

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Atkinson, Boquist, Hass, Prozanski, Dingfelder

Nays: 0

Exc.: 0

Prepared By: Beth Herzog, Administrator

Meeting Dates: 3/3, 4/7

WHAT THE MEASURE DOES: Establishes that releasing or attempting to release any live fish into a body of water that was not taken from that body of water without a permit is either a Class C felony, if the violation is committed intentionally or knowingly, or a Class A misdemeanor, if the violation is committed recklessly or with criminal negligence. Requires that the State Fish and Wildlife Commission (Commission) must revoke a convicted person's angling license and tags. Prohibits convicted person from applying for, obtaining, or possessing angling license or tag for 5 years. Allows the Commission to institute a suit for the recovery of damages. Requires that the damages awarded be the amount necessary to return the body of water to its condition prior to the violation as well as attorney fees.

ISSUES DISCUSSED:

- Diamond Lake introduction of tui chub
- Appropriate length of time for license or tag to be revoked
- Opportunity for education

EFFECT OF COMMITTEE AMENDMENT: Establishes that releasing or attempting to release any live fish that was not taken from that body of water without a permit is either a Class C felony, if the violation is committed intentionally or knowingly, or a Class A misdemeanor, if the violation is committed recklessly or with criminal negligence. Establishes that a person is prohibited from applying for, obtaining, or possessing angling license or tag in the future for 5 years if convicted.

BACKGROUND: Illegal transportation and introduction of fish can cause a reduction in angling opportunities, cause environmental harm, and have a devastating economic impact. The Oregon Fish and Wildlife Commission has a statutory responsibility for managing the release of live fish into waters of the state. Existing administrative rules, adopted under statute, provide that anyone convicted of transporting live fish without a permit may be charged with a misdemeanor and that "the person or company who import fish illegally shall be held liable for incidental kill of any species due to or during destruction of illegally imported fish."