

**PROPOSED AMENDMENTS TO
HOUSE BILL 2401**

1 On page 1 of the printed bill, line 2, delete “and” and after “date” insert
2 “; and providing for revenue raising that requires approval by a three-fifths
3 majority”.

4 After line 11, insert:

5 “Whereas the State Department of Fish and Wildlife’s current revenue
6 and budget structure lacks a revenue source dedicated to nongame wild bird
7 management; and”.

8 Delete lines 23 and 24 and delete pages 2 through 6 and insert:

9 **“SECTION 1. Sections 2 to 5, 7, 8, 10 and 11 of this 2015 Act shall**
10 **be known and may be cited as the Wild Bird Conservation Act.**

11

12 **“WILD BIRD FEED EXCISE TAX**

13

14 **“SECTION 2. As used in sections 2 to 6 of this 2015 Act:**

15 **“(1) ‘Initial distributor’ means a person that first distributes a**
16 **commercial feed in or into the State of Oregon.**

17 **“(2) ‘Wild bird feed’ has the meaning given that term in ORS**
18 **633.006.**

19 **“SECTION 3. (1) Except as provided in subsection (2) of this section,**
20 **an excise tax at the rate of five cents per pound shall be imposed on**
21 **wild bird feed distributed in or into this state, to be paid to the State**
22 **Department of Agriculture by the initial distributor.**

1 **“(2) A person other than the initial distributor may assume liability**
2 **for the tax imposed under this section.**

3 **“(3) This section does not apply to wild bird feed that is used as an**
4 **ingredient in the manufacture of commercial feed that is registered**
5 **with the department under ORS 633.015.**

6 **“(4) The department shall establish by rule procedures for collecting**
7 **the tax imposed under this section.**

8 **“SECTION 4. (1) Each initial distributor subject to the tax imposed**
9 **under section 3 of this 2015 Act shall:**

10 **“(a) No later than the last day of January each year, provide the**
11 **State Department of Agriculture with an annual statement specifying**
12 **the number of pounds of wild bird feed that the initial distributor**
13 **distributed in Oregon during the preceding calendar year and pay to**
14 **the department the tax imposed under section 3 of this 2015 Act.**

15 **“(b) Maintain records relating to the initial distributor’s determi-**
16 **nation of the number of pounds described in paragraph (a) of this**
17 **subsection for examination by the department for the purpose of ver-**
18 **ifying the number of pounds of wild bird feed distributed by the initial**
19 **distributor in Oregon.**

20 **“(2) The department may not disclose records of an initial distrib-**
21 **utor obtained by the department pursuant to subsection (1) of this**
22 **section.**

23 **“(3)(a) The department may collect a penalty for a delinquent pay-**
24 **ment of the tax imposed under section 3 of this 2015 Act if an initial**
25 **distributor has failed to make full payment before the 60th day after**
26 **the payment is due. All penalties collected under this paragraph shall**
27 **be deposited into the Wild Bird Conservation Fund established under**
28 **section 10 of this 2015 Act.**

29 **“(b) An initial distributor shall continue to owe to the department**
30 **any unpaid tax imposed under section 3 of this 2015 Act and any unpaid**

1 penalty under paragraph (a) of this subsection. Before taking any
2 action or procedures against a person owing the tax, the department
3 shall forward a written notice to the person, by certified mail at the
4 last known address of the person as shown on the records of the de-
5 partment, advising of the amount owing. The notice shall give the
6 person 20 days from the mailing date to pay the amount owing or to
7 present written or oral information or argument as to why the person
8 believes the tax is not owing. If, after such period, the department is
9 of the opinion that the tax is owing, the department may initiate
10 actions or procedures to collect the amount due.

11 **“SECTION 5.** After the payment of administrative and enforcement
12 expenses, the balance of moneys received by the State Department of
13 Agriculture under sections 2 to 4 of this 2015 Act shall be transferred
14 as follows:

15 **“(1)** Fifty percent to the Greater Sage Grouse Conservation Fund
16 established under section 7 of this 2015 Act.

17 **“(2)** Fifty percent to the Wild Bird Conservation Fund established
18 under section 10 of this 2015 Act.

19 **“SECTION 6.** Sections 2 to 5 of this 2015 Act apply to wild bird feed
20 distributed for retail sale on or after January 1, 2016, and before Jan-
21 uary 1, 2023.

22

23 **“GREATER SAGE GROUSE CONSERVATION FUND AND OVER-**
24 **SIGHT COMMITTEE**

25

26 **“SECTION 7.** (1) The Greater Sage Grouse Conservation Fund is
27 established in the State Treasury, separate and distinct from the
28 General Fund. Interest earned by the Greater Sage Grouse Conserva-
29 tion Fund shall be credited to the fund. Moneys in the fund are con-
30 tinuously appropriated to the State Department of Fish and Wildlife.

1 **“(2) The department may accept contributions of funds and assist-**
2 **ance from the United States Government and its agencies, or from any**
3 **other source, public or private, and agree to conditions thereon not**
4 **inconsistent with the purposes of the fund.**

5 **“(3) Moneys in the fund may be used only for the following pur-**
6 **poses:**

7 **“(a) Supporting working lands conservation easements held by**
8 **qualified public or private entities and executed for the purpose of**
9 **providing habitat conditions and environmental benefits to greater**
10 **sage grouse populations in a manner that protects the continued ag-**
11 **ricultural use of lands subject to easements and avoids adverse im-**
12 **pacts on neighboring agricultural operations;**

13 **“(b) Engaging in habitat restoration, protection or other manage-**
14 **ment efforts in priority greater sage grouse habitat, including but not**
15 **limited to efforts to promote the resiliency of priority greater sage**
16 **grouse habitats to wildfire and invasive species;**

17 **“(c) Engaging in activities that generate advance mitigation credits,**
18 **the revenue from the sale of which shall be deposited in the fund; and**

19 **“(d) Supporting or engaging in research, monitoring and evaluation**
20 **activities as necessary to evaluate the effectiveness of actions taken**
21 **under paragraphs (a) to (c) of this subsection.**

22 **“(4) The State Fish and Wildlife Commission shall adopt by rule**
23 **standards for funding activities under this section. In adopting rules**
24 **under this subsection, the commission shall consider and, to the ex-**
25 **tent feasible, adopt rules consistent with:**

26 **“(a) Publications of the United States Department of the Interior**
27 **Fish and Wildlife Service related to greater sage grouse conservation**
28 **and specifically to addressing threats to the viability of greater sage**
29 **grouse habitat in Oregon;**

30 **“(b) The ‘Oregon Conservation Strategy’ adopted by the commission**

1 and published by the department in 2006 or any subsequent plan,
2 strategy or rule adopted by the commission relating to the conserva-
3 tion of the greater sage grouse;

4 “(c) The provisions of a resource management plan adopted by the
5 United States Department of the Interior Bureau of Land Management
6 relating to Greater Sage-Grouse in the Oregon Sub-Region; or

7 “(d) Any other state or federal plan, strategy or rule developed for
8 the purpose of providing management direction specific to the con-
9 servation of greater sage grouse in Oregon.

10 **“SECTION 8. (1) The Greater Sage Grouse Conservation Fund**
11 **Oversight Committee is established for the purpose of making recom-**
12 **mendations to the State Fish and Wildlife Commission for the imple-**
13 **mentation of greater sage grouse conservation efforts and providing**
14 **evaluation reports to the Legislative Assembly.**

15 “(2) The committee will consist of seven members appointed by the
16 State Fish and Wildlife Director as follows:

17 “(a) Two members selected from:

18 “(A) The membership of local sage grouse implementation teams;
19 or

20 “(B) The soil and water conservation districts engaged in greater
21 sage grouse conservation work in counties where priority greater sage
22 grouse habitat exists;

23 “(b) Two members to represent conservation organizations with an
24 interest in greater sage grouse conservation; and

25 “(c) Three members with applied scientific or management exper-
26 tise in actions and practices that improve greater sage grouse habitat,
27 rangeland health and sagebrush ecosystem conservation.

28 “(3) Members of the committee are not entitled to compensation,
29 but in the discretion of the commission, may be reimbursed from
30 funds available to the commission for actual and necessary travel and

1 other expenses incurred by them in the performance of their official
2 duties in the manner and amounts provided for in ORS 292.495.

3 “(4) The committee shall provide advice and recommendations on:

4 “(a) Project opportunities for the conservation of greater sage
5 grouse that are consistent with the uses authorized under section 7
6 of this 2015 Act for moneys in the Greater Sage Grouse Conservation
7 Fund;

8 “(b) Integrated, multispecies conservation efforts consistent with
9 the ‘Oregon Conservation Strategy’ adopted by the commission and
10 published by the State Department of Fish and Wildlife in 2006 that
11 will promote ecological conditions that benefit greater sage grouse and
12 other wild bird species that depend on the same ecosystem;

13 “(c) Collaborative greater sage grouse conservation partnership ef-
14 forts with local communities, businesses, landowners, other govern-
15 ment agencies and nonprofit organizations; and

16 “(d) Matching fund opportunities for projects recommended under
17 this section.

18 “(5) The committee shall also ensure the monitoring and evaluation
19 of the effectiveness of projects and actions implemented under this
20 section and section 7 of this 2015 Act based on the standards adopted
21 under section 7 (4) of this 2015 Act.

22 “(6) The department may expend moneys from the Greater Sage
23 Grouse Conservation Fund to carry out the recommendations of the
24 committee that have been reviewed and approved by the commission.

25 “(7) The committee shall meet at least twice annually.

26 “(8) The department and the committee shall jointly submit a
27 biennial report to an interim committee of the Legislative Assembly
28 related to agriculture and natural resources on or before September
29 15 of each odd-numbered year regarding implementation of the rec-
30 ommendations made under this section.

1 **SECTION 9.** (1) Sections 7 and 8 of this 2015 Act are repealed on
2 **July 1, 2023.**

3 **“(2) Any balance in the Greater Sage Grouse Conservation Fund**
4 **that is unexpended and unobligated on the date of the repeal of section**
5 **7 of this 2015 Act, and all moneys that would have been deposited in**
6 **the Greater Sage Grouse Conservation Fund had section 7 of this 2015**
7 **Act remained in effect, shall be transferred to and deposited in the**
8 **Wild Bird Conservation Fund established under section 10 of this 2015**
9 **Act, and are appropriated for expenditure as in the case of other**
10 **moneys deposited in the Wild Bird Conservation Fund.**

11

12 **“WILD BIRD CONSERVATION FUND AND OVERSIGHT COMMITTEE**

13

14 **SECTION 10.** (1) The Wild Bird Conservation Fund is established
15 **in the State Treasury, separate and distinct from the General Fund.**
16 **Interest earned by the Wild Bird Conservation Fund shall be credited**
17 **to the fund. Moneys in the fund are continuously appropriated to the**
18 **State Department of Fish and Wildlife.**

19 **“(2) The fund shall consist of all moneys placed in the fund as pro-**
20 **vided by law and any gifts, grants, donations, endowments or bequests**
21 **from any public or private source. The department may seek out and**
22 **receive any gifts, grants, donations, endowments or bequests for the**
23 **purposes of the fund.**

24 **“(3) Moneys in the fund must be used only for the following pur-**
25 **poses:**

26 **“(a) Funding wild bird conservation programs and projects that are:**

27 **“(A) Consistent with ORS 496.390;**

28 **“(B) Related to wild birds in urban, rural and wild landscapes and**
29 **that may include but not be limited to programs and projects for**
30 **habitat protection and restoration, outreach, provision of educational**

1 materials, and research and monitoring of priority wild bird species
2 and their habitats; and

3 “(C) Consistent with any related strategy, rule or program carried
4 out by the department that provides direction or best practices for the
5 management or conservation of wild birds.

6 “(b) Engaging new and diverse collaborators in wild bird conserva-
7 tion efforts.

8 “(c) Prioritizing actions and collaborative partnerships to improve
9 ecosystems by reducing survival hazards and threats to wild bird spe-
10 cies associated with those ecosystems, with the goal of maintaining
11 or increasing wild bird species populations and thereby preventing
12 their decline.

13 “(d) Establishing and maintaining up to one full-time equivalent
14 avian conservation coordinator position within the department and
15 related administrative support to coordinate the use of the various
16 funds available to the department and the programs, projects or ac-
17 tivities undertaken or staffed by the department for the purpose of
18 wild bird conservation.

19 “SECTION 11. (1) The Wild Bird Conservation Fund Oversight
20 Committee is established for the purposes of:

21 “(a) Making recommendations to the State Fish and Wildlife Com-
22 mission for the State Department of Fish and Wildlife’s expenditure
23 of funds deposited in the Wild Bird Conservation Fund; and

24 “(b) Providing evaluation reports to the Legislative Assembly.

25 “(2) The committee shall consist of seven members appointed by the
26 State Fish and Wildlife Director and shall be selected to represent
27 Oregon’s geographic and experiential diversity from both urban and
28 rural communities. The committee shall include representatives:

29 “(a) With expertise applicable to urban, rural and wild lands in the
30 areas of nongame avian conservation and science, habitat manage-

1 **ment, and environmental justice; and**

2 **“(b) Of bird seed retail or wild bird related businesses.**

3 **“(3) Members of the committee are not entitled to compensation,**
4 **but in the discretion of the commission, may be reimbursed from**
5 **funds available to the commission for actual and necessary travel and**
6 **other expenses incurred by them in the performance of their official**
7 **duties in the manner and amounts provided for in ORS 292.495.**

8 **“(4) The committee shall:**

9 **“(a) Provide advice and recommendations on project opportunities**
10 **consistent with the uses authorized under section 10 of this 2015 Act**
11 **for moneys in the Wild Bird Conservation Fund;**

12 **“(b) Identify collaborative conservation efforts or partnerships with**
13 **local communities, businesses, landowners, other governmental agen-**
14 **cies and nonprofit organizations;**

15 **“(c) Engage with new, diverse and underserved audiences or com-**
16 **munities in avian conservation efforts;**

17 **“(d) Identify matching fund opportunities for projects recommended**
18 **under this section; and**

19 **“(e) Ensure the monitoring and evaluation of the success of projects**
20 **in relation to protection of wild bird species and the implementation**
21 **of strategies, rules or programs carried out by the department that**
22 **provide direction or best practices for the management or conserva-**
23 **tion of wild birds.**

24 **“(5) The committee shall meet at least twice annually.**

25 **“(6) The department may expend moneys from the Wild Bird Con-**
26 **servation Fund to carry out the recommendations of the committee**
27 **that have been reviewed and approved by the commission.**

28 **“(7) The department and the committee shall jointly submit a**
29 **biennial report to an interim committee of the Legislative Assembly**
30 **related to agriculture and natural resources on or before September**

1 15 of each odd-numbered year regarding implementation of the rec-
2 ommendations made under this section.

3

4

“MISCELLANEOUS

5

6 **“SECTION 12.** The unit captions used in this 2015 Act are provided
7 only for the convenience of the reader and do not become part of the
8 statutory law of this state or express any legislative intent in the
9 enactment of this 2015 Act.

10

11 **“OPERATIVE DATE FOR OVERSIGHT COMMITTEE PROVISIONS**

12

13 **“SECTION 13.** Sections 8 and 11 of this 2015 Act become operative
14 on January 1, 2017.

15

16

“EFFECTIVE DATE

17

18 **“SECTION 14.** This 2015 Act takes effect on the 91st day after the
19 date on which the 2015 regular session of the Seventy-eighth Legisla-
20 tive Assembly adjourns sine die.”.

21
