MEASURE NUMBER:SB 571STATUS: A EngrossedSUBJECT:Penalties for releasing live fish into a body of waterGOVERNMENT UNIT AFFECTED:Department of Fish and Wildlife, Judicial Department andPublic Defense Services CommissionPREPARED BY:Dawn FarrREVIEWED BY:Paul Siebert and Doug WilsonDATE:April 8, 2009

EXPENDITURES:

See Comments.

<u>2009-2011</u> <u>2011-2013</u>

REVENUES: See Comments.

EFFECTIVE DATE: January 1, 2010

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: The bill establish that releasing or attempting to release any live fish not taken from that body of water without a permit is a Class C felony if committed intentionally, or a Class A misdemeanor if committed recklessly or with criminal negligence; requires that the Fish and Wildlife Commission revoke licenses upon conviction and prohibits possession of licenses for 5 years after conviction; and, requires damages awarded be in the amount necessary to return the body of water to its condition prior to violation.

The Department of Fish and Wildlife indicates that the fiscal impact associated with the bill is indeterminate. The Department anticipates that increased penalties associated with release of live fish will help mitigate the risk of future events such as the introduction of tui chub in Diamond Lake which cost ODFW millions of dollars to eradicate. Any savings resulting from the mitigation of future potential expenditures are indeterminate. The Department does not anticipate increasing enforcement activities as a result of the bill, and expects to receive minimal increases in civil penalty revenue.

ODFW indicates that the number of cases filed per biennium is anticipated to be less than five. Based on this information the Public Defense Services Commission and Judicial Department anticipate a minimal fiscal impact associated with the bill.