

House Bill 2521

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Revenue)

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**.

Extends sunset for tax credit for fish screening devices. Repeals previous repeal of tax credit. Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to tax credits for fish screening devices; amending ORS 496.303 and section 11, chapter 913,
3 Oregon Laws 2009; repealing sections 2a, 2b and 15, chapter 625, Oregon Laws 2007; and pre-
4 scribing an effective date.

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

6 **SECTION 1.** Section 11, chapter 913, Oregon Laws 2009, is amended to read:

7 **Sec. 11.** The State Department of Fish and Wildlife may not issue a preliminary certificate of
8 approval under ORS 315.138 after January 1, [2012] **2018**.

9 **SECTION 2.** (1) **Sections 2a and 2b, chapter 625, Oregon Laws 2007, are repealed.**

10 (2) **Section 15, chapter 625, Oregon Laws 2007, as amended by section 35, chapter 33,**
11 **Oregon Laws 2009, is repealed.**

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

14 496.303. (1) The Fish and Wildlife Account is established in the State Treasury, separate and
15 distinct from the General Fund. All moneys in the account are continuously appropriated to the
16 State Fish and Wildlife Commission. The Fish and Wildlife Account shall consist of the moneys in
17 its various subaccounts and any moneys transferred to the account by the Legislative Assembly.
18 Unless otherwise specified by law, interest earnings on moneys in the account shall be paid into the
19 State Treasury and credited to the State Wildlife Fund.

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

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

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

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

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

27 (b) All moneys in the subaccount shall be used to carry out the provisions of ORS **315.138**,
28 498.306 and 509.620. However, moneys received from the surcharge on angling licenses imposed by
29 ORS 497.124 shall be expended only to carry out the provisions of law relating to the screening of
30 water diversions.

31 (3) The Fish Endowment Subaccount is established in the Fish and Wildlife Account. The sub-

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 account shall consist of transfers of moneys authorized by the Legislative Assembly from the State
2 Wildlife Fund and gifts and grants of moneys from whatever source for the purpose of paying the
3 expense of maintaining fish hatcheries operated by the department.

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

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

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

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

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

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

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

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

44 (d) For purposes of this subsection, "principal" means moneys authorized by the Legislative
45 Assembly for transfer to the subaccount from the State Wildlife Fund, including any assignment of

1 earnings on moneys in the fund and other moneys obtained by gift, grant, bequest or donation de-
 2 posited into the subaccount.

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

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

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

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

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

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

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

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

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

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

41 **SECTION 4. This 2011 Act takes effect on the 91st day after the date on which the 2011**
 42 **session of the Seventy-sixth Legislative Assembly adjourns sine die.**