

**A-Engrossed**  
**House Bill 3459**

Ordered by the House April 27  
Including House Amendments dated April 27

Sponsored by Representative HELM; Representatives BARNHART, DOHERTY, FREDERICK, LININGER, NOSSE, SMITH WARNER, TAYLOR, WITT

**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.

Increases frequency of days for which State Fish and Wildlife Commission may authorize persons to angle for fish or take shellfish without licenses or tags.

Establishes Oregon Fishing Experience Enhancement Subaccount in Fish and Wildlife Account. Directs uses of moneys in subaccount.

Establishes Oregon Outdoor Activities Investment Planning Task Force. Describes duties of task force. Requires task force to report to interim committees of Legislative Assembly related to environment and natural resources no later than September 15, 2016.

Sunsetts task force on December 31, 2016.

**A BILL FOR AN ACT**

Relating to outdoor recreation; creating new provisions; and amending ORS 496.303 and 497.079.

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

**INCREASE IN OPEN FISHING AND SHELLFISH  
TAKING OPPORTUNITIES**

**SECTION 1.** ORS 497.079 is amended to read:

497.079. Notwithstanding ORS 497.075, 497.121 and 497.132, the State Fish and Wildlife Commission may issue, **up to four times each year**, an order that authorizes individuals to angle for fish or take shellfish in the waters of this state without the licenses or tags, or without the licenses and tags otherwise required by law, on any two consecutive days [*each year*].

**OREGON FISHING EXPERIENCE  
ENHANCEMENT SUBACCOUNT**

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

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

(2)(a) The Fish Screening 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:

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

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

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

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

7 (b) All moneys in the subaccount shall be used to carry out the provisions of ORS 315.138,  
8 498.306 and 509.620. However, moneys received from the surcharge on angling licenses imposed by  
9 ORS 497.124 shall be expended only to carry out the provisions of law relating to the screening of  
10 water diversions.

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

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

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

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

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

45 (b) The principal in the subaccount may be utilized only as provided in paragraph (c) of this

1 subsection. Interest earnings on the moneys in the subaccount may be expended only for the main-  
2 tenance of fish hatcheries and State Department of Fish and Wildlife facilities other than adminis-  
3 trative facilities located in Salem.

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

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

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

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

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

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

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

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

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

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

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

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

44 (13)(a) The commission shall keep a record of all moneys deposited in the Fish and Wildlife  
45 Account. The record shall indicate by separate cumulative accounts the sources from which the

1 moneys are derived and the individual activity or programs against which each withdrawal is  
2 charged.

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

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

15 (15) **The Oregon Fishing Experience Enhancement Subaccount is established in the Fish  
16 and Wildlife Account. Interest earnings on moneys in the subaccount shall be credited to the  
17 subaccount. The subaccount shall consist of moneys authorized by the Legislative Assembly  
18 from the State Wildlife Fund and moneys obtained by gift, grant, bequest or donation from  
19 any other public or private source. Moneys in the subaccount shall be used only:**

20 (a) **For the development, administration and operation of fish hatchery and recreational  
21 fish harvest programs that prioritize the development of new or increased opportunities for  
22 angling in areas near urban population centers; and**

23 (b) **To cover the costs associated with authorizing individuals to angle for fish or take  
24 shellfish in the waters of this state without licenses or tags on certain days as provided for  
25 in ORS 497.079.**

26  
27 **OREGON OUTDOOR ACTIVITIES INVESTMENT**  
28 **PLANNING TASK FORCE**  
29

30 **SECTION 3. (1) The Oregon Outdoor Activities Investment Planning Task Force is es-**  
31 **tablished, consisting of nine members appointed as follows:**

32 (a) **The President of the Senate shall appoint one member from among members of the**  
33 **Senate.**

34 (b) **The Speaker of the House of Representatives shall appoint one member from among**  
35 **members of the House of Representatives.**

36 (c) **The Governor shall appoint seven members who are knowledgeable about outdoor**  
37 **recreation opportunities in this state. Four of the members appointed by the Governor must**  
38 **be as follows:**

39 (A) **One representative of the State Department of Fish and Wildlife;**

40 (B) **One representative of the State Parks and Recreation Department; and**

41 (C) **Two representatives of local government.**

42 (2) **The task force shall:**

43 (a) **Develop a plan, structured in such a way that it may be implemented by the State**  
44 **Department of Fish and Wildlife no later than January 1, 2021, for increasing angling activ-**  
45 **ities in this state for Oregon residents who are under 17 years of age; and**

1 (b) Develop a work plan and recommendations for convening a diverse group of repre-  
2 sentatives of state and local government and other stakeholders to develop a 50-year stra-  
3 tegic plan for investing in, and increasing the availability of, high-quality outdoor  
4 recreational activities in this state. Recommendations developed under this paragraph shall  
5 include, but not be limited to, recommendations for:

6 (A) Research into developing new revenue sources for state agencies involved in the  
7 support of outdoor recreational activities;

8 (B) Increased opportunities for encouraging tourism related to outdoor recreational ac-  
9 tivities;

10 (C) Addressing the effects that changing demographics have on long-range planning re-  
11 lated to state support of outdoor recreation; and

12 (D) Any other issues related to outdoor recreational activities in this state that the task  
13 force determines are necessary to address in a 50-year strategic plan.

14 (3) A majority of the voting members of the task force constitutes a quorum for the  
15 transaction of business.

16 (4) Official action by the task force requires the approval of a majority of the voting  
17 members of the task force.

18 (5) The task force shall elect one of its members to serve as chairperson.

19 (6) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
20 ment to become immediately effective.

21 (7) The task force shall meet at times and places specified by the call of the chairperson  
22 or of a majority of the voting members of the task force.

23 (8) The task force may adopt rules necessary for the operation of the task force.

24 (9) The task force shall submit a report in the manner provided by ORS 192.245, and may  
25 include recommendations for legislation, to the interim committees of the Legislative As-  
26 sembly related to environment and natural resources no later than September 15, 2016.

27 (10) The Legislative Administration Committee shall provide staff support to the task  
28 force.

29 (11) Notwithstanding ORS 171.072, members of the task force who are members of the  
30 Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volun-  
31 teers on the task force. Other members of the task force are not entitled to compensation  
32 or reimbursement for expenses and serve as volunteers on the task force.

33 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist  
34 the task force in the performance of its duties and, to the extent permitted by laws relating  
35 to confidentiality, to furnish such information and advice as the members of the task force  
36 consider necessary to perform their duties.

37 **SECTION 4.** Section 3 of this 2015 Act is repealed on December 31, 2016.

38  
39 **CAPTIONS**

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41 **SECTION 5.** The unit captions used in this 2015 Act are provided only for the convenience  
42 of the reader and do not become part of the statutory law of this state or express any leg-  
43 islative intent in the enactment of this 2015 Act.