

# House Bill 3469

Sponsored by Representative REARDON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes legislative findings regarding need for conservation of wild bird species in Oregon. Establishes Wild Bird Conservation Fund. Continuously appropriates moneys in fund to State Department of Fish and Wildlife for wild bird conservation purposes. Directs State Department of Fish and Wildlife to undertake wild bird conservation efforts. Establishes Oregon Wild Bird Conservation oversight committee.

Creates excise tax on wild bird feed. Directs revenues from tax to wild bird conservation programs. Applies to wild bird feed distributed for retail sale on or after January 1, 2014, and before January 1, 2022.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to wild bird conservation; appropriating money; prescribing an effective date; and providing  
3 for revenue raising that requires approval by a three-fifths majority.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. The Legislative Assembly finds that:**

6 (1) **Populations of about one in four wild bird species in Oregon are currently low, de-**  
7 **clining or otherwise at risk.**

8 (a) **Oregon's state bird, the western meadowlark, is a species of conservation concern**  
9 **throughout the state, particularly in the Willamette Valley.**

10 (b) **A number of other iconic species, including the western burrowing owl, bobolink,**  
11 **tufted puffin, Lewis's woodpecker, Oregon vesper sparrow and western bluebird, are of con-**  
12 **servation concern or are threatened with extirpation.**

13 (c) **Conservation and restoration of these species and their habitats are necessary to**  
14 **preserve the diversity and productivity of natural systems and to provide a broad range of**  
15 **wild bird viewing opportunities.**

16 (2) **Wildlife observation, including bird viewing, benefits Oregon residents, attracts visi-**  
17 **tors to this state and adds over \$1 billion per year to this state's economy.**

18 **SECTION 2. Sections 3 to 9 of this 2013 Act shall be known and may be cited as the**  
19 **Oregon Wild Bird Conservation Act.**

20 **SECTION 3. The State Department of Fish and Wildlife shall establish a wild bird con-**  
21 **servation program to undertake wild bird conservation efforts on urban, rural and wild**  
22 **landscapes that is consistent with the "Oregon Conservation Strategy" adopted by the State**  
23 **Fish and Wildlife Commission and published by the State Department of Fish and Wildlife in**  
24 **February 2006. This program shall include:**

25 (1) **Implementing actions under the "Oregon Conservation Strategy" that are related to**  
26 **wild birds, including but not limited to habitat restoration, outreach programs and materials,**  
27 **monitoring priority wild bird species and engaging new and diverse collaborators in wild bird**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 conservation efforts.

2 (2) Establishing and maintaining a full-time equivalent avian conservation coordinator  
3 position within the State Department of Fish and Wildlife.

4 **SECTION 4.** (1) The Oregon Wild Bird Conservation oversight committee is established  
5 for the purpose of making recommendations to the State Department of Fish and Wildlife  
6 for the implementation of sections 3 to 9 of this 2013 Act and providing evaluation reports  
7 to the Legislative Assembly.

8 (2) The committee shall consist of seven members appointed by the State Fish and  
9 Wildlife Director and shall be selected to represent Oregon's geographic diversity of both  
10 urban and rural communities and a range of perspectives, including avian conservation and  
11 education expertise on urban, rural and wild lands, wild bird feed retail business experience  
12 and environmental justice.

13 (3) Members of the committee are volunteers and not entitled to compensation.

14 (4) The committee shall:

15 (a) Provide advice and recommendations on the following:

16 (A) Project opportunities consistent with the "Oregon Conservation Strategy";

17 (B) Matching-funds opportunities;

18 (C) Collaborative conservation efforts with local communities, businesses, landowners,  
19 other governmental agencies and nonprofit organizations; and

20 (D) Engaging with new, diverse and underserved audiences in avian conservation efforts.

21 (b) Monitor and evaluate the success of projects in relation to protection of wild bird  
22 species and the implementation of the "Oregon Conservation Strategy."

23 (5) The committee shall meet twice annually.

24 (6) The committee shall report to a committee of the Legislative Assembly relating to  
25 agriculture and natural resources on or before December 1, 2018, regarding implementation  
26 of sections 3 to 9 of this 2013 Act.

27 **SECTION 5.** The Wild Bird Conservation Fund is established in the State Treasury, sep-  
28 arate and distinct from the General Fund. Interest earned by the Wild Bird Conservation  
29 Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the  
30 State Department of Fish and Wildlife for the purpose of funding wild bird conservation  
31 programs.

32 **SECTION 6.** As used in sections 7 and 8 of this 2013 Act:

33 (1) "Initial distributor" means a person that first distributes wild bird feed in or into this  
34 state.

35 (2) "Wild bird feed" means a feed marketed for noncaptive undomesticated avians.

36 **SECTION 7.** (1) Except as provided in subsection (2) of this section, an excise tax at the  
37 rate of five cents per pound shall be imposed on wild bird feed distributed in or into this  
38 state, to be paid by the initial distributor.

39 (2)(a) A person other than the initial distributor may assume liability for the tax imposed  
40 under this section.

41 (b) No tax is due under this section on wild bird feed that is used as an ingredient in the  
42 manufacture of commercial feed that is registered with the State Department of Agriculture  
43 under ORS 633.015.

44 (3) The State Department of Agriculture shall establish by rule procedures for collecting  
45 the tax imposed under this section.

1       **SECTION 8.** (1) Each initial distributor subject to the tax imposed under section 7 of this  
2 2013 Act shall:

3       (a) No later than the last day of January each year, provide the State Department of  
4 Agriculture with an annual statement specifying the number of pounds of wild bird feed that  
5 the initial distributor distributed in Oregon the preceding calendar year and pay to the de-  
6 partment the tax imposed under section 7 of this 2013 Act.

7       (b) Maintain records relating to the initial distributor's determination of the number of  
8 pounds described in paragraph (a) of this subsection for examination by the department for  
9 the purpose of verifying the number of pounds distributed by the initial distributor in  
10 Oregon.

11       (2) The department may not disclose records of an initial distributor obtained by the de-  
12 partment pursuant to subsection (1) of this section.

13       (3)(a) The department may collect a penalty for a delinquent payment of the tax imposed  
14 under section 7 of this 2013 Act if an initial distributor has failed to make full payment before  
15 the 60th day after the payment is due. All penalties collected under this subsection shall be  
16 deposited into the Wild Bird Conservation Fund established under section 5 of this 2013 Act.  
17 The department may collect 30 percent of the amount of delinquent excise tax or \$750,  
18 whichever is less.

19       (b) An initial distributor shall continue to owe to the department any unpaid tax imposed  
20 under section 7 of this 2013 Act and any unpaid penalty under this subsection. Before taking  
21 any action or procedure against a person owing the tax, the department shall forward a  
22 written notice to the person, by registered or certified mail to the last known address of the  
23 person as shown on the records of the department, advising of the amount owing. The notice  
24 shall give the person 20 days from the mailing date to pay the amount owing or to present  
25 written or oral information or argument as to why the person believes the tax is not owing.  
26 If, after such period, the department is of the opinion that the tax is owing, the department  
27 may initiate actions or procedures to collect the amount due.

28       **SECTION 9.** After the payment of administrative and enforcement expenses, the balance  
29 of moneys received by the State Department of Agriculture under section 8 of this 2013 Act  
30 shall be transferred to the Wild Bird Conservation Fund established under section 5 of this  
31 2013 Act.

32       **SECTION 10.** Sections 7 to 9 of this 2013 Act apply to wild bird feed distributed in or into  
33 this state on or after January 1, 2014, and before January 1, 2022.

34       **SECTION 11.** This 2013 Act takes effect on the 91st day after the date on which the 2013  
35 regular session of the Seventy-seventh Legislative Assembly adjourns sine die.

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