

SENATE BILL REPORT

SB 5306

As Passed Senate, February 23, 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: Natural Resources & Parks: 1/26/17, 2/07/17 [DP].

Floor Activity:

Passed Senate: 2/23/17, 49-0.

Brief Summary of Bill

- Amends the secondary commercial fish receiver's failure to account for commercial harvest crime.
- Gives the Department of Fish and Wildlife rulemaking authority to define fish and shellfish.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Staff: Kelsey Morfitt (786-7407)

Background: Department of Fish and Wildlife (DFW) Authority. DFW is mandated to manage fish, shellfish, and wildlife in state waters and offshore waters. DFW is authorized to inspect fish and shellfish for requirements such as licenses, permits, tags, stamps, or catch record cards.

Secondary Commercial Fish Receiver Crime. A secondary commercial fish receiver is a person who holds, ships, or brokers fish or shellfish in exchange for valuable consideration, or who sells fish or shellfish at retail price. Current law states that a person is guilty of a secondary commercial fish receiver's failure to account for commercial harvest if the person

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fails to maintain records of each fish or shellfish receipt that must be entered on a Washington fish-receiving ticket or an aquatic farm production annual report.

This crime applies to a wholesale fish dealer acting in the capacity of a broker, but does not apply to:

- a wholesale fish dealer acting in the capacity of a wholesale fish dealer;
- a fisher selling under a direct retail sale endorsement; or
- a registered aquatic farmer.

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

Records Requirements. Records of the receipt of fish or shellfish must be in English and be maintained for three years from the date fish or shellfish are received, shipped, or brokered. Records maintained by persons that retail or broker must include the:

- name, address, and phone number of the wholesale fish dealer, fisher selling under a direct retail sale endorsement, or aquatic farmer or shellstock shipper from whom the fish or shellfish were purchased or received;
- Washington fish-receiving ticket number documenting original receipt or aquatic farm production quarterly report documenting production, if available;
- date of purchase or receipt; and
- amount and species of fish or shellfish purchased or received.

Records maintained by persons that store, hold, or ship fish or shellfish for others must state the:

- name, address, and phone number of the person and business from whom the fish or shellfish were received;
- date of receipt; and
- amount and species of fish or shellfish received.

Legislative History. In 2016, the Legislature updated the secondary commercial fish receiver's failure to account for commercial harvest law, RCW 77.15.568, to require that receipt records are kept with the locally-stored fish or shellfish product. Formerly, the location of receipts were kept at a secondary commercial fish receiver's principal place of business even if the fish were out of country.

Summary of Bill: The secondary commercial fish receiver's failure to account for commercial harvest statute is updated to also apply to a person who processes fish or shellfish. Wholesale fish buyers, limited fish sellers, and registered aquatic farmers do not have to document fish or shellfish on fish tickets or aquatic farm production reports.

The records requirements of sellers, shippers, and holders are combined to require the same information. Fish or shellfish records must now include the state or country of origin if received from interstate or foreign commerce, and the Washington fish-receiving ticket number or aquatic farm production quarterly report is not required. Additionally, this bill gives DFW rulemaking authority to define the types of fish and shellfish that must be reported.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill would reduce illegal imports and poaching. Recordkeeping is expanded to require labeling for other classified species and seafood, such as frozen crab imports. This bill would help eliminate lost revenue from illegal imports.

OTHER: Retail grocers must keep records of seafood sold for three years, pursuant to the current law, and this bill does not change these requirements. Fred Meyer would like a one-year record requirement.

Persons Testifying: PRO: Senator Christine Rolfes, Prime Sponsor; Mike Hobbs, Washington Department of Fish and Wildlife.

OTHER: Charlie Brown, Fred Meyer.

Persons Signed In To Testify But Not Testifying: No one.