

# SENATE BILL REPORT

## SHB 1646

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As Reported By Senate Committee On:  
Natural Resources, Ocean & Recreation, March 22, 2007

**Title:** An act relating to sampling of fish, wildlife, and shellfish by department of fish and wildlife employees.

**Brief Description:** Authorizing department of fish and wildlife employees to sample fish, wildlife, and shellfish.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representative Blake).

**Brief History:** Passed House: 2/28/07, 96-1.

**Committee Activity:** Natural Resources, Ocean & Recreation: 3/15/07, 3/22/07 [DPA].

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** Do pass as amended.

Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Hargrove, Spanel, Stevens and Swecker.

**Staff:** Kim Johnson (786-7346)

**Background:** The Department of Fish and Wildlife (DFW) is mandated to preserve, protect, perpetuate, and manage fish, shellfish, and wildlife in state waters and offshore waters.

Under current law, the DFW has the authority to inspect fish, wildlife, shellfish, and seaweed at plainly marked check stations for requirements such as licenses, permits, tags, stamps, or catch record cards. Additionally, DFW officers have the authority to stop and inspect a person or boat without a warrant, at a reasonable time and in a reasonable manner, in order to check for violations of the DFW rules or statutes.

DFW officers may inspect without a warrant the premises, containers, fishing equipment, fish, seaweed, shellfish, wildlife, and records required by the department of any commercial fisher, wholesale dealer or fish buyer, shipping agency, or other person placing or attempting to place fish, shellfish, or wildlife into interstate commerce, or any cold storage plant.

**Summary of Substitute Bill:** Employees of the DFW are given express authority to collect samples of fish, wildlife, and shellfish located on public lands or state waters. In order to collect samples, employees of the DFW may board vessels in state waters with the permission of the owner or agent of the vessel. If permission is denied, the DFW employee is authorized

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to apply for a search warrant in order to board the vessel and take samples of fish, wildlife, or shellfish.

The DFW employees are not authorized to collect samples of private sector cultured aquatic products.

If a person prevents or interferes with a DFW employee collecting samples of fish, wildlife, or shellfish, they are guilty of interfering in the DFW operations. Unlawful interfering in the DFW operations is a gross misdemeanor.

**EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Natural Resources, Ocean & Recreation):** DFW employees who are denied access to a vessel are directed to contact a DFW enforcement officer to seek a search warrant to gain access to the vessel.

Secondary commercial fish receivers are defined as persons who sell fish at retail, and persons who store, hold, ship, or broker fish or shellfish for valuable consideration.

Recordkeeping requirements are provided for commercial fish receivers. Penalties are provided for a secondary commercial fish receiver's failure to account for commercial harvest.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We narrowed this bill down to focus on just employees taking samples and clarified that it is not giving police powers to DFW's general employees. This is a negotiated bill.

DFW supports this bill and has worked with industry closely to develop this language. We are just trying to meet our monitoring requirements under ESA. Recovering the tags from fish is an essential part of determining stock contributions.

**Persons Testifying:** PRO: Representative Brian Blake, prime sponsor; Morris Barker, Department of Fish and Wildlife; Ed Owens, Coalition of Coastal Fisheries.