
MEMORANDUM

Legislative Fiscal Office
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To: Natural Resources Subcommittee

From: Paul Siebert, Legislative Fiscal Office
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Date: June 13, 2015

Subject: HB 2402
Work Session Recommendations

HB 2402 relates to Oregon Department of Fish and Wildlife funding. It establishes the Task Force on State Department of Fish and Wildlife Funding and requires the Task Force to identify and recommend alternative funding sources and opportunities for ODFW.

The -2 amendment replaces the bill. It establishes the membership and duties of the Task Force on Funding for Fish, Wildlife and Related Outdoor Recreation and Education. The Legislative Administration Committee will staff the Task Force. The amendment also establishes the Fish, Wildlife and Related Outdoor Recreation and Education Fund.

Recommended Changes to HB 2402:

The Legislative Fiscal Office recommends adoption of the -2 amendment.

Motion #1: Move adoption of the -2 amendment to HB 2402

Measure to Full

LFO recommends the measure be moved to the full Joint Committee on Ways and Means.

Motion #2: Move HB 2402 as amended, to the full committee with a Do Pass recommendation.

Assignment of Carriers

Full: _____
2nd Chamber: _____

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2402 - 2

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Kim To
Reviewed by: Daron Hill, Paul Siebert
Date: 6/15/2015

Measure Description:

Establishes Task Force on State Department of Fish and Wildlife Funding.

Government Unit(s) Affected:

Legislative Assembly, Legislative Administration Committee (LAC), Oregon Department of Fish and Wildlife (ODFW)

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.

Analysis:

House Bill 2402 with the – 2 amendment establishes the Task Force on Funding for Fish, Wildlife and Related Outdoor Recreation and Education charged with identifying and recommending potential alternative and sustainable funding sources for the Oregon Department of Fish and Wildlife (ODFW), and opportunities for ODFW to better achieve its mission and conservation program objectives through leveraging funding sources. The bill requires the task force to report to the Legislature within 30 days after its final meeting or at a time designated by the President and Speaker. The bill sunsets on December 31, 2016. The bill contains an emergency clause and takes effect on passage.

The bill also establishes the Fish, Wildlife and Related Outdoor Recreation and Education Fund to be continuously appropriated to the Legislative Administration Committee to fund the work of the task force. The bill allows LAC to accept contributions of moneys and assistance.

Legislative Assembly, Legislative Administration Committee (LAC)

The fiscal impact of this bill on Legislative Administration Committee is indeterminate depending on the scope of work undertaken by the task force. Members of the task force are entitled to reimbursement, and Legislative Administration is required to provide staff for the task force. Although the 2015-17 Legislative Branch budget contains funds allocated for interim committee and task force, if the work required by this task force, or if the cumulative enactment of other legislation with interim committees and task forces exceeds expenditure levels beyond those assumed in the 2015-17 budget, additional General Fund resources may be required.

Oregon Department of Fish and Wildlife (ODFW)

This fiscal assumes that this bill will have minimal impact on ODFW. The Department will use existing staff and resources to provide the task force with existing available data, information, advice and other support.

PRELIMINARY STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date:

Action:

Meeting Dates:

Prepared By: Paul Siebert, Budget Analyst

WHAT THE MEASURE DOES:

Establishes Task Force on State Department of Fish and Wildlife Funding (Task Force). Requires Task Force to identify and recommend alternative funding sources and opportunities for Oregon Department of Fish and Wildlife (ODFW). Requires Task Force to report to Legislative Assembly within 30 days after final meeting or when Senate President or Speaker of the House designate. Sunsets Task Force on December 31, 2016. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

Replaces the bill. Establishes the membership and duties of the Task Force on Funding for Fish, Wildlife and Related Outdoor Recreation and Education. The Legislative Administration Committee will staff the Task Force. Establishes the Fish, Wildlife and Related Outdoor Recreation and Education Fund.

BACKGROUND:

The Oregon Department of Fish and Wildlife (ODFW) receives funding from several sources. In the 2013-15 biennium, a third of ODFW's revenue came from the sale of hunting and fishing licenses. Another third came from the federal government – much of it tied to the sale of hunting and fishing equipment. The rest of the department funding came from a variety of sources. Most of that funding could be used only for specific purposes spelled out in grants, contracts or statute. Roughly six percent of ODFW's revenue came from Oregon's general tax dollars and the lottery combined.

House Bill 2402 establishes a Task Force to identify and recommend alternative funding strategies and opportunities to leverage existing funds for ODFW.

**PROPOSED AMENDMENTS TO
HOUSE BILL 2402**

1 On page 1 of the printed bill, after line 2, insert:

2 “Whereas Oregon residents have a strong and growing interest in healthy
3 populations of native flora and fauna and the habitat that sustains them; and

4 “Whereas it is in this state’s interest to enhance the State Department
5 of Fish and Wildlife’s ability to conserve the natural resources under its
6 jurisdiction and to connect a diversity of this state’s residents to those nat-
7 tural resources through education and outdoor recreation opportunities that
8 include, but are not limited to, hunting and angling programs; and

9 “Whereas hunting and angling have supported this state’s fish and
10 wildlife conservation efforts for generations and continue to provide signif-
11 icant recreational opportunities and economic benefits to the people and
12 communities of this state; and

13 “Whereas it is in this state’s interest to enhance the public’s engagement
14 in and understanding of hunting and angling and the values they support;
15 and

16 “Whereas it is in this state’s interest to diversify and broaden the base
17 of the State Department of Fish and Wildlife’s revenue stream in a
18 sustainable manner that ensures that individual beneficiaries of the
19 department’s services equitably contribute to the revenues of the department
20 based on the services they receive; now, therefore,”.

21 Delete lines 4 through 30 and delete page 2 and insert:

22 **“SECTION 1. It is the intent of the Legislative Assembly that the**

1 task force established under section 2 of this 2015 Act develop recom-
2 mendations for legislation that will carry out the following purposes:

3 “(1) Strengthen the State Department of Fish and Wildlife’s ability
4 to carry out conservation and related outdoor recreation and educa-
5 tion programs that benefit the nonhunting and nonangling members
6 of the public whose values and pursuits are connected to healthy na-
7 tive fish and wildlife and healthy fish and wildlife habitat;

8 “(2) Maintain and enhance hunting and angling opportunities, im-
9 prove public access and habitat conservation programs related to
10 hunting and angling, and improve public education about the recre-
11 ational, economic and conservation benefits of hunting and angling,
12 including within urban and underserved communities, through em-
13 ploying hunting and angling license fee funds and associated federal
14 funds in a manner that is fair and equitable to the fee payers;

15 “(3) Ensure, to the greatest extent possible, that future fee in-
16 creases, new fees or other new revenue streams for the funding of the
17 department are developed and implemented in a manner that ensures
18 that individual beneficiaries of the department’s services equitably
19 contribute to the revenues of the department based on the services
20 they receive; and

21 “(4) Prioritize actions and allocation of resources that provide for
22 the long-term sustainability of the department and its ability to
23 achieve its mission.

24 **“SECTION 2. (1)(a) The Task Force on Funding for Fish, Wildlife
25 and Related Outdoor Recreation and Education is established, con-
26 sisting of not fewer than 16 or more than 22 members appointed as
27 follows:**

28 **“(A) The President of the Senate shall appoint two nonvoting
29 members from among members of the Senate.**

30 **“(B) The Speaker of the House of Representatives shall appoint two**

1 nonvoting members from among members of the House of Represen-
2 tatives.

3 “(C) The State Fish and Wildlife Commission shall appoint one
4 nonvoting member from among the members of the commission.

5 “(D) The Governor shall appoint not fewer than 11 or more than 17
6 members. All members of the task force appointed by the Governor
7 shall have a general knowledge, understanding and interest in fish,
8 wildlife and fish and wildlife habitat-related natural resource issues.
9 In making appointments, the Governor shall endeavor, to the extent
10 the Governor deems practicable, to ensure that each of the following
11 are represented on the task force:

12 “(i) The outdoor recreation business community;

13 “(ii) Conservation interests;

14 “(iii) Hunting interests;

15 “(iv) Angling interests;

16 “(v) Outdoor recreation interests other than hunting and fishing;

17 “(vi) Members of the general public interested in the health of
18 Oregon’s fish, wildlife and fish and wildlife habitat and outdoor re-
19 creation and who represent members of Oregon’s diverse communities
20 that may be underserved or underrepresented by the State Department
21 of Fish and Wildlife’s current operations;

22 “(vii) The travel and tourism industry;

23 “(viii) Counties and tribal governments;

24 “(ix) The outdoor education community;

25 “(x) The sport fishing industry; and

26 “(xi) The commercial fishing industry.

27 “(b) The State Fish and Wildlife Director, or the director’s designee,
28 shall serve ex officio as a nonvoting member of the task force.

29 “(2) The task force shall:

30 “(a) Identify and recommend potential alternative, sustainable

1 **funding sources for the State Department of Fish and Wildlife that are**
2 **consistent with the intent and purposes set forth in section 1 of this**
3 **2015 Act and that may include:**

4 **“(A) The taxation of the sale of recreational outdoor equipment,**
5 **clothing or related goods;**

6 **“(B) Contributions from businesses, organizations and individuals**
7 **to support the protection and conservation of native nongame wildlife**
8 **and nongame wildlife habitat;**

9 **“(C) Fees for services provided by the department to other agencies,**
10 **organizations or interests;**

11 **“(D) Fees levied on activities and uses of natural resources that**
12 **provide commercial benefits and impact fish, wildlife or fish or wildlife**
13 **habitat;**

14 **“(E) Endowments, trust funds or other instruments capable of**
15 **providing stable funding in perpetuity; or**

16 **“(F) Other funding models, mechanisms or partnerships.**

17 **“(b) Develop recommendations on whether adjustments are neces-**
18 **sary to ensure that relevant department program areas are funded in**
19 **accordance with the intent and purposes set forth in section 1 of this**
20 **2015 Act, while taking into consideration for each relevant program:**

21 **“(A) The public services provided through the program;**

22 **“(B) The funding necessary for the program to provide optimal**
23 **benefits; and**

24 **“(C) The sources of funding for the program.**

25 **“(c) Identify and recommend opportunities for the department to**
26 **better achieve its mission and conservation program objectives**
27 **through leveraging, coordinating and budgeting funds from alternative**
28 **sources and existing sources including, but not limited to, federal**
29 **funds, licenses and permits, lottery funds and mitigation funds.**

30 **“(3) In carrying out its duties under subsection (2) of this section,**

1 **the task force shall:**

2 **“(a) Solicit, collect and consider testimony and recommendations**
3 **from a wide variety of stakeholders;**

4 **“(b) Ensure that any recommendations made by the task force**
5 **comply with the department’s mission, the Oregon Constitution and**
6 **federal law;**

7 **“(c) Identify, procure and consider any research, surveys and other**
8 **information that the task force deems necessary for developing in-**
9 **formed recommendations;**

10 **“(d) Consider the practicality of proposed options, including, but**
11 **not limited to, the logistics of implementation and administration; and**

12 **“(e) Identify and develop strategies for informing and educating the**
13 **public about:**

14 **“(A) The long-term funding needs of the department;**

15 **“(B) The benefits of providing stable, alternative funding for the**
16 **management and conservation of fish, wildlife and fish and wildlife**
17 **habitat; and**

18 **“(C) The net economic benefits to Oregon’s economy of fishing,**
19 **hunting and other wildlife-related recreation and habitat improvement**
20 **and protection efforts.**

21 **“(4) The task force may:**

22 **“(a) Accept comments and exhibits from public and private sources,**
23 **examine department records and take other actions reasonable for**
24 **carrying out the work of the task force; and**

25 **“(b) Make recommendations on other issues that may impact the**
26 **department’s funding or ability to achieve its mission, including but**
27 **not limited to the recruitment and retention of hunters and anglers,**
28 **promotion of the department’s programs, predation, and habitat im-**
29 **provement.**

30 **“(5) A majority of the voting members of the task force constitutes**

1 a quorum for the transaction of business.

2 “(6) Official action by the task force, including adoption of the re-
3 port and recommendations described in subsection (11) of this section,
4 requires the approval of a majority of the voting members of the task
5 force.

6 “(7) The task force shall elect one of its members to serve as
7 chairperson.

8 “(8) If there is a vacancy for any cause, the appointing authority
9 shall make an appointment to become immediately effective.

10 “(9) The task force shall meet at times and places specified by the
11 call of the chairperson or of a majority of the voting members of the
12 task force.

13 “(10) The task force may adopt procedures necessary for the opera-
14 tion of the task force.

15 “(11) The task force shall submit a report in the manner provided
16 by ORS 192.245, and may include recommendations for legislation, to
17 the interim committees of the Legislative Assembly related to the en-
18 vironment and natural resources no later than September 15, 2016.

19 “(12) The Legislative Administration Committee shall provide staff
20 support to the task force.

21 “(13) The Legislative Administration Committee may accept, on
22 behalf of the task force, contributions of moneys and assistance from
23 the United States Government or its agencies or from any other
24 source, public or private, and agree to conditions placed on the moneys
25 not inconsistent with the duties of the task force. All moneys received
26 by the Legislative Administration Committee under this subsection
27 shall be deposited into the Fish, Wildlife and Related Outdoor Recre-
28 ation and Education Fund established under section 3 of this 2015 Act
29 to be used for the purposes of carrying out the duties of the task force.

30 “(14) Members of the task force who are not members of the Leg-

1 islative Assembly are not entitled to compensation, but may be reim-
2 bursed for actual and necessary travel and other expenses incurred by
3 them in the performance of their official duties in the manner and
4 amounts provided for in ORS 292.495. Claims for expenses incurred in
5 performing functions of the task force shall be paid out of funds ap-
6 propriated to the Legislative Administration Committee for purposes
7 of the task force under this section.

8 “(15) All agencies of state government, as defined in ORS 174.111,
9 are directed to assist the task force in the performance of its duties
10 and, to the extent permitted by laws relating to confidentiality, to
11 furnish such information and advice as the members of the task force
12 consider necessary to perform their duties.

13 “SECTION 3. The Fish, Wildlife and Related Outdoor Recreation
14 and Education Fund is established in the State Treasury, separate and
15 distinct from the General Fund. Interest earned by the Fish, Wildlife
16 and Related Outdoor Recreation and Education Fund shall be credited
17 to the fund. All moneys in the Fish, Wildlife and Related Outdoor
18 Recreation and Education Fund are continuously appropriated to the
19 Legislative Administration Committee for the purposes of carrying out
20 the duties of the task force established under section 2 of this 2015 Act.

21 “SECTION 4. (1) Sections 1 to 3 of this 2015 Act are repealed on
22 December 31, 2016.

23 “(2) Any moneys remaining in the Fish, Wildlife and Related Out-
24 door Recreation and Education Fund on December 31, 2016, that are
25 unexpended, unobligated and not subject to any conditions shall revert
26 to the General Fund.

27 “SECTION 5. This 2015 Act being necessary for the immediate
28 preservation of the public peace, health and safety, an emergency is
29 declared to exist, and this 2015 Act takes effect on its passage.”.

30