
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2431.1/01

ATTY/TYPIST: ML:seg

BRIEF DESCRIPTION:

2 **SB 5439** - H COMM AMD
3 By Committee on Natural Resources

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 77.65.010 and 1998 c 190 s 93 are each amended to
8 read as follows:

9 (1) Except as otherwise provided by this title, a person may not
10 engage in any of the following activities without a license or permit
11 issued by the director:

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

13 (b) Deliver food fish or shellfish taken in offshore waters;

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

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

17 (e) Act as a fishing guide (~~((for salmon for personal use))~~) in
18 freshwater rivers and streams, other than that part of the Columbia
19 river below the bridge at Longview.

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

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

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

1 only if the aquatic products are identified in conformance with those
2 rules.

3 **Sec. 2.** RCW 77.65.150 and 2000 c 107 s 36 are each amended to read
4 as follows:

5 (1) The director shall issue the charter licenses and angler
6 permits listed in this section according to the requirements of this
7 title. The licenses and permits and their annual fees and surcharges
8 are:

License or Permit (RCW 77.95.090 Surcharge)	Annual Fee		Governing Section
	Resident	Nonresident	
(a) Nonsalmon charter	\$225	\$375	
(b) Salmon charter	\$380 (plus \$100)	\$685 (plus \$100)	RCW 77.70.050
(c) Salmon angler	\$ 0	\$ 0	RCW 77.70.060
(d) Salmon roe	\$ 95	\$ 95	RCW 77.65.350

17 (2) A salmon charter license designating a vessel is required to
18 operate a charter boat to take salmon, other food fish, and shellfish.
19 The director may issue a salmon charter license only to a person who
20 meets the qualifications of RCW 77.70.050.

21 (3) A nonsalmon charter license designating a vessel is required to
22 operate a charter boat to take food fish other than salmon and
23 shellfish. As used in this subsection, "food fish" does not include
24 salmon.

25 (4) "Charter boat" means a vessel from which persons may, for a
26 fee, fish for food fish, game fish, or shellfish for personal use, and
27 that brings food fish or shellfish into state ports or brings food fish
28 or shellfish taken from state waters into United States ports. The
29 director may specify by rule when a vessel is a "charter boat" within
30 this definition. "Charter boat" does not mean a vessel used by a guide
31 for clients fishing for food fish or game fish for personal use in
32 freshwater rivers, streams, and lakes, other than Lake Washington or
33 that part of the Columbia River below the bridge at Longview.

34 (5) A charter boat licensed in Oregon may fish without a Washington
35 charter license under the same rules as Washington charter boat
36 operators in ocean waters within the jurisdiction of Washington state
37 from the southern border of the state of Washington to Leadbetter

1 Point, as long as the Oregon vessel does not land at any Washington
2 port with the purpose of taking on or discharging passengers. The
3 provisions of this subsection shall be in effect as long as the state
4 of Oregon has reciprocal laws and regulations.

5 (6) A salmon charter license under subsection (1)(b) of this
6 section may be renewed if the license holder notifies the department by
7 May 1st of that year that he or she will not participate in the fishery
8 during that calendar year. The license holder must pay the one
9 hundred-dollar enhancement surcharge, plus a fifteen-dollar handling
10 charge, in order to be considered a valid renewal and eligible to renew
11 the license the following year.

12 **Sec. 3.** RCW 77.65.370 and 1998 c 190 s 98 are each amended to read
13 as follows:

14 (1) A natural person shall not offer or perform the services of a
15 professional (~~((salmon))~~) fishing guide in the taking of (~~((salmon))~~) game
16 fish and food fish for personal use in freshwater rivers and streams,
17 other than in that part of the Columbia river below the bridge at
18 Longview, without a professional (~~((salmon))~~) fishing guide license.

19 (2) Only an individual at least sixteen years of age may hold a
20 professional (~~((salmon))~~) fishing guide license. No individual may hold
21 more than one professional (~~((salmon))~~) fishing guide license. No
22 individual may hold a professional fishing guide license unless they
23 can demonstrate to the department's satisfaction that they have a
24 current first aid card and a current cardiopulmonary resuscitation
25 card, a Washington state business license, and adequate liability
26 insurance. For purposes of this subsection, "adequate liability
27 insurance" means general liability insurance coverage that extends to
28 both the guide and employees in an amount of at least three hundred
29 thousand dollars for occurrences of bodily injury and property damage
30 in any one accident.

31 (3) The director may specify by rule the requirements for
32 identifying boats engaged in professional fish guiding.

33 **Sec. 4.** RCW 77.65.440 and 2000 c 107 s 55 are each amended to read
34 as follows:

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

	Personal License	Annual Fee		Governing Section
		Resident	Nonresident	
		(RCW 77.95.090 Surcharge)		
		Resident	Nonresident	
1				
2				
3				
4	(1) Alternate Operator	\$ 35	\$ 35	RCW 77.65.130
5	(2) Geoduck Diver	\$185	\$295	RCW 77.65.410
6	(3) ((Salmon Guide))	(((\$130))	(((\$630))	RCW 77.65.370
7	<u>Fishing Guide</u>	<u>\$175</u>	<u>\$620</u>	
8		(plus \$20)	(plus \$100)	

9 **Sec. 5.** RCW 77.65.480 and 1991 sp.s. c 7 s 4 are each amended to
10 read as follows:

11 (1) A taxidermy license allows the holder to practice taxidermy for
12 profit. The fee for this license is one hundred eighty dollars.

13 (2) A fur dealer's license allows the holder to purchase, receive,
14 or resell raw furs for profit. The fee for this license is one hundred
15 eighty dollars.

16 ~~(3) ((A fishing guide license allows the holder to offer or perform
17 the services of a professional guide in the taking of game fish. The
18 fee for this license is one hundred eighty dollars for a resident and
19 six hundred dollars for a nonresident.~~

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

25 ~~((+5))~~ (4) A game fish stocking permit allows the holder to
26 release game fish into the waters of the state as prescribed by rule of
27 the commission. The fee for this permit is twenty-four dollars.

28 ~~((+6))~~ (5) A fishing or field trial permit allows the holder to
29 promote, conduct, hold, or sponsor a fishing or field trial contest in
30 accordance with rules of the commission. The fee for a fishing contest
31 permit is twenty-four dollars. The fee for a field trial contest
32 permit is twenty-four dollars.

33 ~~((+7))~~ (6) An anadromous game fish buyer's license allows the
34 holder to purchase or sell steelhead trout and other anadromous game
35 fish harvested by Indian ~~((fishermen))~~ fishers lawfully exercising
36 fishing rights reserved by federal statute, treaty, or executive order,
37 under conditions prescribed by rule of the director. The fee for this
38 license is one hundred eighty dollars."

EFFECT: Specifies safety requirements for professional fishing guides. The safety requirements include liability insurance in the amount of at least \$300,000 for claims arising out of a single accident.

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