

# HOUSE BILL REPORT

## SHB 1646

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### As Amended by the Senate

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

#### Brief History:

##### Committee Activity:

Agriculture & Natural Resources: 2/5/07, 2/8/07 [DPS].

##### Floor Activity:

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

Senate Amended.

Passed Senate: 4/11/07, 46-3.

#### Brief Summary of Substitute Bill

- Increasing the ability of the Washington Department of Fish and Wildlife to collect samples of fish, wildlife, and shellfish.
- Expanding the gross misdemeanor of "interfering in department operations" to include preventing or interfering with the collection of samples of fish, wildlife, and shellfish.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives B. Sullivan, Chair; Blake, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson, Eickmeyer, Grant, Hailey, Lantz, McCoy, Newhouse, Orcutt, Strow and VanDeWege.

**Staff:** Jaclyn Ford (786-7339).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

The Washington Department of Fish and Wildlife (WDFW) is mandated to manage fish, shellfish, and wildlife in state waters and offshore waters. As part of this mandate, the WDFW is authorized to regulate many aspects of fishing, harvesting, and hunting.

In order to carry out their duties, the WDFW has the authority to inspect fish, wildlife, shellfish, and seaweed at check stations for requirements such as licenses, permits, tags, stamps, or catch record cards.

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**Summary of Substitute Bill:**

Employees of the WDFW 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 WDFW may board vessels in state waters with the permission of the owner or agent of the vessel. If permission is denied, the WDFW employee is authorized to apply for a search warrant in order to board the vessel and take samples of fish, wildlife, or shellfish.

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

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

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**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment states that a WDFW employee will work with an enforcement officer when applying for a search warrant if denied access to a vessel for purposes of collecting samples. It provides record-keeping requirements for commercial fish receivers, including persons who sell fish at retail, and persons who store, hold, ship, or broker fish or shellfish for valuable consideration. It provides penalties for a secondary commercial fish receiver's failure to account for commercial harvest.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) The original bill, HB 1075, was unworkable, but the stakeholders have come together and created a solution with this bill. The liability issues of the fishing industry have been taken care of in a positive manner.

(Opposed) None.

**Persons Testifying:** Representative Blake, prime sponsor; Ed Owens, Coalition of Coastal Fisheries; Morris Barker, Washington Department of Fish and Wildlife; and Jack Field, Washington Cattlemen's Association.

**Persons Signed In To Testify But Not Testifying:** (In support) Jim Jessernig, Pacific Coast Shellfish Grower's Association.