

SB 887 STAFF MEASURE SUMMARY

Carrier: Sen. Smith DB

Senate Committee On Natural Resources

Action Date: 03/15/23

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Girod, Golden, Prozanski, Smith DB, Taylor

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Laura Kentnesse, LPRO Analyst

Meeting Dates: 2/22, 3/15

WHAT THE MEASURE DOES:

Provides that, in a suit for recovery of damages for unlawful taking or possession of food fish, damages must be twice the fair market value of the food fish. Removes damages that specify the price per fish or calculations related to the average market value of the fish, depending on food fish species. Replaces Oregon Fish and Wildlife Commission (Commission) rulemaking requirement to establish the average market value for each species of food fish annually, with a requirement to establish the fair market value.

ISSUES DISCUSSED:

- Time lag between rulemaking and application such that average market values no longer represent the current market
- Commission time investment in, and rare use of, the current process
- How the Commission would set the fair market value for a species following a poaching incident
- Measure's focus on civil penalties and silence on criminal penalties

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

When food fish are taken in violation of the commercial fishing laws, inspectors, fish wardens, and other officers are required by law to seize the fish. The fish are then allowed to be disposed of, sold, or preserved or used for food purposes to prevent loss or spoilage. When a criminal prosecution occurs, the court can order the forfeiture of the fish or any proceeds from their sale, and order that the moneys be deposited in the Commercial Fisheries Fund (fund). Moneys from the fund are used by the Oregon Fish and Wildlife Commission (Commission) for the administration and enforcement of commercial fishing laws, and for management, propagation, research, habitat improvement, and other activities that protect, maintain, or enhance the food fish resources of Oregon.

The Commission establishes the average market value for more than 60 species of food fish annually by rule. The values are then used to assess damages in commercial fishing violations where the agency seeks civil damages for the unlawful taking or possession of food fish.

Senate Bill 887 would require the Oregon Fish and Wildlife Commission to establish the fair market value of food fish by rule, and would provide that in a suit for recovery of damages for unlawful taking or possession of food fish, damages must be twice the fair market value of the food fish.