

HOUSE AMENDMENTS TO HOUSE BILL 3315

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFECTIVENESS

April 24

1 On page 1 of the printed bill, delete lines 5 through 29 and delete page 2 and insert:

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

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

14 **“(b) For fiscal years beginning on or after July 1, 2017, track and prepare statements**
15 **reporting the number of hours spent by department personnel performing recompensable**
16 **assistance for any executive department agency, including an hourly rate that would be**
17 **charged, based on the class of department personnel performing the services.**

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

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

25 **“(A) Prior to the effective date of this 2015 Act; or**

26 **“(B) Following consultation with persons representative of those private entities, mem-**
27 **bers of the public or permit applicants that are subject to invoicing under this paragraph.**

28 **“(3) As used in this section:**

29 **“(a) ‘Agency’ means any department, board, commission, agency or officer of the execu-**
30 **tive department.**

31 **“(b) ‘Executive department’ has the meaning given that term in ORS 174.112.**

32 **“(c) ‘Recompensable assistance’ means assistance rendered by the department as part**
33 **of advancing fee-funded programs administered by an agency.**

34 **“SECTION 2. The State Department of Fish and Wildlife shall estimate in advance the**
35 **expenses that the department will incur during a biennium under section 1 of this 2015 Act,**

1 and shall render to executive department agencies and other entities described in section 1
2 of this 2015 Act an invoice for their share of such expenses for periods within the biennium
3 and in sufficient amounts to provide reasonable cash operating requirements for the de-
4 partment within the biennial period. Each agency or other entity described in section 1 of
5 this 2015 Act shall pay to the credit of the department such invoice as an administrative
6 expense from funds or appropriations available to the invoiced agency or entity in the same
7 manner as other claims against the state are paid. If the estimated expenses for the agency
8 or other entity described in section 1 of this 2015 Act are more or less than actual expenses
9 for the period covered by the invoice, the difference shall be reflected in the next following
10 estimate of expenses.

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

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

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

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

19 **“(1)** A list of the types of permits and state agencies that utilize the department’s ser-
20 vices and for which invoicing will be allowed under section 2 of this 2015 Act.

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

23 **“(3)** A list of all statutes in effect on the date of the report that require or justify par-
24 ticipation by the department in permitting processes and an explanation of how those stat-
25 utes contribute to the protection of the fish and wildlife of this state.

26 **“(4)** A discussion of any additional options for cost recovery available to the department,
27 including but not limited to interagency agreements that allow other agency personnel to
28 apply department standards, modification of statutes applicable to the department or inter-
29 agency agreements that could reduce the department’s involvement in permit review and
30 application of standards and requirements, without negatively impacting protections for fish
31 and wildlife.

32 **“(5)** An explanation of the costs associated with permitting, including identifying the
33 costs associated with technical review separately from costs associated with public benefits
34 of the permitting process and the public involvement in the permitting process.

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