

# House Bill 3451

Sponsored by Representative HAYDEN, Senator PROZANSKI; Representative HOLVEY

## 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 Leaburg Fish Hatchery from State Department of Fish and Wildlife to State Parks and Recreation Department.

Designates Leaburg Fish Hatchery as Leaburg Hatchery State Park.

## A BILL FOR AN ACT

1  
2 Relating to Leaburg Hatchery State Park.

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

## TRANSFER

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7 **SECTION 1. The duties, functions and powers of the State Department of Fish and**  
8 **Wildlife relating to the Leaburg Fish Hatchery are imposed upon, transferred to and vested**  
9 **in the State Parks and Recreation Department.**

## DESIGNATION AND OPERATION

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13 **SECTION 2. (1) The Leaburg Fish Hatchery is designated as the Leaburg Hatchery State**  
14 **Park.**

15 **(2) The State Parks and Recreation Department shall operate and manage the Leaburg**  
16 **Hatchery State Park in a manner that protects wildlife habitat.**

## RECORDS, PROPERTY, EMPLOYEES

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20 **SECTION 3. (1) The State Fish and Wildlife Director shall:**

21 **(a) Deliver to the State Parks and Recreation Department all records and property within**  
22 **the jurisdiction of the director that relate to the duties, functions and powers transferred**  
23 **by section 1 of this 2019 Act; and**

24 **(b) Transfer to the State Parks and Recreation Department those employees engaged**  
25 **primarily in the exercise of the duties, functions and powers transferred by section 1 of this**  
26 **2019 Act.**

27 **(2) The State Parks and Recreation Director shall take possession of the records and**  
28 **property, and shall take charge of the employees and employ them in the exercise of the**  
29 **duties, functions and powers transferred by section 1 of this 2019 Act, without reduction of**  
30 **compensation but subject to change or termination of employment or compensation as pro-**  
31 **vided by law.**

**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 (3) The Governor shall resolve any dispute between the State Department of Fish and  
 2 Wildlife and the State Parks and Recreation Department relating to transfers of records,  
 3 property and employees under this section, and the Governor’s decision is final.

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 5 **UNEXPENDED REVENUES**

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 7 **SECTION 4.** (1) The unexpended balances of amounts authorized to be expended by the  
 8 State Department of Fish and Wildlife for the biennium beginning July 1, 2019, from revenues  
 9 dedicated, continuously appropriated, appropriated or otherwise made available for the pur-  
 10 pose of administering and enforcing the duties, functions and powers transferred by section  
 11 1 of this 2019 Act are transferred to the State Parks and Recreation Department Fund and  
 12 are available for expenditure by the State Parks and Recreation Department for the  
 13 biennium beginning July 1, 2019, for the purpose of administering and enforcing the duties,  
 14 functions and powers transferred by section 1 of this 2019 Act.

15 (2) The expenditure classifications, if any, established by Acts authorizing or limiting  
 16 expenditures by the State Department of Fish and Wildlife remain applicable to expenditures  
 17 by the State Parks and Recreation Department under this section.

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 19 **ACTION, PROCEEDING, PROSECUTION**

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 21 **SECTION 5.** The transfer of duties, functions and powers to the State Parks and Recre-  
 22 ation Department by section 1 of this 2019 Act does not affect any action, proceeding or  
 23 prosecution involving or with respect to the duties, functions and powers begun before and  
 24 pending at the time of the transfer, except that the State Parks and Recreation Department  
 25 is substituted for the State Department of Fish and Wildlife in the action, proceeding or  
 26 prosecution.

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 28 **LIABILITY, DUTY, OBLIGATION**

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 30 **SECTION 6.** (1) Nothing in sections 1 to 14 of this 2019 Act relieves a person of a liability,  
 31 duty or obligation accruing under or with respect to the duties, functions and powers  
 32 transferred by section 1 of this 2019 Act. The State Parks and Recreation Department may  
 33 undertake the collection or enforcement of any such liability, duty or obligation.

34 (2) The rights and obligations of the State Department of Fish and Wildlife legally in-  
 35 curred under contracts, leases and business transactions executed, entered into or begun  
 36 before the operative date of section 1 of this 2019 Act accruing under or with respect to the  
 37 duties, functions and powers transferred by section 1 of this 2019 Act are transferred to the  
 38 State Parks and Recreation Department. For the purpose of succession to these rights and  
 39 obligations, the State Parks and Recreation Department is a continuation of the State De-  
 40 partment of Fish and Wildlife and not a new authority.

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 42 **RULES**

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 44 **SECTION 7.** Notwithstanding the transfer of duties, functions and powers by section 1  
 45 of this 2019 Act, the rules of the State Department of Fish and Wildlife with respect to such

1 duties, functions or powers that are in effect on the operative date of section 1 of this 2019  
 2 Act continue in effect until superseded or repealed by rules of the State Parks and Recreation  
 3 Department. References in the rules of the State Department of Fish and Wildlife to  
 4 the State Department of Fish and Wildlife or an officer or employee of the State Department  
 5 of Fish and Wildlife are considered to be references to the State Parks and Recreation Department  
 6 or an officer or employee of the State Parks and Recreation Department.

7 **SECTION 8.** Whenever, in any uncodified law or resolution of the Legislative Assembly  
 8 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in  
 9 the context of the duties, functions and powers transferred by section 1 of this 2019 Act,  
 10 reference is made to the State Department of Fish and Wildlife, or an officer or employee  
 11 of the State Department of Fish and Wildlife, whose duties, functions or powers are transferred  
 12 by section 1 of this 2019 Act, the reference is considered to be a reference to the State  
 13 Parks and Recreation Department or an officer or employee of the State Parks and Recreation  
 14 Department who by this 2019 Act is charged with carrying out the duties, functions and  
 15 powers.

16 **SECTION 9.** Consistent with section 2 of this 2019 Act, whenever, in any uncodified law  
 17 or resolution of the Legislative Assembly or in any rule, document, record or proceeding  
 18 authorized by the Legislative Assembly, reference is made to the Leaburg Fish Hatchery, the  
 19 reference is considered to be a reference to the Leaburg Hatchery State Park.

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 21 **USE FEES**

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 23 **SECTION 10.** Consistent with ORS 390.124, the State Parks and Recreation Director may  
 24 set, adjust and assess fees for use of the Leaburg Hatchery State Park.

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 26 **LOTTERY FUNDING**

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 28 **SECTION 11.** Consistent with ORS 390.135, to maintain, construct, improve, develop,  
 29 manage and operate the Leaburg Hatchery State Park, the State Parks and Recreation Department  
 30 may use moneys deposited into the Parks Subaccount from the Parks and Natural  
 31 Resources Fund that was created under ORS 541.940 from the Oregon State Lottery.

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 33 **OPERATIVE DATES**

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 35 **SECTION 12.** Sections 1 to 9 of this 2019 Act become operative on June 30, 2020.

36 **SECTION 13.** Sections 10 and 11 of this 2019 Act become operative on July 1, 2021.

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 38 **AGENCY PREPARATION FOR TRANSFER**

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 40 **SECTION 14.** The State Department of Fish and Wildlife and the State Parks and Recreation  
 41 Department may take any actions prior to June 30, 2020, that the departments deem  
 42 appropriate for facilitating the transfer under section 1 of this 2019 Act on June 30, 2020, or  
 43 for facilitating operation of the Leaburg Hatchery State Park by the State Parks and Recreation  
 44 Department on or after June 30, 2020.

UNIT CAPTIONS

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**SECTION 15. The unit captions used in this 2019 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2019 Act.**

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