

House Bill 2452

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., 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**.

Abolishes Fish and Wildlife Deferred Maintenance Subaccount. Transfers unobligated moneys remaining in subaccount after effective date of Act to State Wildlife Fund.

A BILL FOR AN ACT

1
2 Relating to the Fish and Wildlife Deferred Maintenance Subaccount; creating new provisions; and
3 amending ORS 496.303.

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

5 **SECTION 1. (1) The Fish and Wildlife Deferred Maintenance Subaccount in the Fish and**
6 **Wildlife Account is abolished.**

7 **(2) Any moneys remaining in the Fish and Wildlife Deferred Maintenance Subaccount on**
8 **the effective date of this 2015 Act that are unexpended, unobligated and not subject to any**
9 **conditions shall be transferred to the State Wildlife Fund.**

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

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

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

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

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

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

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

24 (b) All moneys in the subaccount shall be used to carry out the provisions of ORS 315.138,
25 498.306 and 509.620. However, moneys received from the surcharge on angling licenses imposed by
26 ORS 497.124 shall be expended only to carry out the provisions of law relating to the screening of
27 water diversions.

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

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

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

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

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

31 *[(b) The principal in the subaccount may be utilized only as provided in paragraph (c) of this*
32 *subsection. Interest earnings on the moneys in the subaccount may be expended only for the mainte-*
33 *nance of fish hatcheries and State Department of Fish and Wildlife facilities other than administrative*
34 *facilities located in Salem.]*

35 *[(c) The department may borrow funds from the principal of the subaccount to maintain adequate*
36 *cash flow requirements. However, moneys borrowed from the principal must be repaid to the subac-*
37 *count:]*

38 *[(A) Within six months from the date on which the moneys were borrowed.]*

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

41 *[(d) For purposes of this subsection, "principal" means moneys authorized by the Legislative As-*
42 *sembly for transfer to the subaccount from the State Wildlife Fund, including any assignment of*
43 *earnings on moneys in the fund and other moneys obtained by gift, grant, bequest or donation deposited*
44 *into the subaccount.]*

45 *[(8)] (7) The Access and Habitat Board Subaccount is established in the Fish and Wildlife Ac-*

1 count. The subaccount shall consist of moneys transferred to the subaccount pursuant to ORS
2 496.242. Moneys in the subaccount may be used for the purposes specified in ORS 496.242.

3 [(9)] (8) The Marine Shellfish Subaccount is established in the Fish and Wildlife Account. In-
4 terest earnings on moneys in the subaccount shall be credited to the subaccount. All moneys re-
5 ceived by the commission from the sale of resident and nonresident shellfish licenses pursuant to
6 ORS 497.121 shall be deposited in the subaccount. Moneys in the subaccount shall be used for the
7 protection and enhancement of shellfish for recreational purposes, including shellfish sanitation
8 costs and the cost of enforcement of wildlife laws pertaining to the taking of shellfish. The State
9 Fish and Wildlife Director, or a designee, the Director of Agriculture, or a designee, and the Su-
10 perintendent of State Police, or a designee, shall jointly make a recommendation to the Governor
11 for inclusion in the Governor's budget beginning July 1 of each odd-numbered year.

12 [(10)(a)] (9)(a) The Mountain Sheep Subaccount is established in the Fish and Wildlife Account,
13 consisting of moneys collected under ORS 497.112 (2)(a) to (c).

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

18 [(11)(a)] (10)(a) The Antelope Subaccount is established in the Fish and Wildlife Account, con-
19 sisting of moneys collected under ORS 497.112 (2)(a) to (c).

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

24 [(12)(a)] (11)(a) The Mountain Goat Subaccount is established in the Fish and Wildlife Account,
25 consisting 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 goats for research, development, management, enhancement and sale or exchange of mountain goat
28 habitat and for programs within the state that in the discretion of the commission most directly
29 benefit mountain goat resources of this state.

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

34 [(b) *Using the record created pursuant to paragraph (a) of this subsection, the commission shall*
35 *report, in the budget documents submitted to the Legislative Assembly, on the application of investment*
36 *and interest earnings to the maintenance of fish hatcheries and other State Department of Fish and*
37 *Wildlife facilities.*]

38 [(14)] (13) The Oregon Conservation Strategy Subaccount is established in the Fish and Wildlife
39 Account. All moneys received by the commission from the sale of habitat conservation stamps and
40 from the sale of any art works and prints related to the habitat conservation stamp shall be depos-
41 ited in the subaccount. Moneys in the subaccount may be expended only to promote and implement
42 habitat and species restoration, enhancement and viewing activities identified in the "Oregon Con-
43 servation Strategy," 2006, by the State Department of Fish and Wildlife, and for activities related
44 to the design, production, issuance and arrangements for sale of the habitat conservation stamps and
45 related art works and prints.

