

**A-Engrossed**  
**House Bill 2779**

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

Sponsored by Representative BUTLER

**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.

Authorizes State Fish and Wildlife Commission to issue annual tag for warm water game fish. Creates Warm Water Game Fish Subaccount within Fish and Wildlife Account. Dedicates moneys from annual tag into subaccount.

**A BILL FOR AN ACT**

1  
2 Relating to warm water game fish; amending ORS 496.303, 497.121, 497.132 and 497.134.

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

4 **SECTION 1.** ORS 496.303 is amended to read:

5 496.303. (1) The Fish and Wildlife Account is established in the State Treasury, separate and  
6 distinct from the General Fund. All moneys in the account are continuously appropriated to the  
7 State Fish and Wildlife Commission. The Fish and Wildlife Account shall consist of the moneys in  
8 its various subaccounts and any moneys transferred to the account by the Legislative Assembly.  
9 Unless otherwise specified by law, interest earnings on moneys in the account shall be paid into the  
10 State Treasury and credited to the State Wildlife Fund.

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

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

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

15 (C) All gifts, grants and other moneys from whatever source that may be used to carry out the  
16 provisions of ORS 498.306, 498.311 and 509.615.

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

18 (b) All moneys in the subaccount shall be used to carry out the provisions of ORS 315.138,  
19 498.306, 498.311, 509.615 and 509.620. However, moneys received from the surcharge on angling li-  
20 censes imposed by ORS 497.124 shall be expended only to carry out the provisions of law relating  
21 to the screening of water diversions at a rate less than 30 cubic feet per second.

22 (c) Of the moneys in the subaccount budgeted for administrative expenses, up to 50 percent of  
23 that amount may be expended for activities associated with the screening of diversions over 30 cubic  
24 feet per second and for fish passages issues.

25 (3) The Fish Endowment Subaccount is established in the Fish and Wildlife Account. The sub-  
26 account shall consist of transfers of moneys authorized by the Legislative Assembly from the State  
27 Wildlife Fund and gifts and grants of moneys from whatever source for the purpose of paying the  
28 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  
 29 Wildlife Fund and moneys obtained by gift, grant, bequest or donation from any other public or  
 30 private 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 main-  
 33 tenance of fish hatcheries and State Department of Fish and Wildlife facilities other than adminis-  
 34 trative facilities located in [*Portland*] **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 sub-  
 37 account:

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  
 40 other 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  
 42 Assembly 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 de-  
 44 posited into the subaccount.

45 (8) The Access and Habitat Board Subaccount is established in the Fish and Wildlife Account.

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

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

12 (10)(a) The Mountain Sheep Subaccount is established in the Fish and Wildlife Account, con-  
13 sisting 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) The Antelope Subaccount is established in the Fish and Wildlife Account, consisting of  
19 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) The Mountain Goat Subaccount is established in the Fish and Wildlife Account, consist-  
25 ing 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) 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 in-  
36 vestment and interest earnings to the maintenance of fish hatcheries and other State Department  
37 of Fish and Wildlife facilities.

38 **(14) The Warm Water Game Fish Subaccount is established in the Fish and Wildlife Ac-**  
39 **count. The moneys derived from the sale of the warm water game fish tag pursuant to ORS**  
40 **497.121 shall be credited to the subaccount. Moneys in the subaccount shall be used for the**  
41 **sound biological management of warm water game fish and warm water game fish habitat**  
42 **consistent with fish management and conservation policies adopted by the commission.**

43 **SECTION 2.** ORS 497.121 is amended to read:

44 497.121. (1) The State Fish and Wildlife Commission [*is authorized to*] **may** issue[, *upon applica-*  
45 *tion, to persons desiring to angle for fish or take shellfish*] the following licenses [*and tags*] and shall

1 charge therefor the following fees:

2 (a) Resident annual angling license, \$21.

3 (b) Nonresident annual angling license, \$54.75.

4 (c) Nonresident angling license to angle for seven consecutive days, \$39.50.

5 (d) Angling license to angle for one day, \$9.25.

6 (e) Resident annual juvenile angling license for persons 14 through 17 years of age, \$4.

7 (f) Resident annual shellfish license, \$5.

8 (g) Nonresident annual shellfish license, \$15.

9 (h) Nonresident three-day shellfish license, \$7.50.

10 (i) Resident pioneer angling license for persons 65 years of age or older who have resided in the  
11 state for not less than 50 years prior to the date of application, free.

12 (j) Resident annual senior citizen angling license for persons 70 years of age or older who have  
13 resided in the state for not less than five years prior to the date of application, one-half the fee  
14 imposed under paragraph (a) of this subsection for a resident annual angling license.

15 (k) Resident disabled war veteran angling license for a person who files with the commission  
16 written proof that the last official certification of record by the United States Department of Vet-  
17 erans Affairs or by any branch of the Armed Forces of the United States shows the person to be  
18 at least 25 percent disabled, free.

19 **(2) The commission may issue the following tags and shall charge therefor the following**  
20 **fees:**

21 [(L)] (a) Annual tag to angle for salmon, steelhead trout, sturgeon and halibut, \$20.

22 [(m)] (b) Annual tag for persons under 18 years of age to angle for salmon, steelhead trout,  
23 sturgeon and halibut, \$5.

24 [(n)] (c) Renewable tag to angle for hatchery salmon and steelhead, \$10.50.

25 **(d) Annual tag to angle for warm water game fish, \$5.**

26 [(2)] (3) Any person who holds a valid permanent angling license for blind persons or a perma-  
27 nent angling license for persons in a wheelchair issued by the commission before January 1, 2000,  
28 need not obtain a resident annual angling license under this section.

29 [(3)] (4) The annual tags [*to angle for salmon, steelhead trout, sturgeon and halibut*] referred to  
30 in subsection [(1)(L), (m) and (n)] (2) of this section are in addition to and not in lieu of the angling  
31 licenses required by the wildlife laws. [*However, an annual tag to angle for salmon, steelhead trout,*  
32 *sturgeon and halibut is not required of a person who holds a valid angling license referred to in sub-*  
33 *section (1)(c) or (d) of this section.*]

34 **(5) A person who holds a valid license issued pursuant to subsection (1)(c), (d) or (e) of**  
35 **this section is not required to obtain any annual tag issued pursuant to subsection (2) of this**  
36 **section.**

37 **SECTION 3.** ORS 497.132 is amended to read:

38 497.132. (1) In lieu of issuing to resident persons separate licenses for angling and hunting, the  
39 State Fish and Wildlife Commission is authorized to issue resident annual combination angling and  
40 hunting licenses, and charge therefor a fee of \$38.

41 (2)(a) In lieu of issuing to resident persons separate licenses and tags for various hunting and  
42 angling activities, the commission is authorized to issue resident annual sportsperson's licenses and  
43 shall charge therefor a fee of \$125. The purchaser of each such license is authorized to engage in  
44 those hunting and angling activities for which the following licenses and tags are required:

45 (A) Combination license;

- 1 (B) Black bear tag;
- 2 (C) Cougar tag;
- 3 (D) General season elk tag;
- 4 (E) General season deer tag;
- 5 (F) Upland bird stamp;
- 6 (G) Oregon migratory waterfowl stamp;
- 7 (H) Turkey tag; *[and]*
- 8 (I) Annual tag to angle for salmon, steelhead trout, sturgeon and halibut; **and**
- 9 **(J) Annual tag to angle for warm water game fish.**

10 (b) The holder of each sportsperson's license who wishes to engage in hunting or angling ac-  
11 tivities for which permits are required that are limited by quota must participate in the process for  
12 allocation of the permits in the same manner as all other permit applicants. However, if the holder  
13 of a sportsperson's license is unsuccessful in obtaining a permit limited by quota for a particular  
14 activity, the holder will be issued a tag valid for any general season for that species.

15 (c) Notwithstanding any other provision of the wildlife laws, of the moneys received from the  
16 sale of sportsperson's licenses:

17 (A) Two dollars from each such license shall be credited to the subaccount referred to in ORS  
18 496.242.

19 (B) Two dollars from each such license shall be credited to the subaccount referred to in section  
20 10, chapter 512, Oregon Laws 1989.

21 (C) Twenty-five cents from each such license shall be credited to the Fish Screening Subaccount  
22 established under ORS 496.303.

23 **SECTION 4.** ORS 497.134 is amended to read:

24 497.134. (1) The State Fish and Wildlife Commission may provide a means for persons to make  
25 voluntary contributions to be used for special fish and wildlife management programs, including  
26 programs to improve access for recreational angling. The commission may seek voluntary contribu-  
27 tions in conjunction with the sale of hunting and angling licenses and tags or by such other means  
28 as the commission considers appropriate.

29 (2) If the commission implements an electronic licensing system, the commission shall provide  
30 a means for persons to make voluntary contributions in conjunction with the sale of licenses and  
31 tags referred to in ORS 497.121 [(1)]. All such voluntary contributions received by the commission  
32 may be expended only for projects for which applications are made pursuant to ORS 496.450.

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