

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 2293

PRINTER'S NO. 4150

AMOUNT

\$178,000 Revenue Increase

FUND

Fish Fund

DATE INTRODUCED

April 2, 2012

PRIME SPONSOR

Representative Peifer

HISTORY OF BILL

Referred to GAME AND FISHERIES, April 2, 2012

Reported as committed, May 7, 2012

First consideration, May 7, 2012

Laid on the table, May 7, 2012

Removed from table, May 8, 2012

Second consideration, May 9, 2012

Re-committed to APPROPRIATIONS, May 9, 2012

Re-reported as committed, May 22, 2012

Third consideration and final passage, May 22, 2012 (198-0)
In the Senate

Referred to GAME AND FISHERIES, May 29, 2012

Reported as committed, June 5, 2012

First consideration, June 5, 2012

Re-referred to APPROPRIATIONS, June 25, 2012

Re-reported as amended, Oct. 1, 2012

DESCRIPTION AND PURPOSE OF BILL

House Bill 2293 amends Title 30 (Fish & Boat Code) to create a new category of offenses for a serious unlawful take, for taking or possessing by illegal methods, and to provide for penalties and assessment of cost for related violations. The bill also removes the sunset date for the Lake Erie permit fees funding specified programs.

The bill increases the fine for a summary offense of the first degree from \$200 to \$250. The fine for a summary offense of the second degree is increased from \$100 to \$150. The fine for a summary offense of the third degree is increased from \$50 to \$75.

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The bill also increases the fine from \$20 to a sliding scale of not less than \$20 and not more than \$50 for each fish taken, caught, killed, possessed or sold in violation of the Title or for each illegal device used by an angler while in the act of fishing.

The bill creates a new section, Serious unlawful take, in which it describes it as unlawful to take, catch, kill or possess three or more times the daily limit of fish, or during the closed season, fish with a replacement cost greater than \$500. A person who violates this section commits a misdemeanor of the second degree.

The bill creates another new section, Taking or possessing by illegal methods, in which it describes it as unlawful to take, catch, kill, or possess fish by any method not specifically authorized by law or regulation. A person who violates this section for a single fish commits a summary offense of the second degree. A person who violates this section for two or more fish, up to and including the daily limit, commits a summary offense of the first degree. A person who violates this section relating to more than the daily limit or commits a second or subsequent violation commits a misdemeanor of the second degree.

The bill requires that a person convicted or acknowledging guilt for serious unlawful takes or taking or possessing by illegal methods as defined in the act shall be assessed the cost of replacing the species involved. The replacement cost shall be determined by the Fish & Boat Commission, consistent with the values established by the American Fisheries Society or other recognized professional fisheries organization. Replacement costs can only be assessed for violations relating to federally-listed threatened or endangered species or any other species of fish designated by the commission.

Section 928 (b), relating to revocation, suspension or denial of license, permit or registration, is also amended by the bill to provide that an operation suspension of an adjudicated delinquent or other person for operating a watercraft under the influence, or homicide by watercraft, may not commence until the date of the individual's release from prison.

Upon revocation of a license, permit or privilege by the commission, due to the conviction or guilty plea of a person to an offense under this Title, the commission may, at its discretion, refuse to grant that person any new fishing license, special license, permit or privilege for a period of time not exceeding five years. Current law specifies two years.

Section 2907.2 (f.1), relating to Lake Erie fishing permits, is amended to remove the sunset date of December 31, 2014, and authorize the Fish and Boat Commission to continue to use the proceeds from the fees for the special Lake Erie fishing permits and \$6 of the fees for the combination trout/salmon permits and Lake Erie permits to be deposited in perpetuity into a restricted account within the Fish Fund. The funds in the restricted account are used to provide public fishing access or to protect or improve fish habitat on or at Lake Erie, Presque Isle and their tributaries, including waters that flow into those tributaries.

The act takes effect immediately.

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FISCAL IMPACT:

Based on 2011 closed citations for first, second and third degree summary offenses, the Fish and Boat Commission estimates that increasing the fines for each of these summary offenses would have increased revenue by \$177,975 in fines. Revenue will also possibly increase with the implementation of a sliding scale of \$20 to \$50 for specified violations, compared to the current fine of \$20, but cannot be estimated. New categories of offenses should also create additional revenue from fines related to the degrees of such offenses.

No negative fiscal impact will occur by removing the sunset date of December 31, 2014, for funds from the Lake Erie permit fees to continue to be available in all future years for the purposes set forth in Section 2907.2 (f.1) of Title 30.