

SENATE BILL REPORT

SB 5128

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 5, 2007

Title: An act relating to a secondary commercial fish receiver's failure to account for commercial harvest.

Brief Description: Clarifying recordkeeping requirements for fish or shellfish storage facilities.

Sponsors: Senators Jacobsen and Swecker.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/31/07, 2/05/07 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass.

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

Staff: Kim Johnson (786-7346)

Background: Retail sellers of food fish, commercialized game fish, and shellfish must maintain sufficient records for the Department of Fish and Wildlife (DFW) to be able to ascertain the origin of the fish and shellfish in their possession. A retail fish seller is guilty of a misdemeanor when the seller sells fish or shellfish at retail, a fish receiving ticket was required but not obtained, the seller is not a wholesale fish dealer or fisher selling under a direct retail sale endorsement, and the seller fails to maintain sufficient records regarding the origins of the fish sold.

DFW also has the authority to inspect the premises, containers, equipment, fish, shellfish, and wildlife, or any records required by the DFW for any cold storage plant that DFW has probable cause to believe contains fish, shellfish, or wildlife. However, no provision sets for the specific records that a cold storage facility must retain.

Summary of Bill: The section of law concerning the record keeping requirements for retail sellers of fish and shellfish is repealed and replaced with record keeping requirements for commercial fish receivers, which include persons who sell fish at retail, and persons who store, hold, ship, or broker fish or shellfish for valuable consideration.

A person is guilty of a secondary commercial fish receiver's failure to account for commercial harvest if: (1) the person sells fish or shellfish at retail, or stores, holds, ships, or brokers fish

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or shellfish for valuable consideration; (2) the fish or shellfish were required to be entered on a fish receiving ticket or an aquatic farm production annual report; and (3) the person fails to maintain records of each receipt of fish or shellfish at the location where the fish or shellfish are being sold or stored, or at the principal place of business of a shipper or broker.

The records must be in English, be maintained for at least three years, and contain the following information:

- name, address, and phone number of the wholesale fish dealer, fisher, or aquatic farmer, or shell stock shipper from whom the fish were purchased or received;
- fish receiving ticket number documenting original receipt or aquatic farm production quarterly report, if available; and
- date of purchase or receipt and amount and species of fish or shellfish purchased or received.

Similar information must be kept for persons that store, hold, or ship fish or shellfish for others.

Wholesalers, fishers who sell under a direct retail sale endorsement, and aquatic farmers are exempted.

A secondary commercial fish receiver's failure to account for commercial harvest is a misdemeanor.

Appropriation: None.

Fiscal Note: Not requested.

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: Tens of thousands of pounds of fish and wildlife are taken illegally from Washington every year. Shellfish that are harvested illegally during certain times can be dangerous to public health. We use paper trails to help discover illegal activities. This is an effort to clarify the kinds of records that must be kept and shared with the DFW. We are simply asking that these groups share records that they should already be keeping as part of their business.

Persons Testifying: PRO: Captain Mike Cenci, DFW.