

Senate Bill 510

Sponsored by Senator FERRIOLI (at the request of Richard Murray)

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**.

Transfers duties of wildlife law enforcement from Department of State Police to county sheriffs.

A BILL FOR AN ACT

1
2 Relating to enforcement of the wildlife laws; amending ORS 153.111, 496.232, 496.303, 496.610,
3 496.615, 497.136 and 497.360.

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

5 **SECTION 1.** ORS 496.610 is amended to read:

6 496.610. (1) [*The Department of State Police*] **Each county sheriff in this state** shall employ a
7 sufficient number of [*state police*] **officers** to enforce the wildlife laws.

8 (2) The services and expenses of [*the Department of State Police*] **county sheriffs** incurred in the
9 enforcement of the wildlife laws shall be paid from the State Wildlife Fund.

10 (3) [*The Superintendent of State Police*] **County sheriffs** may appoint special enforcement offi-
11 cers authorized to enforce the wildlife laws. Individuals so appointed must be special agents of the
12 United States Fish and Wildlife Service or the National Marine Fisheries Service, and shall serve
13 at the pleasure of the [*superintendent*] **appointing county sheriff** without additional compensation.
14 Each such special enforcement officer shall have all powers and authority of a peace officer of this
15 state in serving warrants, subpoenas and other legal process in enforcement of the wildlife laws.

16 **SECTION 2.** ORS 496.615 is amended to read:

17 496.615. The State Fish and Wildlife Commission, with the approval of the Governor [*and Su-*
18 *perintendent of State Police*], may employ such persons as they deem necessary or expedient for the
19 enforcement of the wildlife laws. The services and expenses of these persons are payable out of the
20 State Wildlife Fund. It is the intention of this section and ORS 496.610 that the commission employ
21 only such persons as agreed upon between the commission[,] **and** the Governor [*and the Super-*
22 *intendent of State Police*], and that the duties of wildlife law enforcement, so far as is economical
23 and practicable, be performed by [*the Department of State Police*] **county sheriffs**.

24 **SECTION 3.** ORS 153.111 is amended to read:

25 153.111. (1) Upon entry of a conviction for a traffic offense, the court shall forward to the De-
26 partment of Transportation an abstract of conviction in the manner required by ORS 810.375, and
27 a copy of the judgment, if required, under the provisions of ORS 810.375.

28 (2) Upon entry of a conviction for violation of any provision of the [*wildlife laws or*] commercial
29 fishing laws, or any rule promulgated pursuant to those laws, the court that enters the judgment
30 of conviction shall forward to the Department of State Police an abstract of conviction.

31 (3) Upon entry of a conviction for a compulsory school attendance violation under ORS 339.925,
32 the court shall forward to the Department of Education an abstract of conviction.

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 (4) Upon entry of a conviction for violation of a weights and measures law subject to penalty
2 under ORS 618.991, the court shall forward to the State Department of Agriculture an abstract of
3 conviction.

4 (5) Upon entry of a conviction of a boating offense, as defined in ORS 830.005, the court shall
5 forward to the State Marine Board an abstract of conviction.

6 (6) A court may destroy any abstract not required to be forwarded to an agency under the
7 provisions of this section.

8 **SECTION 4.** ORS 496.232 is amended to read:

9 496.232. (1) The Access and Habitat Board shall meet, adopt and recommend to the State Fish
10 and Wildlife Commission, within 120 days after November 4, 1993, and at not more than 120-day in-
11 tervals thereafter, access and habitat programs.

12 (2) The commission shall review such programs and may approve or disapprove the program
13 recommendation by the board. Funds may be expended from the subaccount referred to in ORS
14 496.242 for projects that have been approved by the commission.

15 (3) The State Department of Fish and Wildlife and the board jointly shall submit to each odd-
16 numbered year regular session of the Legislative Assembly a report on expenditure of funds for the
17 access and habitat programs and on the status of various projects.

18 (4) In recommending access and habitat programs, the board shall:

19 (a) Recommend a mix of projects that provides a balance between access and habitat benefits.

20 (b) Recommend projects that are to be implemented by volunteers under volunteer coordinators
21 and nonprofit organizations engaged in approved access and habitat activities.

22 (c) Recommend programs that recognize and encourage the contributions of landowners to
23 wildlife and programs that minimize the economic loss to those landowners.

24 (d) Encourage agreements with landowners who request damage control hunts to ensure public
25 access to those hunts.

26 (e) Encourage projects that result in obtaining matching funds from other sources.

27 (5) All moneys made available for the access and habitat programs from surcharges received
28 under section 19, chapter 659, Oregon Laws 1993, and from gifts and grants made to carry out the
29 access and habitat programs may be expended only if the board so recommends and the commission
30 so approves. Such amounts may be expended:

31 (a) On programs that benefit wildlife by improving habitat. These programs shall be in coordi-
32 nation with the Wildlife Division and shall be in addition to programs provided by federal funds.
33 These programs may:

34 (A) Be on private lands.

35 (B) Provide seed and fertilizer to offset forage consumed by wildlife and for other programs that
36 enhance forage.

37 (C) Be adjacent to agricultural and forest land to attract animals from those crops.

38 (b) On programs that promote access to public and private lands:

39 (A) Through contracting for various levels of management of these lands. These management
40 programs may include:

41 (i) Creating hunting lease programs that provide access at present levels or stimulate new ac-
42 cess.

43 (ii) Controlling access.

44 (iii) Opening vehicle access.

45 (iv) Promoting land exchanges.

1 (v) Promoting proper hunting behavior.

2 (B) Through the acquisition of easements.

3 (c) On programs that would provide for wildlife feeding to alleviate damage, to intercept wildlife
4 before wildlife becomes involved in a damage situation and for practical food replacement in severe
5 winters.

6 (d) On programs to coordinate volunteers to improve habitat, repair damage to fences or roads
7 by wildlife or recreationists, monitor orderly hunter utilization of public and private lands and assist
8 [the Oregon State Police] county sheriffs in law enforcement activities **described in ORS 496.610**.

9 (e) On programs that provide for auction or raffle of tags to provide incentives for habitat or
10 access.

11 (6) The board may accept, from whatever source, gifts or grants for the purposes of access and
12 habitat. All moneys so accepted shall be deposited in the subaccount referred to in ORS 496.242.
13 Unless otherwise required by the terms of a gift or grant, gifts or grants shall be expended as pro-
14 vided in subsection (5) of this section.

15 **SECTION 5.** ORS 496.303 is amended to read:

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

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

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

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

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

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

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

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

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

1 gratory waterfowl resources of this state.

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

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

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

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

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

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

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

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

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

39 (9) The Marine Shellfish Subaccount is established in the Fish and Wildlife Account. Interest
40 earnings on moneys in the subaccount shall be credited to the subaccount. All moneys received by
41 the commission from the sale of resident and nonresident shellfish licenses pursuant to ORS 497.121
42 shall be deposited in the subaccount. Moneys in the subaccount shall be used for the protection and
43 enhancement of shellfish for recreational purposes, including shellfish sanitation costs and the cost
44 of enforcement of wildlife laws pertaining to the taking of shellfish. The State Fish and Wildlife
45 Director, or a designee, **and** the Director of Agriculture, or a designee, [*and the Superintendent of*

1 *State Police, or a designee,*] shall jointly make a recommendation to the Governor for inclusion in
 2 the Governor's budget beginning July 1 of each odd-numbered year.

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

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

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

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

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

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

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

29 (14) The Oregon Conservation Strategy Subaccount is established in the Fish and Wildlife Ac-
 30 count. All moneys received by the commission from the sale of habitat conservation stamps and from
 31 the sale of any art works and prints related to the habitat conservation stamp shall be deposited in
 32 the subaccount. Moneys in the subaccount may be expended only to promote and implement habitat
 33 and species restoration, enhancement and viewing activities identified in the "Oregon Conservation
 34 Strategy," 2006, by the State Department of Fish and Wildlife, and for activities related to the de-
 35 sign, production, issuance and arrangements for sale of the habitat conservation stamps and related
 36 art works and prints.

37 **SECTION 6.** ORS 497.136 is amended to read:

38 497.136. The moneys received from the fee increases prescribed in the amendments to ORS
 39 497.121 and 497.132 and section 4, chapter 512, Oregon Laws 1989, and section 15, chapter 858,
 40 Oregon Laws 1991, by sections 1 to 4, chapter 619, Oregon Laws 1993, shall be used by the State
 41 Department of Fish and Wildlife for recreational fishing activities, including fish hatchery pro-
 42 duction, freshwater fish programs, groundfish sampling, fish research projects, [*Oregon State Police*
 43 *Game Bureau enforcement,*] **enforcement of the wildlife laws by county sheriffs as described in**
 44 **ORS 496.610**, a name and address database, and the Hatchery Maintenance Information System.

45 **SECTION 7.** ORS 497.360 is amended to read:

1 497.360. (1) No person younger than 18 years of age shall hunt wildlife, except on the person's
 2 own land or land owned by the parent or legal guardian of the person, unless the person:

3 (a) Has in possession a certificate, issued by the State Fish and Wildlife Commission or by an
 4 agency of another state, stating that the person has satisfactorily completed a course prescribed or
 5 approved by the commission in the safe handling of lawful hunting weapons; or

6 (b) Is participating in a supervised hunt as provided in subsection (3) of this section.

7 (2) The commission, by rule, shall prescribe and administer a hunter safety training program to
 8 provide instruction in the safe handling of lawful hunting weapons. The program may also include
 9 instruction on wildlife and natural resource conservation, first aid and survival and such other
 10 subjects as the commission considers desirable to promote good outdoor conduct and respect for the
 11 rights and property of others. The commission may cooperate and enter into agreements with other
 12 public or private agencies and individuals in carrying out the provisions of this subsection. The
 13 [*Department of State Police and the*] Department of Education [*are*] **is** directed to cooperate with the
 14 commission in carrying out the provisions of this section.

15 (3)(a) The commission, by rule, shall prescribe and administer a youth hunter mentoring program
 16 that allows a person who is between nine and 14 years of age to hunt while in the presence of a
 17 supervisory hunter who is 21 years of age or older and who holds the appropriate licenses, tags and
 18 permits issued pursuant to the wildlife laws. Only one lawful hunting weapon may be carried during
 19 a supervised hunt under this subsection. A person participating in a supervised hunt under this
 20 subsection may hunt wildlife under the same conditions applicable to the supervisory hunter's li-
 21 censes, tags and permits.

22 (b) The commission, by rule, may prescribe any relevant safety and ethical standards for par-
 23 ticipation in a supervised hunt under this subsection.

24