

SENATE BILL REPORT

SB 5131

As of February 1, 2007

Title: An act relating to inspections and sampling of fish, wildlife, and shellfish by department of fish and wildlife employees.

Brief Description: Authorizing department of fish and wildlife employees to partake in certain inspections and samplings.

Sponsors: Senators Swecker and Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/31/07.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Kim Johnson (786-7346)

Background: The Department of Fish and Wildlife (DFW) is mandated to preserve, protect, perpetuate and manage fish, shellfish, and wildlife in state waters and offshore waters.

Under current law, the DFW has the authority to inspect fish, wildlife, shellfish and seaweed at plainly marked check stations for requirements such as licenses, permits, tags, stamps or catch record cards. Additionally, DFW officers have the authority to stop and inspect a person or boat without a warrant, at a reasonable time and in a reasonable manner, in order to check for violations of the DFW rules or statutes.

DFW officers may inspect without a warrant the premises, containers, fishing equipment, fish, seaweed, shellfish, wildlife, and records required by the department of any commercial fisher, wholesale dealer or fish buyer, shipping agency or other person placing or attempting to place fish, shellfish, or wildlife into interstate commerce, or any cold storage plant.

Summary of Bill: In carrying out their statutory duties DFW employees are given express authority to inspect all fish, wildlife, and shellfish, inspect where such animals and fish are commercially stored, collect samples, and board commercial vessels in order to inspect and observe harvest practices.

If a person prevents or interferes with the inspection or collection of fish, wildlife, and shellfish or prevents or interferes with the boarding of recreational or commercial vessels they are guilty of interfering in department operations. Unlawful interfering in department operations is a gross misdemeanor.

Appropriation: None.

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.

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: After the fish and wildlife codes were merged, some problems with the enforceability of sampling have surfaced. Our ability to sample is critical to the management of over fished stocks. This bill allows our samplers to have access to the fish we need to monitor and sample for both federal and state fishery management purposes. We now have agreed upon language in the House which addresses the concerns raised by other groups.

Persons Testifying: PRO: Captain Mike Cenci, Department of Fish and Wildlife.