

OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
01/22/2021 5:15 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rendering Recompensable Assistance to Other State Agencies

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/19/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Roxann Borisch
503-947-6314
roxann.b.borisch@state.or.us

4034 Fairview Industrial Drive SE
Salem, OR 97302

Filed By:
Roxann Borisch
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 03/19/2021

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

ADDRESS: Oregon Dept of Fish and
Wildlife

4034 Fairview Industrial Dr SE
Salem, OR 97302

SPECIAL INSTRUCTIONS:

Because of the rapidly changing
situation with COVID-19, all or
portions of this hearing may be
conducted electronically. Information
will be posted on our website at
<https://www.dfw.state.or.us/agency/commission/minutes/>

NEED FOR THE RULE(S):

These amendments consist of routine regulatory updates that ensure the agency's current practices and statutory obligations are accurately described in the Department's Administrative Procedural Rules.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rulemaking are available from the Oregon Department of Fish and Wildlife, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142.

FISCAL AND ECONOMIC IMPACT:

No major fiscal or economic effects are expected to result from these proposed amendments.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

The state agency that could potentially be affected through amending these rules is the Oregon Department of Fish and Wildlife (ODFW). The proposed amendments are in response to HB3315 (2015) which required ODFW to track and prepare invoice statements that report the hours spent by personnel and the applicable hourly rate. This legislation required ODFW to bill other executive department agencies for the costs of providing professional, investigative, administrative and clerical services as well as capital outlays. Current ODFW practices already adhere to these requirements. These amendments consist of updates to ensure requirements are adopted in administrative rule. Amendments are not expected to result in major changes in ODFW's administrative and or operating costs.

No units of local government are expected to be affected by these rules. No significant changes from the current levels of any local agencies' operations or expenditures are anticipated as a result of the adoption of these rules.

The general public is not expected to encounter any major direct economic impacts resulting from adoption of these rules.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s);

No additional compliance costs to small businesses are expected to occur as a result of these amendments.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

No additional compliance costs are anticipated.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No additional compliance costs are anticipated.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Not applicable to this notice.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

These regulatory updates ensure that statutory obligations are reflected in ODFW's Administrative Procedural Rules.

AMEND: 635-001-0030

RULE SUMMARY: Proposed rule amends the requirement for issuance of information statements and authorizes the issuance of invoices for recompensable assistance to executive department agencies.

CHANGES TO RULE:

635-001-0030

Rendering Recompensable Assistance to Other State Agencies ¶

~~Pursuant to HB 3315 (2015),~~ The Department shall:¶

(1) Track and prepare statements each fiscal year reporting the number of hours spent by department personnel performing recompensable assistance for any executive department agency, including ~~an hourly rate that would be~~ professional, investigatory, administrative and clerical services, capital outlay, and the hourly rate charged, based on the class of department personnel performing the services.¶

(2) Send statements to the agency or other entity describe in ORS 496.167 receiving services at the closing of each fiscal year, ~~but may not charge~~ for services.¶

(3) Develop an estimated cost of expenses for work described in ORS 496.167 each biennium; and issue an invoice to each agency or other entity described in ORS 496.167, for which estimated cost of expenses were prepared.

Statutory/Other Authority: ~~HB 3315 (2015)~~ ORS 496.167, 496.198

Statutes/Other Implemented: ~~HB 3315 (2015)~~ ORS 496.167, 496.198