

HOUSE BILL REPORT

SB 5306

As Passed House:
April 6, 2017

Title: An act relating to secondary commercial fish receivers.

Brief Description: Concerning secondary commercial fish receivers.

Sponsors: Senators Rolfes and Takko.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/9/17, 3/16/17 [DP].

Floor Activity:

Passed House: 4/6/17, 96-1.

Brief Summary of Bill

- Requires secondary fish receiver records to, if applicable, identify the state or country of origin of fish or shellfish, and requires secondary fish receivers to maintain records on fish or shellfish classified as fish or shellfish by the Department of Fish and Wildlife.
- Requires a person who processes fish or shellfish to maintain secondary fish receiver records.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 15 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Fitzgibbon, Kretz, Lytton, Orcutt, Pettigrew, Robinson, Schmick, Springer, Stanford and J. Walsh.

Staff: Rebecca Lewis (786-7339).

Background:

Secondary Fish Receiver Records.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A secondary fish receiver is an individual who sells fish or shellfish at retail; stores, holds, or ships fish or shellfish in exchange for valuable consideration; or serves as a broker for transactions involving fish or shellfish in exchange for valuable consideration. Secondary fish receivers must maintain certain records for fish or shellfish documented on a fish-receiving ticket or aquatic farm production annual report. Records maintained by persons who broker fish or shellfish, or sell fish or shellfish at retail must include:

- identifying information for the person who provided the fish or shellfish;
- the fish-receiving ticket number, or aquatic farm production quarterly report, if applicable; and
- information relating to the date of purchase or receipt and the quantity and species purchased or received.

Records maintained by persons who store, hold, or ship fish or shellfish for others must include:

- identifying information for the person who provided the fish or shellfish; and
- information relating to the date of receipt and the quantity and species received.

These records must be kept at the location where the fish or shellfish are being sold or held, or at the principal place of business of the shipper or broker, and must be maintained for three years. The crime of Secondary Commercial Fish Receiver's Failure to Account for Commercial Harvest is a misdemeanor and may be prosecuted if the secondary fish receiver fails to accurately maintain the required records.

A wholesale fish dealer acting in the capacity of a broker is required to maintain secondary fish receiver records; however, a wholesale fish dealer acting in the capacity of a wholesale fish dealer, fishers selling under a direct retail endorsement, and registered aquatic farmers are not required to maintain secondary fish receiver records.

Aquatic Farm Reports and Fish-Receiving Tickets.

Registered aquatic farmers must document their monthly production and submit aquatic farm reports on a quarterly basis. Aquatic farm reports must include the name, address, and phone number of the aquaculture firm, farm registration and location number, species grown at the farm site, quantity of each species harvested for sale, value per production unit, and the signature of the firm executive.

Fish-receiving tickets are documents on which fish buyers and dealers must record certain information pertinent to delivery, purchase, or receipt of fish or shellfish. Information includes identifying information for the licensed fisher, dealer, buyer, and original receiver, and other information regarding the fish being delivered, purchased, or received.

Commercial fishers selling under a direct retail endorsement must complete fish-receiving tickets for each delivery of fish or shellfish. Wholesale fish dealers must complete fish-receiving tickets for each purchase or receipt of fish or shellfish.

Summary of Bill:

Secondary fish receivers must maintain records for fish or shellfish classified as fish or shellfish by the Department of Fish and Wildlife (DFW) in addition to fish and shellfish

documented on fish-receiving tickets and aquatic farm reports. A person who processes fish or shellfish must maintain secondary fish receiver records. Wholesale fish buyers, limited fish sellers, and registered aquatic farmers are not required to maintain secondary fish receiver records for fish or shellfish documented on fish-receiving tickets or aquatic farm production reports.

Secondary fish receiver records must include state or country of origin information for fish or shellfish received from interstate or foreign commerce. The requirement to include the fish-receiving ticket number or aquatic farm production quarterly report is deleted. The remainder of the required information is maintained, and changes are made to align the requirements so all secondary fish receivers must report the same information.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a very technical sounding bill with positive and broad consequences. The purpose of the bill is to bring more rule of law to the sea by requiring labeling to include the place of origin for seafood. This gives the DFW more enforcement ability at state ports. The bill will help reduce poaching in international and state waters. Changes in this bill were part of a bigger bill that has not moved through the process. The commercial fishing industry supports this bill.

Records for the trade, storage, or shipment of fish and shellfish are critical for enforcing laws related to the conservation and protection of the legitimate seafood trade. The recordkeeping requirements in current law are triggered only if fish or shellfish are required to be accounted for on a fish-receiving ticket or an aquatic farm report. Many imports of fish and shellfish are not required to be recorded on a fish-receiving ticket. The bill expands the recordkeeping requirement to fish and shellfish classified by the DFW by rule. Current law does not require records to include country of origin information. The Russian king crab fishery is considered to be one of the most unsustainable fisheries in the world. Competition from illegal imports has resulted in a loss of an estimated \$600 million of crab-related revenue and tax since 2000 for that fishery. An estimated 88 percent of frozen Russian crab imports entered through Washington ports over the last five years.

(Opposed) None.

Persons Testifying: Senator Rolfes, prime sponsor; and Mike Hobbs, Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.