

# HOUSE BILL REPORT

## HB 1972

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**As Passed House:**

March 14, 2003

**Title:** An act relating to the accounting of the commercial harvest of food fish.

**Brief Description:** Making a commercial fish seller's failure to account for commercial harvest a misdemeanor.

**Sponsors:** By Representative Hatfield.

**Brief History:**

**Committee Activity:**

Fisheries, Ecology & Parks: 3/4/03 [DP].

**Floor Activity:**

Passed House: 3/14/03, 94-0.

**Brief Summary of Bill**

- Creates the misdemeanor of retail fish seller's failure to account for commercial harvest.

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### HOUSE COMMITTEE ON FISHERIES, ECOLOGY & PARKS

**Majority Report:** Do pass. Signed by 5 members: Representatives Cooper, Chair; Berkey, Vice Chair; Hatfield, O'Brien and Upthegrove.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck and Pearson.

**Staff:** Jason Callahan (786-7117).

**Background:**

The Department of Fish and Wildlife (Department) is authorized to enforce the civil and criminal sanctions that appear in the Fish and Wildlife Enforcement Code (Code). Misdemeanor violations of the Code are punishable by up to 90 days in jail and a fine of up to \$1,000. The Department is also directed to enforce the state's commercial fishing licensing laws.

Commercial fishers who wish to sell their product either at retail, or to a retailer, must either hold a wholesale dealer's license or a direct retail endorsement. All fish that are commercially landed at a Washington port must be identified on a fish receiving ticket developed by the Department.

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**Summary of Bill:**

The misdemeanor of "retail fish seller's failure to account for commercial harvest" is created in the Code. A person can be found guilty of this criminal offense if:

1. He or she sells fish or shellfish at retail;
2. The product sold was required to be documented on a Department fish receiving ticket; and
3. Sufficient records are not maintained that specify the name and license number of the wholesale dealer who sold the fish to the retailer, the date of the purchase, and the amount of product bought from the wholesale dealer.

A holder of a wholesale dealer's license, or a direct retail endorsement, may not be found guilty of this misdemeanor.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** This bill addresses an oversight that occurred when the former Department of Wildlife was merged with the Department of Fisheries, which removed the provisions of this bill from the statutes.

This bill addresses a public safety issue. It provides the Department with the authority to track fish and shellfish at all levels and confirm that the products being sold did not come from contaminated areas. It also allows the Department to effectively enforce shellfish closure areas.

The bill also helps the Department track poachers, who can have a negative effect on recreational and commercial fishing. Poachers can currently find markets easily and provide illegal competition to lawful fishers. Poachers also do not pay taxes, or submit the necessary paperwork that allows the fishery managers to set harvest levels. Since the

Department can not inspect every fisher every time, this bill would provide a mechanism for tracking fish backwards from the retailer and back to the actual fisher.

Retail seafood outlets are currently inspected by the Department enforcement officers, but the Department does not have the authority to issue sanctions if a retailer fails to keep receipts.

(In support with concerns) Some fishers believe that the sanction for a violation of this bill should be civil and not criminal.

**Testimony Against:** None.

**Testified:** (In support) Bruce Bjork and Mike Cenci, Department of Fish and Wildlife.

(In support with concerns) Ed Owens, Coalition of Coastal Fisheries.