



AGENDA ITEM SUMMARY

BACKGROUND

In 2015, Oregon Department of Fish and Wildlife (ODFW) executive staff determined there was a need for a system to track time associated with tasks that employees conduct on an annual basis. This need arose from not being able to answer basic questions posed by stakeholders and legislators, about what work was being completed with the authorized positions at ODFW and of that work, how much time was being spent furthering the regulatory processes of other agencies.

Shortly after this decision, House Bill (HB) 3315 was passed out of the 2015 Oregon Legislative Assembly. This bill required the Oregon Fish and Wildlife Commission to adopt Oregon Administrative Rules (OARs) to recoup costs incurred when providing services to State of Oregon executive department agencies, when those services were in support of advancing administration of fee-funded programs.

In December 2015, The Oregon Fish and Wildlife Commission reviewed proposed rules pertaining to HB 3315. During the meeting, the Commission adopted the proposed rules, in compliance with HB 3315.

The passage of HB 3315 resulted in the creation of Oregon Revised Statutes (ORS) 496.167 and 496.168 from the 2015 Oregon Legislature.

The initial development and testing of the Online Task Tracking Information System (OTTIS) began in early 2016. OTTIS is an information management tool used for searching, entering, removing, and tracking work performed by ODFW in direct support of ORS 496.167 and 496.168.

During fiscal calendar years 2016, 2017, and 2018, information was entered into OTTIS for tracking the hours worked relating to recompensable assistance performed by the Department. Following the close of each fiscal calendar year listed above, informational statements were generated and sent to the agencies that requested assistance. These statements were used to provide information to the requesting agencies on potential reimbursement amounts to the Department, which would begin in fiscal calendar year 2019.

Following the close of fiscal calendar year 2019, invoice statements were generated and sent to agencies who requested assistance in alignment with the requirements of ORS 496.167 and 496.168.

PUBLIC INVOLVEMENT

There were two public hearings regarding HB 3315 during the 2015 Legislative Session.

Members of the public have had the opportunity to review the proposed rule change on the Department's website and provide comments. Interested parties may also provide public comment during the Commission meeting.

ISSUE 1:

Current language in OAR 635-001-0030, directs the Department to collect information and time spent working on other executive state agency's regulatory processes and to create informational statements, in accordance with ORS 496.167 and 496.168, which are sent to the respective agencies. ORS 496.167 and 496.168 directs the Department to send invoice statements starting with data collected for fiscal calendar year 2019. The statute and rules do not align.

ANALYSIS

The services ODFW provides other agencies generally include technical comments, recommendations, advice, review/analysis, and mitigation options for a broad array of permitting and developments efforts that potentially affect Oregon's fish, wildlife and their habitat. Additionally, ODFW staff participate in a wide array of planning efforts at the municipal, county, state and federal levels, providing science-based information on proposed actions and input on appropriate mitigation. Planning efforts include land use, water development or use, forest management and harvest operations, wetlands and unique habitats.

Upon receiving a request, ODFW responds based on timelines associated with the requesting agency's regulatory process. This often requires prioritization of these requests that draws time away from ODFW's other core work which may be more directly related to the management of fish and wildlife.

During the initial development and deployment of OTTIS, it was decided to limit the number of users in order to conduct a pilot. The pilot was intended to help locate any issues in the software as well as ensure the system functioned as intended. The information being reported into OTTIS is coming from representative programs within all 10 Watersheds, the two Regions, and one Division, totaling 13 reporting areas across the agency.

After reviewing the data entered into OTTIS starting in July 1, 2016, and concluding on June 30, 2019, it was determined that 10 agencies received recompensable assistance totaling 3,646.85 billable hours. This resulted in a total potential billing for \$187,850.22.

For the reporting period of July 1, 2019 to June 30, 2020, four agencies received recompensable assistance totaling 2,173.8 billable hours. This resulted in invoicing for \$109,902.01.

OPTIONS

1. Amend OAR 635-001-0030 to direct the Department to issue in accordance with ORS 496.167 and ORS 496.168.
2. Modify the staff proposal.
3. No action.

STAFF RECOMMENDATION

Issue 1: Option 1.

DRAFT MOTION:

I move to amend OAR Chapter 635, Division 001, to direct the Department to issue invoices for recompensable assistance, as proposed by staff.

Effective Date: *Upon Filing*