

A-Engrossed
House Bill 3315

Ordered by the House April 24
Including House Amendments dated April 24

Sponsored by Representative RAYFIELD

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.

Requires State Department of Fish and Wildlife to recoup costs incurred in providing services to executive department agencies **for advancing administration of fee-funded programs**. Suspends authority of department to bill and collect funds from other agencies until fiscal years beginning on or after July 1, 2017, but requires department to prepare statements showing charges beginning January 1, 2016.

Requires department to adopt rules to implement provisions of Act **and to report to Legislative Assembly on implementation of Act**.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to providing financial support to state agencies for services rendered to other state agen-
3 cies; and declaring an emergency.

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

5 **SECTION 1. (1) Subject to rules prescribed by the State Fish and Wildlife Commission,**
6 **in rendering recompensable assistance to an agency, the State Department of Fish and**
7 **Wildlife shall:**

8 (a) **For fiscal years beginning on or after July 1, 2015, and before July 1, 2017, track and**
9 **prepare statements reporting the number of hours spent by department personnel perform-**
10 **ing recompensable assistance for any executive department agency, including an hourly rate**
11 **that would be charged, based on the class of department personnel performing the services.**
12 **The department shall send statements to the agency receiving services, but may not charge**
13 **for services. This paragraph does not prohibit the department from charging another state**
14 **agency for services pursuant to an interagency agreement that is in effect between the de-**
15 **partment and the other agency at any time during the period beginning July 1, 2015, and**
16 **ending July 1, 2021.**

17 (b) **For fiscal years beginning on or after July 1, 2017, track and prepare statements re-**
18 **porting the number of hours spent by department personnel performing recompensable as-**
19 **sistance for any executive department agency, including an hourly rate that would be**
20 **charged, based on the class of department personnel performing the services.**

21 (2)(a) **The charges for which statements are prepared and, after July 1, 2017, billed in-**
22 **clude, but are not limited to, costs of providing professional, investigatory, administrative**
23 **and clerical services and capital outlay.**

24 (b) **An executive department agency may not submit an invoice to a private entity, a**
25 **member of the public or an applicant for a state-issued permit for services performed by 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 department, unless the invoice is authorized by a statute, rule or interagency agreement
2 executed:

3 (A) Prior to the effective date of this 2015 Act; or

4 (B) Following consultation with persons representative of those private entities, members
5 of the public or permit applicants that are subject to invoicing under this paragraph.

6 (3) As used in this section:

7 (a) "Agency" means any department, board, commission, agency or officer of the execu-
8 tive department.

9 (b) "Executive department" has the meaning given that term in ORS 174.112.

10 (c) "Recompensable assistance" means assistance rendered by the department as part
11 of advancing fee-funded programs administered by an agency.

12 **SECTION 2.** The State Department of Fish and Wildlife shall estimate in advance the
13 expenses that the department will incur during a biennium under section 1 of this 2015 Act,
14 and shall render to executive department agencies and other entities described in section 1
15 of this 2015 Act an invoice for their share of such expenses for periods within the biennium
16 and in sufficient amounts to provide reasonable cash operating requirements for the de-
17 partment within the biennial period. Each agency or other entity described in section 1 of
18 this 2015 Act shall pay to the credit of the department such invoice as an administrative
19 expense from funds or appropriations available to the invoiced agency or entity in the same
20 manner as other claims against the state are paid. If the estimated expenses for the agency
21 or other entity described in section 1 of this 2015 Act are more or less than actual expenses
22 for the period covered by the invoice, the difference shall be reflected in the next following
23 estimate of expenses.

24 **SECTION 3.** (1) Section 1 of this 2015 Act becomes operative on January 1, 2016.

25 (2) Section 2 of this 2015 Act becomes operative on July 1, 2017.

26 **SECTION 4.** The State Fish and Wildlife Commission shall adopt rules to implement the
27 provisions of sections 1 and 2 of this 2015 Act on or before January 1, 2016, and may modify
28 those rules at any time thereafter.

29 **SECTION 5.** On or before January 1, 2017, the State Department of Fish and Wildlife shall
30 report to the Legislative Assembly in the manner prescribed in ORS 192.245. The report shall
31 include all of the following:

32 (1) A list of the types of permits and state agencies that utilize the department's services
33 and for which invoicing will be allowed under section 2 of this 2015 Act.

34 (2) A list of all statutes and rules in effect on the date of the report that are applicable
35 to the permit review process engaged in by the department.

36 (3) A list of all statutes in effect on the date of the report that require or justify partic-
37 ipation by the department in permitting processes and an explanation of how those statutes
38 contribute to the protection of the fish and wildlife of this state.

39 (4) A discussion of any additional options for cost recovery available to the department,
40 including but not limited to interagency agreements that allow other agency personnel to
41 apply department standards, modification of statutes applicable to the department or inter-
42 agency agreements that could reduce the department's involvement in permit review and
43 application of standards and requirements, without negatively impacting protections for fish
44 and wildlife.

45 (5) An explanation of the costs associated with permitting, including identifying the costs

1 associated with technical review separately from costs associated with public benefits of the
2 permitting process and the public involvement in the permitting process.

3 **SECTION 6.** This 2015 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
5 on its passage.
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