes contracts with landowners to allow public hunting access or to improve habitat which can range in cost from \$2,000 to \$50,000 Other Funds. The Department estimates that

easements will likely be for a longer period of time than a contract, and require a higher level up-front investment, but lower out of pocket expenditures in later years. As the utilization and timing of easements purchases is not known, the resulting fiscal impact is indeterminate.

ODFW anticipates a fiscal impact associated with giving additional preference points to residents issued pioneer hunting licenses as rules and computer systems will need to be modified. Increased expenditures are expected to be minimal and absorbable with existing resources. There will also be an indeterminate negative Other Funds revenue impact. This impact is expected to be less than \$65,000 annually.

The civil penalty components of the bill will likely increase penalty revenue paid to ODFW. The Department typically receives \$200,000 to \$300,000 per biennium from restitutions and damages. ODFW indicates that the increases in Other Funds revenues from the changes in the bill will likely be minimal, less than \$50,000 per biennium.

The Oregon Judicial Department anticipates an indeterminate fiscal impact associated with the bill. The state courts may be impacted in three areas: 1) challenges to ODFW rule violation enforcement and the resulting civil penalties which are subject to review by the Court of Appeals; 2) lawsuits instituted by ODFW for the recovery of damages for unlawful taking or killing of wildlife; and/or 3) additional criminal prosecutions for the taking of raptors. The timing and degree of impact on the state courts is not known at this time.