

# House Bill 2170

Sponsored by Representative BUCKLEY (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 **as introduced**.

Requires State Fish and Wildlife Commission to provide means for persons to make voluntary contributions to be used for programs that promote livestock safety and wildlife protection.

Establishes Oregonians for Wildlife and Livestock Safety Subaccount in Fish and Wildlife Account.

## A BILL FOR AN ACT

1  
2 Relating to the State Fish and Wildlife Commission; creating new provisions; and amending ORS  
3 496.303.

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

5 **SECTION 1. (1) The State Fish and Wildlife Commission shall provide a means for per-**  
6 **sons to make voluntary contributions to be used for outreach and educational programs that**  
7 **promote livestock safety and wildlife protection.**

8 **(2) The commission shall seek voluntary contributions in conjunction with the sale of li-**  
9 **censes, tags and permits and by such other means as the commission considers appropriate.**  
10 **The commission shall establish a means by which persons who do not hunt wildlife but who**  
11 **desire to support the programs described in subsection (1) of this section may make volun-**  
12 **tary contributions.**

13 **(3) If the commission implements an electronic licensing system, the commission shall**  
14 **include in that system a means for persons to make voluntary contributions to support the**  
15 **programs described in subsection (1) of this section.**

16 **SECTION 2. ORS 496.303 is amended to read:**

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

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

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

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

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

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

30 (b) All moneys in the subaccount shall be used to carry out the provisions of ORS 315.138,

**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.

1 498.306 and 509.620. However, moneys received from the surcharge on angling licenses imposed by  
 2 ORS 497.124 shall be expended only to carry out the provisions of law relating to the screening of  
 3 water diversions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 **(14) The Oregonians for Wildlife and Livestock Safety Subaccount is established in the**

1 **Fish and Wildlife Account. All moneys received by the commission as voluntary contribu-**  
 2 **tions under section 1 of this 2011 Act shall be deposited in the subaccount. Moneys in the**  
 3 **subaccount may be expended only for the programs specified in section 1 of this 2011 Act.**

4 **SECTION 3.** ORS 496.303, as amended by section 14, chapter 625, Oregon Laws 2007, is  
 5 amended to read:

6 496.303. (1) The Fish and Wildlife Account is established in the State Treasury, separate and  
 7 distinct from the General Fund. All moneys in the account are continuously appropriated to the  
 8 State Fish and Wildlife Commission. The Fish and Wildlife Account shall consist of the moneys in  
 9 its various subaccounts and any moneys transferred to the account by the Legislative Assembly.  
 10 Unless otherwise specified by law, interest earnings on moneys in the account shall be paid into the  
 11 State Treasury and credited to the State Wildlife Fund.

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

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

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

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

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

19 (b) All moneys in the subaccount shall be used to carry out the provisions of ORS 498.306 and  
 20 509.620. However, moneys received from the surcharge on angling licenses imposed by ORS 497.124  
 21 shall be expended only to carry out the provisions of law relating to the screening of water diver-  
 22 sions.

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

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

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

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 43 received by the State Fish and Wildlife Commission from the sale of upland bird stamps, from the  
 44 sale of any art works and prints related to the upland bird stamp and from private hunting preserve  
 45 permit fees shall be deposited in the subaccount. Moneys in the subaccount may be expended only

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 2 management, enhancement, sale or exchange of upland bird habitat, and for activities related to the  
 3 design, production, issuance and arrangements for sale of the upland bird stamps and related art  
 4 works and prints. Expenditures of moneys in the subaccount shall be made for the benefit of pro-  
 5 grams within this state in such amounts and at such times as the commission determines appropriate  
 6 to most directly benefit the upland bird resources of the state.

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

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

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

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

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

22 (d) For purposes of this subsection, "principal" means moneys authorized by the Legislative  
 23 Assembly for transfer to the subaccount from the State Wildlife Fund, including any assignment of  
 24 earnings on moneys in the fund and other moneys obtained by gift, grant, bequest or donation de-  
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26 (8) The Access and Habitat Board Subaccount is established in the Fish and Wildlife Account.  
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 28 Moneys in the subaccount may be used for the purposes specified in ORS 496.242.

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 31 the commission from the sale of resident and nonresident shellfish licenses pursuant to ORS 497.121  
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 33 enhancement of shellfish for recreational purposes, including shellfish sanitation costs and the cost  
 34 of enforcement of wildlife laws pertaining to the taking of shellfish. The State Fish and Wildlife  
 35 Director, or a designee, the Director of Agriculture, or a designee, and the Superintendent of State  
 36 Police, or a designee, shall jointly make a recommendation to the Governor for inclusion in the  
 37 Governor's budget beginning July 1 of each odd-numbered year.

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 41 sheep, for research, development, management, enhancement and sale or exchange of mountain  
 42 sheep habitat and for programs within the state that in the discretion of the commission most di-  
 43 rectly benefit mountain sheep resources of this state.

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 45 moneys collected under ORS 497.112 (2)(a) to (c).

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2 for research, development, management, enhancement and sale or exchange of antelope habitat and  
3 for programs within the state that in the discretion of the commission most directly benefit antelope  
4 resources of this state.

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

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8 goats for research, development, management, enhancement and sale or exchange of mountain goat  
9 habitat and for programs within the state that in the discretion of the commission most directly  
10 benefit mountain goat resources of this state.

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

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

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20 **Fish and Wildlife Account. All moneys received by the commission as voluntary contribu-**  
21 **tions under section 1 of this 2011 Act shall be deposited in the subaccount. Moneys in the**  
22 **subaccount may be expended only for the programs specified in section 1 of this 2011 Act.**

23