CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5824**

Chapter 97, Laws of 2015

(partial veto)

64th Legislature

2015 Regular Session

RECREATIONAL GUIDES

EFFECTIVE DATE: 7/24/2015

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| Passed by the Senate March 4, 2015  Yeas 48 Nays 0  BRAD OWEN  **President of the Senate**  Passed by the House April 9, 2015  Yeas 97 Nays 0  FRANK CHOPP  **Speaker of the House of Representatives** | CERTIFICATE  I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5824** as passed by Senate and the House of Representatives on the dates hereon set forth.  HUNTER G. GOODMAN  **Chief Clerk** |
| Approved April 24, 2015 3:50 PM, with the exception of Sections 6 and 8 which are vetoed. | April 25, 2015 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SUBSTITUTE SENATE BILL 5824**

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Passed Legislature - 2015 Regular Session

**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Natural Resources & Parks (originally sponsored by Senator Parlette)

AN ACT Relating to certain recreational guides; amending RCW 77.15.510, 77.65.010, 77.65.370, 77.65.440, 77.65.480, 77.65.500, and 77.65.560; and adding new sections to chapter 77.65 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 77.15.510 and 2009 c 333 s 10 are each amended to read as follows:

(1) A person is guilty of acting as a game fish guide, food fish guide, or chartering without a license if:

(a) The person operates a charter boat and does not hold the charter boat license required for the food fish taken;

(b) The person acts as a food fish guide and does not hold a food fish guide license; or

(c) The person acts as a game fish guide and does not hold a game fish guide license.

(2) Acting without a game fish guide license, food fish guide license, or charter license is a gross misdemeanor. Upon conviction, the department may deny applications submitted by the person for a game fish guide license, food fish guide license, or charter boat license for up to one year from the date of conviction.

NEW SECTION. **Sec.**  A new section is added to chapter 77.65 RCW to read as follows:

(1) In addition to other license suspension provisions provided in this title, the department may suspend a charter boat license, food fish guide license, or game fish guide license if, within a twelve‑month period, a person is convicted of two or more violations of any rule of the commission or director regarding seasons, bag limits, species, size, sex, or other possession restrictions while engaged in charter boat, food fish guide, or game fish guide activities. The department may suspend only the specific type of license or licenses related to the activity or activities for which the person is convicted.

(2) A person who has a food fish guide or game fish guide license suspended under this section may file an appeal with the department pursuant to chapter 34.05 RCW. An appeal must be filed within twenty days of notice of license suspension. If a timely appeal is filed, the suspension issued by the department does not take effect until twenty-one days after the department has delivered an opinion affirming the suspension. If no appeal is filed within twenty days of notice of license suspension, the right to an appeal is waived, and the suspension takes effect twenty-one days following the notice of suspension.

(3) License suspension under this section is in addition to any statutory penalties assigned to the underlying violation.

**Sec.**  RCW 77.65.010 and 2009 c 333 s 7 are each amended to read as follows:

(1) Except as otherwise provided by this title, a person must have a license or permit issued by the director in order to engage in any of the following activities:

(a) Commercially fish for or take food fish or shellfish;

(b) Deliver from a commercial fishing vessel food fish or shellfish taken for commercial purposes in offshore waters. As used in this subsection, "deliver" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state and arrivals from state or offshore waters;

(c) Operate a charter boat or commercial fishing vessel engaged in a fishery;

(d) Engage in processing or wholesaling food fish or shellfish; or

(e) Act as a food fish guide or game fish guide for personal use ((~~in freshwater rivers and streams~~)), except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) No person may engage in the activities described in subsection (1) of this section unless the licenses or permits required by this title are in the person's possession, and the person is the named license holder or an alternate operator designated on the license and the person's license is not suspended.

(3) A valid Oregon license that is equivalent to a license under this title is valid in the concurrent waters of the Columbia river if the state of Oregon recognizes as valid the equivalent Washington license. The director may identify by rule what Oregon licenses are equivalent.

(4) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in RCW 15.85.020 or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

**Sec.**  RCW 77.65.370 and 2013 c 314 s 3 are each amended to read as follows:

(1) A person shall not offer or perform the services of a food fish guide without a food fish guide license in the taking of food fish for personal use ((~~in freshwater rivers and streams~~)), except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) A person shall not offer or perform the services of a game fish guide without a game fish guide license in the taking of game fish for personal use.

(3) Only an individual at least sixteen years of age may hold a food fish guide or game fish guide license. No individual may hold more than one food fish guide or game fish guide license.

((~~(3)~~)) (4) An application for a food fish guide or game fish guide license must include the information required in RCW 77.65.560.

NEW SECTION. **Sec.**  A new section is added to chapter 77.65 RCW to read as follows:

(1) The department must issue an identifying decal to all food fish guides, game fish guides, and charter boat operators licensed under RCW 77.65.010. The identifying decal must display the license number prominently.

(2) Any person who acts or offers to act as a food fish guide, game fish guide, or charter boat operator must display the identifying decal on vessels in a location easily visible to customers and adjacent vessels.

**Sec.**  RCW 77.65.440 and 2011 c 339 s 28 are each amended to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Personal  License | Annual Fee  (RCW 77.95.090 Surcharge) | | | Applica-tion Fee | Governing  Section |
|  | Resident | | Nonresident |  |  |
| (1) Alternate  Operator | | $ 35 | $ 35 | $ 70 | RCW 77.65.130 |
| (2) Geoduck Diver | | $185 | $295 | $ 70 | RCW 77.65.410 |
| (3) Food Fish Guide | | $130 | $630 | $ 70 | RCW 77.65.370 |
|  |  | (plus  $ 20) | (plus  $100) |  |  |
| (4) Game Fish Guide |  | $180 | $600 | $ 70 | RCW 77.65.370 |

NEW SECTION. **Sec.**  A new section is added to chapter 77.65 RCW to read as follows:

(1) A fish guide combination license allows the holder to offer or perform the services of a food fish guide, game fish guide, salmon charter boat operator, and nonsalmon charter boat operator.

(2) The commission must adopt rules to create and sell a fish guide combination license. The commission may adopt rules to create and sell separate combination licenses, one for food fish and game fish guide activities only and another combination license for all food fish guide, game fish guide, salmon charter boat operator, and nonsalmon charter boat operator activities. The cost of the fish guide combination license or licenses must be below a fee equal to the total cost of the individual licenses contained within the combination.

**Sec.**  RCW 77.65.480 and 2013 c 314 s 2 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars. The application fee is seventy dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars. The application fee is seventy dollars.

(3) ((~~A game fish guide license allows the holder to offer or perform the services of a game fish guide in the taking of game fish. The fee for this license is one hundred eighty dollars for a resident and six hundred dollars for a nonresident. The application fee is seventy dollars. An application for a game fish guide license must include the information required in RCW 77.65.560.~~

~~(4)~~)) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is seventy-two dollars for the first year and forty-eight dollars for each following year. The application fee is seventy dollars.

((~~(5)~~)) (4) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty-four dollars. The application fee is seventy dollars.

((~~(6)~~)) (5) A fishing or field trial permit allows the holder to promote, conduct, hold, or sponsor a fishing or field trial contest in accordance with rules of the commission. The fee for a fishing contest permit is twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars. The application fee is seventy dollars.

((~~(7)~~)) (6)(a) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred eighty dollars. The application fee is one hundred five dollars.

(b) An anadromous game fish buyer's license is not required for those businesses that buy steelhead trout and other anadromous game fish from Washington licensed game fish dealers and sell solely at retail.

**Sec.**  RCW 77.65.500 and 1987 c 506 s 84 are each amended to read as follows:

Licensed taxidermists, fur dealers, anadromous game fish buyers, ((~~fishing guides,~~)) game farmers, and persons stocking game fish or conducting a hunting, fishing, or field trial contest shall make reports as required by rules of the director.

**Sec.**  RCW 77.65.560 and 2013 c 314 s 1 are each amended to read as follows:

(1) Any application for a food fish guide license ((~~under RCW 77.65.370~~)) or game fish guide license under RCW 77.65.480 must include:

(a) The applicant's driver's license or other government-issued identification card number and the jurisdiction of issuance;

(b) The applicant's unified business identifier number under a ((~~master~~)) business license issued under RCW 19.02.070;

(c) Proof of current certification in first aid and cardiopulmonary resuscitation;

(d) A certificate of insurance demonstrating that the applicant has commercial liability coverage of at least three hundred thousand dollars; ((~~and~~))

(e) If applicable, an original or notarized copy of a valid license issued by the United States coast guard to the applicant that authorizes the holder to carry passengers for hire; and

(f) A sworn declaration requiring the applicant to certify whether the area of operations will include federally recognized navigable waters with a motorized vessel.

(2) The requirements of this section related to licensure by the United States coast guard apply only to applicants intending to carry passengers for hire with a motorized vessel on federally recognized navigable waters. The license issued by the United States coast guard must be valid in the waters where the game fish guide or food fish guide license applicant will be carrying passengers for hire in a motorized vessel.

(3) The requirements in this section are in addition to the requirements of RCW 77.65.050.

**--- END ---**

Passed by the Senate March 4, 2015.

Passed by the House April 9, 2015.

Approved by the Governor April 24, 2015, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 25, 2015.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 6, and 8, Substitute Senate Bill 5824 entitled:

"AN ACT Relating to certain recreational guides."

Sections 6 and 8 of this bill are technical changes that are meant to simplify this chapter by placing game fish guide license fees in the same section as food fish guide license fees (RCW 77.64.440) [77.65.440]. However, House Bill 1232 and Senate Bill 5464 both contain a reference to the original location of the game fish guide license (RCW 77.65.480). To avoid creating a reference error, I am vetoing sections 6 and 8.

For these reasons I have vetoed Sections 6, and 8 of Substitute Senate Bill No. 5824.

With the exception of Sections 6, and 8, Substitute Senate Bill No. 5824 is approved."