

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1646

Chapter 337, Laws of 2007

60th Legislature
2007 Regular Session

SAMPLING FISH, WILDLIFE, AND SHELLFISH

EFFECTIVE DATE: 07/22/07

Passed by the House April 14, 2007
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2007
Yeas 46 Nays 3

BRAD OWEN

President of the Senate

Approved May 4, 2007, 4:54 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1646** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 7, 2007

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1646

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representative Blake)

READ FIRST TIME 02/12/07.

1 AN ACT Relating to sampling of fish, wildlife, and shellfish by
2 department of fish and wildlife employees; amending RCW 77.15.360 and
3 77.15.568; adding a new section to chapter 77.12 RCW; creating a new
4 section; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature intends that sampling of
7 fish, wildlife, and shellfish by department of fish and wildlife
8 employees will ensure the conservation and management of fish,
9 shellfish, and wildlife. Because the harvest of fish and wildlife is
10 regulated by the department, the legislature finds that sampling by
11 departmental employees will benefit the resource, and will further the
12 department's research related to fish, wildlife, and shellfish. This
13 section and section 2 of this act do not apply to the harvest of
14 private sector cultured aquatic products as defined in RCW 15.85.020.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW
16 to read as follows:

17 (1) Department employees, in carrying out their duties under this
18 title on public lands or state waters, may:

1 (a) Collect samples of tissue, fluids, or other bodily parts of
2 fish, wildlife, or shellfish; or

3 (b) Board vessels in state waters engaged in commercial and
4 recreational harvest activities to collect samples of fish, wildlife,
5 or shellfish.

6 (i) Department employees shall ask permission from the owner or his
7 or her agent before boarding vessels in state waters.

8 (ii) If an employee of the department is denied access to any
9 vessel where access was sought for the purposes of (b) of this
10 subsection, the department employee may contact an enforcement officer
11 for assistance in applying for a search warrant authorizing access to
12 the vessel in order to carry out the department employee's duties under
13 this section.

14 (2) Department employees must have official identification,
15 announce their presence and intent, and perform their duties in a safe
16 and professional manner while carrying out the activities in this
17 section.

18 (3) This section does not apply to the harvest of private sector
19 cultured aquatic products as defined in RCW 15.85.020.

20 (4) This section does not apply to fish and wildlife officers and
21 ex officio fish and wildlife officers carrying out their duties under
22 this title.

23 **Sec. 3.** RCW 77.15.360 and 2000 c 107 s 243 are each amended to
24 read as follows:

25 (1) A person is guilty of unlawful interfering in department
26 operations if the person prevents department employees from carrying
27 out duties authorized by this title, including but not limited to
28 interfering:

29 (a) In the operation of department vehicles, vessels, or aircraft;
30 or

31 (b) With the collection of samples of tissue, fluids, or other
32 bodily parts of fish, wildlife, and shellfish under section 2 of this
33 act.

34 (2) Unlawful interfering in department operations is a gross
35 misdemeanor.

1 **Sec. 4.** RCW 77.15.568 and 2003 c 336 s 1 are each amended to read
2 as follows:

3 ~~((Since violation of rules of the department relating to the
4 accounting of the commercial harvest of food fish, commercialized game
5 fish, and shellfish result in damage to the resources of the state,
6 persons selling such fish and shellfish at retail, including but not
7 limited to stores, markets, and restaurants, must maintain sufficient
8 records for the department to be able to ascertain the origin of the
9 fish and shellfish in their possession.~~

10 ~~(1) A retail fish seller is guilty of retail fish seller's failure
11 to account for commercial harvest if the retail seller sells fish or
12 shellfish at retail, the fish or shellfish were required to be entered
13 on a Washington state fish receiving ticket, the seller is not a
14 wholesale fish dealer or fisher selling under a direct retail sale
15 endorsement, and the seller fails to maintain sufficient records at the
16 location where the fish or shellfish are being sold to determine the
17 following:~~

18 ~~(a) The name of the wholesale fish dealer or fisher selling under
19 a direct retail sale endorsement from whom the fish were purchased;~~

20 ~~(b) The wholesale fish dealer's license number or the number of the
21 fisher's sale under a direct retail sale endorsement;~~

22 ~~(c) The fish receiving ticket number documenting original receipt,
23 if known;~~

24 ~~(d) The date of purchase; and~~

25 ~~(e) The amount of fish or shellfish originally purchased from the
26 wholesale dealer or fisher selling under a direct retail sale
27 endorsement.~~

28 ~~(2) A retail fish seller's failure to account for commercial
29 harvest is a misdemeanor.))~~

30 (1) A person is guilty of a secondary commercial fish receiver's
31 failure to account for commercial harvest if:

32 (a) The person sells fish or shellfish at retail, stores or holds
33 fish or shellfish for another in exchange for valuable consideration,
34 ships fish or shellfish in exchange for valuable consideration, or
35 brokers fish or shellfish in exchange for valuable consideration;

36 (b) The fish or shellfish were required to be entered on a
37 Washington fish receiving ticket or a Washington aquatic farm
38 production annual report; and

1 (c) The person fails to maintain records of each receipt of fish or
2 shellfish, as required under subsections (3) through (5) of this
3 section, at the location where the fish or shellfish are being sold, at
4 the location where the fish or shellfish are being stored or held, or
5 at the principal place of business of the shipper or broker.

6 (2) This section does not apply to a wholesale fish dealer, a
7 fisher selling under a direct retail sale endorsement, or a registered
8 aquatic farmer.

9 (3) Records of the receipt of fish or shellfish required to be kept
10 under this section must be in the English language and be maintained
11 for three years from the date fish or shellfish are received, shipped,
12 or brokered.

13 (4) Records maintained by persons that retail or broker must
14 include the following:

15 (a) The name, address, and phone number of the wholesale fish
16 dealer, fisher selling under a direct retail sale endorsement, or
17 aquatic farmer or shellstock shipper from whom the fish or shellfish
18 were purchased or received;

19 (b) The Washington fish receiving ticket number documenting
20 original receipt or aquatic farm production quarterly report
21 documenting production, if available;

22 (c) The date of purchase or receipt; and

23 (d) The amount and species of fish or shellfish purchased or
24 received.

25 (5) Records maintained by persons that store, hold, or ship fish or
26 shellfish for others must state the following:

27 (a) The name, address, and phone number of the person and business
28 from whom the fish or shellfish were received;

29 (b) The date of receipt; and

30 (c) The amount and species of fish or shellfish received.

31 (6) A secondary commercial fish receiver's failure to account for
32 commercial harvest is a misdemeanor.

Passed by the House April 14, 2007.

Passed by the Senate April 11, 2007.

Approved by the Governor May 4, 2007.

Filed in Office of Secretary of State May 7, 2007.