

# Senate Bill 584

Sponsored by Senator WHITSETT

## 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 that specific percentage of moneys received from issuance of licenses, tags and permits by State Fish and Wildlife Commission be paid to counties in which licenses, tags and permits were issued. Requires that counties use moneys received from State Fish and Wildlife Commission for predator control.

Establishes County Wildlife Subaccount within Fish and Wildlife Account.

## A BILL FOR AN ACT

1  
2 Relating to wildlife; creating new provisions; and amending ORS 496.303.

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

4 **SECTION 1.** ORS 496.303 is amended to read:

5 496.303. (1) The Fish and Wildlife Account is established in the State Treasury, separate and  
6 distinct from the General Fund. All moneys in the account are continuously appropriated to the  
7 State Fish and Wildlife Commission. The Fish and Wildlife Account shall consist of the moneys in  
8 its various subaccounts and any moneys transferred to the account by the Legislative Assembly.  
9 Unless otherwise specified by law, interest earnings on moneys in the account shall be paid into the  
10 State Treasury and credited to the State Wildlife Fund.

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

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

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

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

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

18 (b) All moneys in the subaccount shall be used to carry out the provisions of ORS 315.138,  
19 498.306 and 509.620. However, moneys received from the surcharge on angling licenses imposed by  
20 ORS 497.124 shall be expended only to carry out the provisions of law relating to the screening of  
21 water diversions.

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

26 (4) The Migratory Waterfowl Subaccount is established in the Fish and Wildlife Account. All  
27 moneys received by the commission from the sale of art works and prints related to the migratory  
28 waterfowl stamp shall be deposited in the subaccount. Moneys in the subaccount may be expended  
29 only for activities that promote the propagation, conservation and recreational uses of migratory  
30 waterfowl and for activities related to the design, production, issuance and arrangements for sale

**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 of the migratory waterfowl stamps and related art works and prints. Expenditures of moneys in the  
2 subaccount may be made within this state, in other states or in foreign countries, in such amounts  
3 as the commission determines appropriate. Expenditures in other states and foreign countries shall  
4 be on such terms and conditions as the commission determines will benefit most directly the mi-  
5 gratory waterfowl resources of this state.

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

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

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

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

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

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

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

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

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

43 (9) The Marine Shellfish Subaccount is established in the Fish and Wildlife Account. Interest  
44 earnings on moneys in the subaccount shall be credited to the subaccount. All moneys received by  
45 the commission from the sale of resident and nonresident shellfish licenses pursuant to ORS 497.121

1 shall be deposited in the subaccount. Moneys in the subaccount shall be used for the protection and  
 2 enhancement of shellfish for recreational purposes, including shellfish sanitation costs and the cost  
 3 of enforcement of wildlife laws pertaining to the taking of shellfish. The State Fish and Wildlife  
 4 Director, or a designee, the Director of Agriculture, or a designee, and the Superintendent of State  
 5 Police, or a designee, shall jointly make a recommendation to the Governor for inclusion in the  
 6 Governor's budget beginning July 1 of each odd-numbered year.

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

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

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

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

19 (12)(a) The Mountain Goat Subaccount is established in the Fish and Wildlife Account, consist-  
 20 ing 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 goats for research, development, management, enhancement and sale or exchange of mountain goat  
 23 habitat and for programs within the state that in the discretion of the commission most directly  
 24 benefit mountain goat resources of this state.

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

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

33 **(14)(a) The County Wildlife Subaccount is established in the Fish and Wildlife Account.**  
 34 **The subaccount consists of:**

35 **(A) \_\_\_\_\_ percent of all moneys received by the State Fish and Wildlife Commission**  
 36 **from the issuance of licenses and permits under ORS 497.102; and**

37 **(B) \_\_\_\_\_ percent of all moneys received by the commission from the issuance of tags**  
 38 **under ORS 497.112, except for those tags issued under ORS 497.112 (2)(a) to (c).**

39 **(b) Moneys in the subaccount may only be expended as follows:**

40 **(A) Moneys specified in paragraph (a)(A) of this subsection shall be paid to the county in**  
 41 **which the license or permit was issued and must be used by the county for predator control.**

42 **(B) Moneys specified in paragraph (a)(B) of this subsection shall be paid to the county in**  
 43 **which the tag was issued and must be used by the county for predator control.**

44 **SECTION 2.** ORS 496.303, as amended by section 14, chapter 625, Oregon Laws 2007, is  
 45 amended to read:

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

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

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

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

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

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

14       (b) All moneys in the subaccount shall be used to carry out the provisions of ORS 498.306 and  
15 509.620. However, moneys received from the surcharge on angling licenses imposed by ORS 497.124  
16 shall be expended only to carry out the provisions of law relating to the screening of water diver-  
17 sions.

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

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

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

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

1 to most directly benefit the upland bird resources of the state.

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

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

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

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

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

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

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

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

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

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

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

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

45 (12)(a) The Mountain Goat Subaccount is established in the Fish and Wildlife Account, consist-

1 ing of moneys collected under ORS 497.112 (2)(a) to (c).

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

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

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

14 **(14)(a) The County Wildlife Subaccount is established in the Fish and Wildlife Account.**  
 15 **The subaccount consists of:**

16 **(A) \_\_\_\_\_ percent of all moneys received by the State Fish and Wildlife Commission**  
 17 **from the issuance of licenses and permits under ORS 497.102; and**

18 **(B) \_\_\_\_\_ percent of all moneys received by the commission from the issuance of tags**  
 19 **under ORS 497.112, except for those tags issued under ORS 497.112 (2)(a) to (c).**

20 **(b) Moneys in the subaccount may only be expended as follows:**

21 **(A) Moneys specified in paragraph (a)(A) of this subsection shall be paid to the county in**  
 22 **which the license or permit was issued and must be used by the county for predator control.**

23 **(B) Moneys specified in paragraph (a)(B) of this subsection shall be paid to the county in**  
 24 **which the tag was issued and must be used by the county for predator control.**

25 **SECTION 3. The amendments to ORS 496.303 by sections 1 and 2 of this 2011 Act apply**  
 26 **to moneys received by the State Fish and Wildlife Commission from the issuance of licenses**  
 27 **and permits under ORS 497.102, and to moneys received by the commission from the issuance**  
 28 **of tags under ORS 497.112, on or after the effective date of this 2011 Act.**

29 \_\_\_\_\_