

SENATE BILL REPORT

SB 5872

As Reported By Senate Committee On:
Parks, Fish & Wildlife, March 4, 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: Senators Oke and Doumit.

Brief History:

Committee Activity: Parks, Fish & Wildlife: 3/4/03 [DPS].

SENATE COMMITTEE ON PARKS, FISH & WILDLIFE

Majority Report: That Substitute Senate Bill No. 5872 be substituted therefor, and the substitute bill do pass.

Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Staff: Vic Moon (786-7469)

Background: The statutory authority to allow the Department of Fish and Wildlife to regulate black market seafood sales and purchases in order to protect legitimate and licensed operators is unclear. The statute was modified during the adoption of the new code combining the departments of Wildlife and Fisheries. Language was changed so that there is now a question as to the department's authority to enforce rules.

Summary of Substitute Bill: Persons selling food fish and shellfish at retail must maintain sufficient records for the Department of Fish and Wildlife to be able to ascertain the origin of the fish. A retail fish seller is guilty of retail fish seller's failure to account for commercial harvest if the retail seller sells fish or shellfish at retail and the seller is not a wholesale fish dealer or a fish dealer selling under a direct retail sales endorsement.

In order to maintain adequate records, the fish sale records must contain the name of the wholesale or direct retail sale fish dealer from whom the fish were purchased, the dealer's license number, the fish receiving ticket documentation, the date of purchase and the amount of fish or shellfish originally purchased from the dealer. A retail fish seller's failure to account for commercial harvest is a misdemeanor.

Substitute Bill Compared to Original Bill: The language is clarified so it includes sales to retail by wholesale dealers selling under the direct retail sales endorsement.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The statute needs to be clarified so that the department can stop illegal sales to the retail levels. Enforcement is not possible if the department rules are not based on clear statutory authority.

Testimony Against: None.

Testified: Bruce Bjork, Mike Cenci, Dept. of Fish and Wildlife.