

# Enrolled House Bill 2402

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D.)

CHAPTER .....

## AN ACT

Relating to State Department of Fish and Wildlife funding; and declaring an emergency.

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

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

Whereas hunting and angling have supported this state's fish and wildlife conservation efforts for generations and continue to provide significant recreational opportunities and economic benefits to the people and communities of this state; and

Whereas it is in this state's interest to enhance the public's engagement in and understanding of hunting and angling and the values they support; and

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

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

**SECTION 1. It is the intent of the Legislative Assembly that the task force established under section 2 of this 2015 Act develop recommendations for legislation that will carry out the following purposes:**

**(1) Strengthen the State Department of Fish and Wildlife's ability to carry out conservation and related outdoor recreation and education programs that benefit the nonhunting and nonangling members of the public whose values and pursuits are connected to healthy native fish and wildlife and healthy fish and wildlife habitat;**

**(2) Maintain and enhance hunting and angling opportunities, improve public access and habitat conservation programs related to hunting and angling, and improve public education about the recreational, economic and conservation benefits of hunting and angling, including within urban and underserved communities, through employing hunting and angling license fee funds and associated federal funds in a manner that is fair and equitable to the fee payers;**

**(3) Ensure, to the greatest extent possible, that future fee increases, new fees or other new revenue streams for the funding of the department are developed and implemented in**

a manner that ensures that individual beneficiaries of the department's services equitably contribute to the revenues of the department based on the services they receive; and

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

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

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

(B) The Speaker of the House of Representatives shall appoint two nonvoting members from among members of the House of Representatives.

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

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

(i) The outdoor recreation business community;

(ii) Conservation interests;

(iii) Hunting interests;

(iv) Angling interests;

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

(vi) Members of the general public interested in the health of Oregon's fish, wildlife and fish and wildlife habitat and outdoor recreation and who represent members of Oregon's diverse communities that may be underserved or underrepresented by the State Department of Fish and Wildlife's current operations;

(vii) The travel and tourism industry;

(viii) Counties and tribal governments;

(ix) The outdoor education community;

(x) The sport fishing industry; and

(xi) The commercial fishing industry.

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

(2) The task force shall:

(a) Identify and recommend potential alternative, sustainable funding sources for the State Department of Fish and Wildlife that are consistent with the intent and purposes set forth in section 1 of this 2015 Act and that may include:

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

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

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

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

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

(F) Other funding models, mechanisms or partnerships.

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

(A) The public services provided through the program;

- (B) The funding necessary for the program to provide optimal benefits; and**
- (C) The sources of funding for the program.**
- (c) Identify and recommend opportunities for the department to better achieve its mission and conservation program objectives through leveraging, coordinating and budgeting funds from alternative sources and existing sources including, but not limited to, federal funds, licenses and permits, lottery funds and mitigation funds.**
- (3) In carrying out its duties under subsection (2) of this section, the task force shall:**
  - (a) Solicit, collect and consider testimony and recommendations from a wide variety of stakeholders;**
  - (b) Ensure that any recommendations made by the task force comply with the department's mission, the Oregon Constitution and federal law;**
  - (c) Identify, procure and consider any research, surveys and other information that the task force deems necessary for developing informed recommendations;**
  - (d) Consider the practicality of proposed options, including, but not limited to, the logistics of implementation and administration; and**
  - (e) Identify and develop strategies for informing and educating the public about:**
    - (A) The long-term funding needs of the department;**
    - (B) The benefits of providing stable, alternative funding for the management and conservation of fish, wildlife and fish and wildlife habitat; and**
    - (C) The net economic benefits to Oregon's economy of fishing, hunting and other wildlife-related recreation and habitat improvement and protection efforts.**
  - (4) The task force may:**
    - (a) Accept comments and exhibits from public and private sources, examine department records and take other actions reasonable for carrying out the work of the task force; and**
    - (b) Make recommendations on other issues that may impact the department's funding or ability to achieve its mission, including but not limited to the recruitment and retention of hunters and anglers, promotion of the department's programs, predation, and habitat improvement.**
  - (5) A majority of the voting members of the task force constitutes a quorum for the transaction of business.**
  - (6) Official action by the task force, including adoption of the report and recommendations described in subsection (11) of this section, requires the approval of a majority of the voting members of the task force.**
  - (7) The task force shall elect one of its members to serve as chairperson.**
  - (8) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.**
  - (9) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.**
  - (10) The task force may adopt procedures necessary for the operation of the task force.**
  - (11) The task force shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to the environment and natural resources no later than September 15, 2016.**
  - (12) The Legislative Administration Committee shall provide staff support to the task force.**
  - (13) The Legislative Administration Committee may accept, on behalf of the task force, contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the task force. All moneys received by the Legislative Administration Committee under this subsection shall be deposited into the Fish, Wildlife and Related Outdoor Recreation and Education Fund established under section 3 of this 2015 Act to be used for the purposes of carrying out the duties of the task force.**

(14) Members of the task force who are not members of the Legislative Assembly are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions of the task force shall be paid out of funds appropriated to the Legislative Administration Committee for purposes of the task force under this section.

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

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

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

(2) Any moneys remaining in the Fish, Wildlife and Related Outdoor Recreation and Education Fund on December 31, 2016, that are unexpended, unobligated and not subject to any conditions shall revert to the General Fund.

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

Passed by House June 26, 2015

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

Passed by Senate June 30, 2015

.....  
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

.....  
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

.....  
Jeanne P. Atkins, Secretary of State