

# House Bill 3459

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 **as introduced**.

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 12 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 subaccount shall consist of:

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

(B) All moneys received pursuant to ORS 498.306.

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

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

4 (b) All moneys in the subaccount shall be used to carry out the provisions of ORS 315.138,  
5 498.306 and 509.620. However, moneys received from the surcharge on angling licenses imposed by  
6 ORS 497.124 shall be expended only to carry out the provisions of law relating to the screening of  
7 water diversions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (b) Using the record created pursuant to paragraph (a) of this subsection, the commission shall

1 report, in the budget documents submitted to the Legislative Assembly, on the application of in-  
 2 vestment and interest earnings to the maintenance of fish hatcheries and other State Department  
 3 of Fish and Wildlife facilities.

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

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

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

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

23  
 24 **OREGON OUTDOOR ACTIVITIES INVESTMENT**  
 25 **PLANNING TASK FORCE**  
 26

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

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

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

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

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

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

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

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

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

43 (b) **Develop a work plan and recommendations for convening a diverse group of repre-**  
 44 **sentatives of state and local government and other stakeholders to develop a 50-year stra-**  
 45 **tegic plan for investing in, and increasing the availability of, high-quality outdoor**

1 recreational activities in this state. Recommendations developed under this paragraph shall  
2 include, but not be limited to, recommendations for:

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

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

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

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

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

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

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

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

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

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

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

24 (10) The State Department of Fish and Wildlife shall provide staff support to the task  
25 force.

26 (11) Members of the task force who are not members of the Legislative Assembly are not  
27 entitled to compensation, but may be reimbursed for actual and necessary travel and other  
28 expenses incurred by them in the performance of their official duties in the manner and  
29 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions  
30 of the task force shall be paid out of funds appropriated to the State Department of Fish and  
31 Wildlife for purposes of the task force.

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

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

37  
38 **CAPTIONS**

39  
40 **SECTION 5.** The unit captions used in this 2015 Act are provided only for the convenience  
41 of the reader and do not become part of the statutory law of this state or express any leg-  
42 islative intent in the enactment of this 2015 Act.