

**A-Engrossed**  
**House Bill 2213**

Ordered by the House June 7  
Including House Amendments dated June 7

Sponsored by Representative HELM (Pre-session filed.)

**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.

*[Creates Sunset Advisory Committee. Specifies membership of committee. Abolishes state agencies on specified dates and requires agencies subject to abolition to make report to committee. Requires committee to conduct performance evaluation of agencies based on specified criteria and make recommendations to Governor and Legislative Assembly relating to abolition, continuation or reorganization of agencies and other matters.]*

*[Appropriates moneys from General Fund to committee for purposes of Act.]*

*[Clarifies that agency may not adopt rule that conflicts with statute. Provides that agency may not rely on general statutory grant of authority to adopt rules that conflict with more specific statutory provisions or to adopt rules that modify protections, sanctions, eligibility or other matters governed by more specific statutory provisions.]*

*[Requires that agency notice of proposed rulemaking include copy of proposed rule or link to agency's website where copy of proposed rule may be found.]*

*[Requires audits of state agencies by Oregon Department of Administrative Services to determine if agencies have complied with statutory requirement that agencies review rules every five years.]*

**Establishes Oregon Conservation and Recreation Fund. Continuously appropriates moneys in fund to State Department of Fish and Wildlife to carry out activities under wildlife laws that serve to protect, maintain or enhance fish and wildlife resources in Oregon.**

**Establishes Oregon Conservation and Recreation Advisory Committee. Directs committee to advise department and Fish and Wildlife Commission on implementation of activities funded by moneys in Oregon Conservation and Recreation Fund. Requires committee and department to jointly report to Legislative Assembly each odd-numbered year on expenditure of moneys from fund.**

**Appropriates moneys to State Department of Fish and Wildlife for deposit in Oregon Conservation and Recreation Fund.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to state agencies; and declaring an emergency.

3       Whereas today's challenges facing fish, wildlife and habitat are not being met by the current  
4 funding model for the State Department of Fish and Wildlife; and

5       Whereas the Task Force on Funding for Fish, Wildlife and Related Outdoor Recreation and  
6 Education was established by House Bill 2402 during the 2015 regular session of the Legislative  
7 Assembly (chapter 712, Oregon Laws 2015) and was tasked with developing recommendations for  
8 strengthening the State Department of Fish and Wildlife's ability to conserve natural resources and  
9 connect Oregonians to nature through outdoor recreation and education opportunities; and

10       Whereas the December 2016 task force report to the Legislative Assembly recommends potential  
11 alternative, sustainable funding sources for the department, potential budget adjustments to ensure  
12 relevant department program areas are funded in accordance with legislative direction and oppor-  
13 tunities for the department to better achieve its mission through leveraging, coordinating and  
14 budgeting funds from alternate and existing sources; and

**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 Whereas the task force recommendations are based on the importance of taking immediate  
2 action to address the increasing complexity and costs of conservation and management of fish,  
3 wildlife and habitat and related recreational and educational opportunities; and

4 Whereas population growth, development, infrastructure needs, climate change and other na-  
5 tural and man-made changes all contribute to the increasing complexity and costs faced by the de-  
6 partment by placing new pressures on Oregon's fish, wildlife and wild places; and

7 Whereas public attitudes, uses and demands related to recreation and the aesthetic value of the  
8 natural world have developed to reflect changing public needs and expectations concerning conser-  
9 vation, recreation and education; and

10 Whereas society is becoming disconnected from the natural world and this disconnection im-  
11 pacts public health and well-being, as well as the future of fish and wildlife in Oregon; and

12 Whereas investments are necessary to ensure that future generations can experience the natural  
13 world, to increase public understanding of the numerous species of fish and wildlife that make  
14 Oregon home, to improve hunting and fishing opportunities while reducing the hunting and fishing  
15 license fees that currently fund most conservation efforts, and to recognize diversity by providing  
16 opportunities for all Oregonians to enjoy the state's rich outdoor heritage; and

17 Whereas the increasing complexity and cost of conservation and management must be shared  
18 by all Oregonians; and

19 Whereas addressing these challenges through implementation of the department's statutory  
20 mission and responsibilities requires new, diversified and sustainable sources of revenue to supple-  
21 ment existing funding and to ensure that Oregon is a leader in fish and wildlife conservation and  
22 management; and

23 Whereas establishing an Oregon Conservation and Recreation Fund is a critical first step in  
24 providing the department with a vehicle to receive and expend revenues dedicated to conservation,  
25 management, research, habitat improvements, enforcement, outdoor recreation, education and other  
26 activities that serve to protect, maintain or enhance the fish and wildlife resources of Oregon; now,  
27 therefore,

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

29 **SECTION 1. (1) The Oregon Conservation and Recreation Advisory Committee is estab-**  
30 **lished as an advisory committee to the State Fish and Wildlife Commission. The commission**  
31 **shall determine the number of members of the committee and the geographical represen-**  
32 **tation by the members. The Governor shall appoint the members of the committee.**

33 **(2) The committee shall review policies of the State Department of Fish and Wildlife and**  
34 **make recommendations to the commission and the department concerning the implementa-**  
35 **tion of activities funded by moneys in the Oregon Conservation and Recreation Fund.**

36 **(3) Members of the committee may not receive compensation for service as members.**  
37 **However, subject to any applicable law regulating travel and other expenses of state officers**  
38 **and employees, a member may be reimbursed for actual and necessary travel and other ex-**  
39 **penditures incurred in the performance of official duties from moneys available to the depart-**  
40 **ment for the purpose of reimbursement of committee members.**

41 **(4) The department and the committee jointly shall submit to each odd-numbered year**  
42 **regular session of the Legislative Assembly a report on expenditure of moneys deposited in**  
43 **the Oregon Conservation and Recreation Fund established under section 2 of this 2017 Act**  
44 **and on the status of various activities funded by the moneys.**

45 **SECTION 2. (1) The Oregon Conservation and Recreation Fund is established separate**

1 and distinct from the General Fund. Interest earned by the Oregon Conservation and Re-  
2 creation Fund shall be credited to the fund.

3 (2) Moneys in the fund are continuously appropriated to the State Department of Fish  
4 and Wildlife to carry out activities under the wildlife laws that serve to protect, maintain  
5 or enhance fish and wildlife resources in Oregon, including, but not limited to:

6 (a) Promoting the health of Oregon's ecosystems and fish and wildlife species by imple-  
7 menting conservation programs and strategies identified in the Oregon Conservation Strat-  
8 egy, as defined in ORS 541.890, including conservation programs and strategies for the  
9 nearshore identified in the marine component of the Oregon Conservation Strategy;

10 (b) Improving engagement of the public in outdoor recreation opportunities related to  
11 and in support of healthy fish, wildlife and habitats;

12 (c) Improving educational outreach and engagement of the public, including diverse and  
13 underserved communities, related to and in support of healthy fish, wildlife and habitats; and

14 (d) Other conservation, management, research, habitat improvement, enforcement, out-  
15 door recreation or education activities.

16 (3) The fund shall consist of:

17 (a) Moneys appropriated to the department for deposit in the fund or otherwise trans-  
18 ferred to the fund; and

19 (b) Gifts, grants, contributions or other donations for use as described in subsection (2)  
20 of this section, that are received by the department from any public or private source and  
21 caused to be deposited and credited to the fund.

22 **SECTION 3.** There is appropriated to the State Department of Fish and Wildlife, for the  
23 biennium beginning July 1, 2017, out of the General Fund, the amount of \$11 million for de-  
24 posit in the Oregon Conservation and Recreation Fund to be used for the purposes authorized  
25 by section 2 of this 2017 Act.

26 **SECTION 4.** This 2017 Act being necessary for the immediate preservation of the public  
27 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect  
28 July 1, 2017.