

# House Bill 3197

Sponsored by Representative ESQUIVEL; Representatives KRIEGER, NEARMAN, Senators BAERTSCHIGER JR, THOMSEN

## 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**.

Establishes State Fish and Wildlife Commission Nominating Committee to assist Governor in appointing members to State Fish and Wildlife Commission.

## A BILL FOR AN ACT

1  
2 Relating to state fish and wildlife commission appointments; creating new provisions; and amending  
3 ORS 496.090.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of the wildlife laws.**

6 **SECTION 2. (1) The State Fish and Wildlife Commission Nominating Committee is es-**  
7 **ablished. The purpose of the nominating committee is to assist the Governor in appointing**  
8 **members to the State Fish and Wildlife Commission under ORS 496.090.**

9 **(2) The nominating committee shall consist of five members, appointed by the Governor**  
10 **as follows:**

11 **(a) One member shall be a delegate from a qualified organization that represents the in-**  
12 **terests of a significant cross section of wildlife conservationists and sportspersons from**  
13 **throughout this state and that does not have an affiliation or charter with a national wildlife**  
14 **conservation or sportsperson's organization.**

15 **(b) One member shall be a delegate from a qualified organization with articles of incor-**  
16 **poration or bylaws stipulating that the mission or purpose of the organization is to increase,**  
17 **sustain or otherwise conserve deer, elk, antelope, mountain sheep, game birds or game fish.**

18 **(c) One member shall be a delegate from a qualified organization with articles of incor-**  
19 **poration or bylaws identifying the organization as:**

20 **(A) Primarily representing the interests of sportspersons from a specific geographic area**  
21 **or region of this state;**

22 **(B) An organization described in paragraph (b) of this subsection; or**

23 **(C) A chapter or affiliate of a national sportsperson's conservation or shooting organ-**  
24 **ization.**

25 **(d) One member shall be a delegate from a qualified organization that represents the in-**  
26 **terests of ranchers of cattle or other livestock.**

27 **(e) One member shall be a representative of the general public or a member of a**  
28 **nonprofit organization that represents interests related to nongame wildlife conservation.**

29 **(3) The term of office of each member is four years, but a member serves at the pleasure**  
30 **of the Governor. Before the expiration of the term of a member, the Governor shall appoint**  
31 **a successor. A member is eligible for reappointment. If there is a vacancy for any cause, the**

**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 Governor shall make an appointment to become immediately effective for the unexpired  
2 term.

3 (4) A member of the nominating committee is not entitled to compensation for services  
4 as a member, but is entitled to expenses as provided in ORS 292.495 (2). Claims for expenses  
5 incurred in performing the functions of the nominating committee shall be paid out of mon-  
6 eys available in the State Wildlife Fund for that purpose.

7 (5) Meetings of the nominating committee are subject to ORS 192.610 to 192.690.

8 (6) In order for the nominating committee to convene, the commission shall notify the  
9 Governor and the nominating committee as soon as is practicable following the earlier of the  
10 date that a vacancy occurs on the commission or the date that it becomes known that a  
11 vacancy on the commission will occur within six months.

12 (7) No later than 90 days after the date that the nominating committee receives a notice  
13 to convene, the nominating committee shall forward to the Governor for consideration under  
14 ORS 496.090 a slate of at least two, but no more than five, candidates for each position on  
15 the commission to be filled.

16 (8) The nominating committee shall forward a second slate of nominees to the Governor  
17 if requested by the Governor under ORS 496.090 (2).

18 (9) In forwarding nominees to the Governor, the nominating committee shall strive to  
19 select individuals who meet the qualifications described in ORS 496.090.

20 (10) As used in this section, "qualified organization" means a nonprofit organization pri-  
21 marily representing the interests of residents of this state that has been in existence for at  
22 least five years.

23 **SECTION 3.** Notwithstanding the term of office specified in section 2 of this 2015 Act, of  
24 the members first appointed to the State Fish and Wildlife Commission Nominating Com-  
25 mittee pursuant to section 2 of this 2015 Act:

26 (1) Two shall serve for terms ending January 1, 2019.

27 (2) Three shall serve for terms ending January 1, 2020.

28 **SECTION 4.** ORS 496.090 is amended to read:

29 496.090. (1) There is established a State Fish and Wildlife Commission that shall consist of seven  
30 members appointed by the Governor **using the procedure set forth in this section.**

31 (2)(a) **Prior to making any appointment to the commission, the Governor shall consider**  
32 **the nominations of the State Fish and Wildlife Commission Nominating Committee.**

33 (b) **If the Governor reviews an initial slate of nominees made by the nominating com-**  
34 **mittee and determines not to appoint a nominee, the Governor shall request that the nomi-**  
35 **nating committee forward a second slate of nominees. If the Governor determines not to**  
36 **appoint a nominee from the second slate of nominees, the Governor may appoint any indi-**  
37 **vidual the Governor determines meets the qualifications of subsections (6) to (9) of this**  
38 **section.**

39 (3) **Notwithstanding subsection (2) of this section, the Governor shall appoint an individ-**  
40 **ual to be a commission member within 120 days following the vacancy of a position on the**  
41 **commission.**

42 [(2)] (4) The term of office of each member is four years, but a member serves at the pleasure  
43 of the Governor. *[Before the expiration of the term of a member, the Governor shall appoint a succes-*  
44 *sor. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall*  
45 *make an appointment to become immediately effective for the unexpired term.]* **A commission member**

1 **may be nominated and appointed to successive terms, but within 150 days prior to the expi-**  
 2 **ration of the term of the member, the commission shall issue a notice to convene the nom-**  
 3 **inating committee under section 2 of this 2015 Act for the purpose of nominating individuals**  
 4 **to fill the commission position.**

5 [(3)] (5) All appointments of members of the commission by the Governor are subject to confir-  
 6 mation by the Senate pursuant to section 4, Article III, Oregon Constitution.

7 [(4)] (6) One member of the commission shall be appointed from each of the congressional dis-  
 8 tricts of this state, one member from that portion of the state lying west of the Cascade Mountains  
 9 and one member from that portion of the state lying east of the Cascade Mountains.

10 [(5)] (7) Members appointed to the commission shall be residents of this state, as defined in ORS  
 11 497.002.

12 [(6)] (8) All members of the commission shall represent the public interest of the state and make  
 13 decisions affecting the wildlife resources of the state for the benefit of those resources. Consistent  
 14 with the requirements of this subsection, the commission shall provide for the productive and  
 15 sustainable utilization of wildlife resources for all groups of users.

16 [(7)] (9) All members of the commission shall have a general knowledge of fish and wildlife is-  
 17 sues and an understanding of the operation and functions of public policy boards and commissions.  
 18 In making appointments to the commission, the Governor shall consider appointing members who  
 19 possess natural resource backgrounds such as backgrounds in commercial fishing, recreational fish-  
 20 ing, hunting, agriculture, forestry and conservation.

21 [(8)] (10) Failure of a member to maintain compliance with the eligibility requirements of sub-  
 22 sections [(4)] (6) and [(5)] (7) of this section shall vacate membership. Members of the commission  
 23 may otherwise be removed only by the Governor.

24 [(9)] (11) A member of the commission is entitled to compensation and expenses as provided in  
 25 ORS 292.495.

26