

**Enrolled**  
**House Bill 2697**

Sponsored by Representatives KENNEMER, HOYLE; Representatives BOONE, ESQUIVEL,  
KRIEGER, MCKEOWN, THOMPSON, WHISNANT, WITT

CHAPTER .....

AN ACT

Relating to fish carcasses; creating new provisions; amending ORS 164.785; and declaring an emergency.

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

**SECTION 1.** ORS 164.785 is amended to read:

164.785. (1)(a) It is unlawful for any person, including a person in the possession or control of any land, to discard any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious or offensive substance into or in any other manner befoul, pollute or impair the quality of any spring, river, brook, creek, branch, well, irrigation drainage ditch, irrigation ditch, cistern or pond of water.

**(b)(A) In a prosecution under this subsection, it is a defense that:**

**(i) The dead animal carcass that is discarded is a fish carcass;**

**(ii) The person returned the fish carcass to the water from which the person caught the fish; and**

**(iii) The person retained proof of compliance with any provisions regarding angling prescribed by the State Fish and Wildlife Commission pursuant to ORS 496.162.**

**(B) As used in this paragraph, "fish carcass" means entrails, gills, head, skin, fins and backbone.**

(2) It is unlawful for any person to place or cause to be placed any polluting substance listed in subsection (1) of this section into any road, street, alley, lane, railroad right of way, lot, field, meadow or common. It is unlawful for an owner thereof to knowingly permit any polluting substances to remain in any of the places described in this subsection to the injury of the health or to the annoyance of any citizen of this state. Every 24 hours after conviction for violation of this subsection during which the violator permits the polluting substances to remain is an additional offense against this subsection.

(3) Nothing in this section shall apply to the storage or spreading of manure or like substance for agricultural, silvicultural or horticultural purposes, except that no sewage sludge, septic tank or cesspool pumpings shall be used for these purposes unless treated and applied in a manner approved by the Department of Environmental Quality.

(4) Violation of this section is a Class A misdemeanor.

(5) The Department of Environmental Quality may impose the civil penalty authorized by ORS 468.140 for violation of this section.

**SECTION 2. The amendments to ORS 164.785 by section 1 of this 2013 Act apply to conduct occurring on or after the effective date of this 2013 Act.**

**SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.**

**Passed by House March 14, 2013**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 9, 2013**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State