

SENATE BILL REPORT

ESHB 2323

As Reported By Senate Committee On:
Natural Resources, Parks & Shorelines, February 28, 2002
Ways & Means, March 4, 2002

Title: An act relating to commercial fishers.

Brief Description: Establishing the direct retail endorsement for commercial fishers.

Sponsors: House Committee on Natural Resources (originally sponsored by Representatives Hatfield, Buck, Doumit and Linville).

Brief History:

Committee Activity: Natural Resources, Parks & Shorelines: 2/27/02, 2/28/02 [DPA-WM].

Ways & Means: 3/4/02 [DPA (NPS)].

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder, Spanel and Stevens.

Staff: Ross Antipa (786-7413)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Natural Resources, Parks & Shorelines.

Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Parlette, Poulsen, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Staff: Richard Ramsey (786-7412)

Background: Individuals possessing a Washington commercial fishing license are only allowed to sell their catch or harvest to a licensed wholesale fish dealer. Commercial fishers wishing to sell their catch to someone other than a licensed wholesale fish dealer must obtain a wholesale fish dealer's license from the Department of Fish and Wildlife.

A wholesale license is required for any business engaging in the commercial processing of food fish or shellfish; any business engaging in the buying, selling, or brokering of food fish or shellfish; any business commercially manufacturing byproducts of food fish or shellfish; and any commercial fisher selling his or her catch or harvest to someone other than a licensed

wholesale dealer. Wholesale dealers are responsible for documenting the commercial harvest of food fish and shellfish.

The department is required by statute to charge \$250 for an annual wholesale fish dealers license, and to require that the applicant execute a surety bond for between \$2,000 and \$50,000. The bond must be executed in favor of the department, and is conditioned upon compliance with the rules of the department relating to accounting for the commercial harvest of food fish and shellfish.

In addition to the wholesale fish dealers license, any commercial fisher wishing to sell his or her catch directly to the retail market must also comply with all local health permitting and licensing requirements.

Summary of Amended Bill: The Department of Fish and Wildlife must offer the direct retail endorsement. This endorsement serves as the single license necessary to permit the holder of a commercial fishing license to clean, dress, and sell his or her salmon or crab catch or harvest directly to the retail market. The direct retail license is offered as an addition to an underlying commercial fishing license, but it may not be transferred or assigned with the underlying license. Only one direct retail endorsement is necessary even for fishers owning multiple commercial fishing licenses. The holder of the endorsement is responsible for documenting the commercial harvest of salmon and crab pursuant to wholesale fish dealer rules. The department may charge a reasonable fee to administer the program.

Prior to issuing a direct retail endorsement, the department must receive from the applicant a letter from a local health department that the individual is in compliance with the health standards of that community, that the individual is in compliance with any standards developed by the Board of Health, and that the individual is in possession of a valid food handlers card. Counties and cities are prohibited from passing ordinances that require licenses or permits in addition to the direct retail endorsement for the retail sale of salmon and crab by licensed commercial fishers. However, the holder of a direct retail endorsement must notify a county prior to selling within its borders and open his or her facilities for inspection in that county. If the county finds a health violation, it may assess a fine and suspend the endorsement for up to seven days.

The direct retail endorsement and underlying licenses are conditioned upon compliance with the requirements for the accounting of salmon and crab, the payment of any fines, and compliance with the standards promulgated by the Board of Health. If the owner of a direct retail endorsement violates these rules, the department or a county prosecuting attorney may bring an action in superior court to seek suspension of the direct retail endorsement for up to five years. Suspension may not be sought for a direct retail license holder who executes a surety bond in accordance with the requirements for a wholesale fish dealer. The privileges granted by the direct retail endorsement can be suspended for up to 120 days during prosecution unless the holder executes a surety bond.

Fish and Wildlife Code violations are updated to reflect the creation of the direct retail license.

Amended Bill Compared to Substitute Bill: Direct retail sales are limited to salmon and crab.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2003.

Testimony For: Commercial fishers need the opportunity to sell their catch directly to the consumer in order to maximize their profit from their fishing activities.

Testimony Against: Public health officials want inspection costs to be paid by the direct retail fish seller.

Testified: Jim Matsuyama, WA Assn. Local Public Health Officials (con); Irene Martin, Columbia River Fisherman's Union (pro); Morris Barker, Dept. of Fish and Wildlife (pro); Josh Weiss, WDFW (pro); Frances Clark, NW Gillnetters Assn. (pro).