

House Bill 2697

Sponsored by Representatives KENNEMER, HOYLE; Representatives BOONE, ESQUIVEL, KRIEGER, THOMPSON, WHISNANT, 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**.

Provides that person may return fish carcass to water from which person caught fish under certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to fish carcasses; creating new provisions; amending ORS 164.785; and declaring an emer-
3 gency.

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

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

6 164.785. (1)(a) It is unlawful for any person, including a person in the possession or control of
7 any land, to discard any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome,
8 decaying, deleterious or offensive substance into or in any other manner befoul, pollute or impair
9 the quality of any spring, river, brook, creek, branch, well, irrigation drainage ditch, irrigation ditch,
10 cistern or pond of water.

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

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

13 **(ii) The person returned the fish carcass to the water from which the person caught the**
14 **fish more than 100 feet from any beach or any public access point to the water, including a**
15 **boat ramp or pier;**

16 **(iii) The person returned the fish carcass to the water from which the person caught the**
17 **fish more than 10 feet from shore; and**

18 **(iv) The person cleaned the fish at the end of the period during which the person angled**
19 **and retained proof of compliance with any provisions regarding angling prescribed by the**
20 **State Fish and Wildlife Commission pursuant to ORS 496.162.**

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

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

30 (3) Nothing in this section shall apply to the storage or spreading of manure or like substance

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 for agricultural, silvicultural or horticultural purposes, except that no sewage sludge, septic tank
2 or cesspool pumpings shall be used for these purposes unless treated and applied in a manner ap-
3 proved by the Department of Environmental Quality.

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

5 (5) The Department of Environmental Quality may impose the civil penalty authorized by ORS
6 468.140 for violation of this section.

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

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

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