

# House Bill 2127

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for State Department of Fish and Wildlife)

## 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 **as introduced**.

Authorizes State Fish and Wildlife Commission to issue habitat conservation stamp and to charge fee not to exceed \$50 for stamp. Directs commission to arrange for selection of design for stamp. Allows commission to make stamp available for creation of art prints and art works. Allows commission to contract for performance of duties regarding stamp.

Establishes Oregon Conservation Strategy Subaccount within Fish and Wildlife Account.

## A BILL FOR AN ACT

1 Relating to habitat conservation stamps; creating new provisions; and amending ORS 496.303.

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

3 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 496.**

4 **SECTION 2. (1) The State Fish and Wildlife Commission may issue an annual habitat**  
5 **conservation stamp. The fee for the stamp may not exceed \$50.**

6 (2) The commission shall arrange, by contest or other appropriate means, for the se-  
7 lection of the design of the annual habitat conservation stamp authorized by subsection (1)  
8 of this section and for the production and sale of the stamps.

9 (3) The commission may produce the number of stamps the commission considers ap-  
10 propriate and may make stamps available for the creation of art prints and other related art  
11 works and may arrange for the sale of stamps, prints and art works to persons desiring to  
12 purchase those items.

13 (4) In carrying out its duties, functions and powers with regard to the habitat conserva-  
14 tion stamp, the commission may contract for the performance of those duties, functions and  
15 powers. The contract may include, among other matters, provisions for advance payment or  
16 reimbursement for services performed pursuant to the contract. All costs and expenses in-  
17 curred pursuant to this section shall be paid from the Oregon Conservation Strategy Subac-  
18 count established under ORS 496.303.

19 **SECTION 3. ORS 496.303 is amended to read:**

20 496.303. (1) The Fish and Wildlife Account is established in the State Treasury, separate and  
21 distinct from the General Fund. All moneys in the account are continuously appropriated to the  
22 State Fish and Wildlife Commission. The Fish and Wildlife Account shall consist of the moneys in  
23 its various subaccounts and any moneys transferred to the account by the Legislative Assembly.  
24 Unless otherwise specified by law, interest earnings on moneys in the account shall be paid into the  
25 State Treasury and credited to the State Wildlife Fund.

26 (2)(a) The Fish Screening Subaccount is established in the Fish and Wildlife Account. The sub-  
27 account shall consist of:

28 (A) All penalties recovered under ORS 536.900 to 536.920.

29 **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 (B) All moneys received pursuant to ORS 498.306.

2 (C) All gifts, grants and other moneys from whatever source that may be used to carry out the  
3 provisions of ORS 498.306.

4 (D) All moneys received from the surcharge on angling licenses imposed by ORS 497.124.

5 (b) All moneys in the subaccount shall be used to carry out the provisions of ORS 315.138,  
6 498.306 and 509.620. However, moneys received from the surcharge on angling licenses imposed by  
7 ORS 497.124 shall be expended only to carry out the provisions of law relating to the screening of  
8 water diversions.

9 (3) The Fish Endowment Subaccount is established in the Fish and Wildlife Account. The sub-  
10 account shall consist of transfers of moneys authorized by the Legislative Assembly from the State  
11 Wildlife Fund and gifts and grants of moneys from whatever source for the purpose of paying the  
12 expense of maintaining fish hatcheries operated by the department.

13 (4) The Migratory Waterfowl Subaccount is established in the Fish and Wildlife Account. All  
14 moneys received by the commission from the sale of art works and prints related to the migratory  
15 waterfowl stamp shall be deposited in the subaccount. Moneys in the subaccount may be expended  
16 only for activities that promote the propagation, conservation and recreational uses of migratory  
17 waterfowl and for activities related to the design, production, issuance and arrangements for sale  
18 of the migratory waterfowl stamps and related art works and prints. Expenditures of moneys in the  
19 subaccount may be made within this state, in other states or in foreign countries, in such amounts  
20 as the commission determines appropriate. Expenditures in other states and foreign countries shall  
21 be on such terms and conditions as the commission determines will benefit most directly the mi-  
22 gratory waterfowl resources of this state.

23 (5) The Halibut Research Subaccount is established in the Fish and Wildlife Account. Based on  
24 the annual number of recreational halibut anglers, a portion of the moneys derived from the sale  
25 of the salmon, steelhead trout, sturgeon and halibut tag pursuant to ORS 497.121 shall be credited  
26 to the subaccount. Moneys in the subaccount may be expended only for halibut population studies  
27 and other research.

28 (6) The Upland Bird Subaccount is established in the Fish and Wildlife Account. All moneys  
29 received by the State Fish and Wildlife Commission from the sale of upland bird stamps, from the  
30 sale of any art works and prints related to the upland bird stamp and from private hunting preserve  
31 permit fees shall be deposited in the subaccount. Moneys in the subaccount may be expended only  
32 for promoting the propagation and conservation of upland birds and the acquisition, development,  
33 management, enhancement, sale or exchange of upland bird habitat, and for activities related to the  
34 design, production, issuance and arrangements for sale of the upland bird stamps and related art  
35 works and prints. Expenditures of moneys in the subaccount shall be made for the benefit of pro-  
36 grams within this state in such amounts and at such times as the commission determines appropriate  
37 to most directly benefit the upland bird resources of the state.

38 (7)(a) The Fish and Wildlife Deferred Maintenance Subaccount is established in the Fish and  
39 Wildlife Account. Interest earnings on moneys in the subaccount shall be credited to the subaccount.  
40 The subaccount shall consist of moneys authorized by the Legislative Assembly from the State  
41 Wildlife Fund and moneys obtained by gift, grant, bequest or donation from any other public or  
42 private source.

43 (b) The principal in the subaccount may be utilized only as provided in paragraph (c) of this  
44 subsection. Interest earnings on the moneys in the subaccount may be expended only for the main-  
45 tenance of fish hatcheries and State Department of Fish and Wildlife facilities other than adminis-

1 trative facilities located in Salem.

2 (c) The department may borrow funds from the principal of the subaccount to maintain adequate  
 3 cash flow requirements. However, moneys borrowed from the principal must be repaid to the sub-  
 4 account:

5 (A) Within six months from the date on which the moneys were borrowed.

6 (B) With interest at the standard rate that the State Treasurer charges to state agencies for  
 7 other loans. Interest paid under this subparagraph shall be paid to the subaccount.

8 (d) For purposes of this subsection, “principal” means moneys authorized by the Legislative  
 9 Assembly for transfer to the subaccount from the State Wildlife Fund, including any assignment of  
 10 earnings on moneys in the fund and other moneys obtained by gift, grant, bequest or donation de-  
 11 posited into the subaccount.

12 (8) The Access and Habitat Board Subaccount is established in the Fish and Wildlife Account.  
 13 The subaccount shall consist of moneys transferred to the subaccount pursuant to ORS 496.242.  
 14 Moneys in the subaccount may be used for the purposes specified in ORS 496.242.

15 (9) The Marine Shellfish Subaccount is established in the Fish and Wildlife Account. Interest  
 16 earnings on moneys in the subaccount shall be credited to the subaccount. All moneys received by  
 17 the commission from the sale of resident and nonresident shellfish licenses pursuant to ORS 497.121  
 18 shall be deposited in the subaccount. Moneys in the subaccount shall be used for the protection and  
 19 enhancement of shellfish for recreational purposes, including shellfish sanitation costs and the cost  
 20 of enforcement of wildlife laws pertaining to the taking of shellfish. The State Fish and Wildlife  
 21 Director, or a designee, the Director of Agriculture, or a designee, and the Superintendent of State  
 22 Police, or a designee, shall jointly make a recommendation to the Governor for inclusion in the  
 23 Governor’s budget beginning July 1 of each odd-numbered year.

24 (10)(a) The Mountain Sheep Subaccount is established in the Fish and Wildlife Account, con-  
 25 sisting of moneys collected under ORS 497.112 (2)(a) to (c).

26 (b) All moneys in the subaccount shall be used for the propagation and conservation of mountain  
 27 sheep, for research, development, management, enhancement and sale or exchange of mountain  
 28 sheep habitat and for programs within the state that in the discretion of the commission most di-  
 29 rectly benefit mountain sheep resources of this state.

30 (11)(a) The Antelope Subaccount is established in the Fish and Wildlife Account, consisting of  
 31 moneys collected under ORS 497.112 (2)(a) to (c).

32 (b) All moneys in the subaccount shall be used for the propagation and conservation of antelope,  
 33 for research, development, management, enhancement and sale or exchange of antelope habitat and  
 34 for programs within the state that in the discretion of the commission most directly benefit antelope  
 35 resources of this state.

36 (12)(a) The Mountain Goat Subaccount is established in the Fish and Wildlife Account, consist-  
 37 ing of moneys collected under ORS 497.112 (2)(a) to (c).

38 (b) All moneys in the subaccount shall be used for the propagation and conservation of mountain  
 39 goats for research, development, management, enhancement and sale or exchange of mountain goat  
 40 habitat and for programs within the state that in the discretion of the commission most directly  
 41 benefit mountain goat resources of this state.

42 (13)(a) The commission shall keep a record of all moneys deposited in the Fish and Wildlife  
 43 Account. The record shall indicate by separate cumulative accounts the sources from which the  
 44 moneys are derived and the individual activity or programs against which each withdrawal is  
 45 charged.

1 (b) Using the record created pursuant to paragraph (a) of this subsection, the commission shall  
 2 report, in the budget documents submitted to the Legislative Assembly, on the application of in-  
 3 vestment and interest earnings to the maintenance of fish hatcheries and other State Department  
 4 of Fish and Wildlife facilities.

5 **(14) The Oregon Conservation Strategy Subaccount is established in the Fish and Wildlife**  
 6 **Account. All moneys received by the commission from the sale of habitat conservation**  
 7 **stamps and from the sale of any art works and prints related to the habitat conservation**  
 8 **stamp shall be deposited in the subaccount. Moneys in the subaccount may be expended only**  
 9 **to promote and implement habitat and species restoration, enhancement and viewing activ-**  
 10 **ities identified in the “Oregon Conservation Strategy,” 2006, by the State Department of Fish**  
 11 **and Wildlife, and for activities related to the design, production, issuance and arrangements**  
 12 **for sale of the habitat conservation stamps and related art works and prints.**

13 **SECTION 4.** ORS 496.303, as amended by section 14, chapter 625, Oregon Laws 2007, is  
 14 amended to read:

15 496.303. (1) The Fish and Wildlife Account is established in the State Treasury, separate and  
 16 distinct from the General Fund. All moneys in the account are continuously appropriated to the  
 17 State Fish and Wildlife Commission. The Fish and Wildlife Account shall consist of the moneys in  
 18 its various subaccounts and any moneys transferred to the account by the Legislative Assembly.  
 19 Unless otherwise specified by law, interest earnings on moneys in the account shall be paid into the  
 20 State Treasury and credited to the State Wildlife Fund.

21 (2)(a) The Fish Screening Subaccount is established in the Fish and Wildlife Account. The sub-  
 22 account shall consist of:

23 (A) All penalties recovered under ORS 536.900 to 536.920.

24 (B) All moneys received pursuant to ORS 498.306.

25 (C) All gifts, grants and other moneys from whatever source that may be used to carry out the  
 26 provisions of ORS 498.306.

27 (D) All moneys received from the surcharge on angling licenses imposed by ORS 497.124.

28 (b) All moneys in the subaccount shall be used to carry out the provisions of ORS 498.306 and  
 29 509.620. However, moneys received from the surcharge on angling licenses imposed by ORS 497.124  
 30 shall be expended only to carry out the provisions of law relating to the screening of water diver-  
 31 sions.

32 (3) The Fish Endowment Subaccount is established in the Fish and Wildlife Account. The sub-  
 33 account shall consist of transfers of moneys authorized by the Legislative Assembly from the State  
 34 Wildlife Fund and gifts and grants of moneys from whatever source for the purpose of paying the  
 35 expense of maintaining fish hatcheries operated by the department.

36 (4) The Migratory Waterfowl Subaccount is established in the Fish and Wildlife Account. All  
 37 moneys received by the commission from the sale of art works and prints related to the migratory  
 38 waterfowl stamp shall be deposited in the subaccount. Moneys in the subaccount may be expended  
 39 only for activities that promote the propagation, conservation and recreational uses of migratory  
 40 waterfowl and for activities related to the design, production, issuance and arrangements for sale  
 41 of the migratory waterfowl stamps and related art works and prints. Expenditures of moneys in the  
 42 subaccount may be made within this state, in other states or in foreign countries, in such amounts  
 43 as the commission determines appropriate. Expenditures in other states and foreign countries shall  
 44 be on such terms and conditions as the commission determines will benefit most directly the mi-  
 45 gratory waterfowl resources of this state.

1 (5) The Halibut Research Subaccount is established in the Fish and Wildlife Account. Based on  
2 the annual number of recreational halibut anglers, a portion of the moneys derived from the sale  
3 of the salmon, steelhead trout, sturgeon and halibut tag pursuant to ORS 497.121 shall be credited  
4 to the subaccount. Moneys in the subaccount may be expended only for halibut population studies  
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9 permit fees shall be deposited in the subaccount. Moneys in the subaccount may be expended only  
10 for promoting the propagation and conservation of upland birds and the acquisition, development,  
11 management, enhancement, sale or exchange of upland bird habitat, and for activities related to the  
12 design, production, issuance and arrangements for sale of the upland bird stamps and related art  
13 works and prints. Expenditures of moneys in the subaccount shall be made for the benefit of pro-  
14 grams within this state in such amounts and at such times as the commission determines appropriate  
15 to most directly benefit the upland bird resources of the state.

16 (7)(a) The Fish and Wildlife Deferred Maintenance Subaccount is established in the Fish and  
17 Wildlife Account. Interest earnings on moneys in the subaccount shall be credited to the subaccount.  
18 The subaccount shall consist of moneys authorized by the Legislative Assembly from the State  
19 Wildlife Fund and moneys obtained by gift, grant, bequest or donation from any other public or  
20 private source.

21 (b) The principal in the subaccount may be utilized only as provided in paragraph (c) of this  
22 subsection. Interest earnings on the moneys in the subaccount may be expended only for the main-  
23 tenance of fish hatcheries and State Department of Fish and Wildlife facilities other than adminis-  
24 trative facilities located in Salem.

25 (c) The department may borrow funds from the principal of the subaccount to maintain adequate  
26 cash flow requirements. However, moneys borrowed from the principal must be repaid to the sub-  
27 account:

28 (A) Within six months from the date on which the moneys were borrowed.

29 (B) With interest at the standard rate that the State Treasurer charges to state agencies for  
30 other loans. Interest paid under this subparagraph shall be paid to the subaccount.

31 (d) For purposes of this subsection, "principal" means moneys authorized by the Legislative  
32 Assembly for transfer to the subaccount from the State Wildlife Fund, including any assignment of  
33 earnings on moneys in the fund and other moneys obtained by gift, grant, bequest or donation de-  
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42 enhancement of shellfish for recreational purposes, including shellfish sanitation costs and the cost  
43 of enforcement of wildlife laws pertaining to the taking of shellfish. The State Fish and Wildlife  
44 Director, or a designee, the Director of Agriculture, or a designee, and the Superintendent of State  
45 Police, or a designee, shall jointly make a recommendation to the Governor for inclusion in the

1 Governor’s budget beginning July 1 of each odd-numbered year.

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16 (b) All moneys in the subaccount shall be used for the propagation and conservation of mountain  
 17 goats for research, development, management, enhancement and sale or exchange of mountain goat  
 18 habitat and for programs within the state that in the discretion of the commission most directly  
 19 benefit mountain goat resources of this state.

20 (13)(a) The commission shall keep a record of all moneys deposited in the Fish and Wildlife  
 21 Account. The record shall indicate by separate cumulative accounts the sources from which the  
 22 moneys are derived and the individual activity or programs against which each withdrawal is  
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24 (b) Using the record created pursuant to paragraph (a) of this subsection, the commission shall  
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 32 **to promote and implement habitat and species restoration, enhancement and viewing activ-**  
 33 **ities identified in the “Oregon Conservation Strategy,” 2006, by the State Department of Fish**  
 34 **and Wildlife, and for activities related to the design, production, issuance and arrangements**  
 35 **for sale of the habitat conservation stamps and related art works and prints.**

36