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ENGROSSED SUBSTITUTE HOUSE BILL 1940

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State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives Orr, King, Springer and Morris)

Read first time 02/04/94.

1 AN ACT Relating to fishing guides; amending RCW 77.32.211,  
2 75.28.010, 75.28.046, 75.28.710, and 75.28.780; adding new sections to  
3 chapter 77.32 RCW; creating a new section; and providing an effective  
4 date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that fishing guides  
7 from Oregon and Idaho share the waters of the Columbia and Snake  
8 rivers, respectively. Reciprocity allowing recognition of the other  
9 states' fishing guide licenses does not currently exist on either  
10 river. Both the Idaho and Oregon legislatures enacted legislation  
11 during the last legislative session allowing recognition of the  
12 Washington license on these rivers only if certain conditions were met.  
13 Further, the Oregon legislature increased its guide fees for  
14 nonresidents to levels equivalent to Washington's guide fees for  
15 nonresidents, representing a substantial increase for Washington guides  
16 fishing in Oregon. The legislature intends that standards for fishing  
17 guide licenses be developed that allow parity between the three states,  
18 encourage reciprocal recognition of licenses, and that facilitate  
19 enforcement.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 77.32 RCW  
2 to read as follows:

3        (1) Beginning January 1, 1995, it is unlawful to operate in the  
4 state of Washington as a guide for game fish or salmon without a  
5 license issued by the director and without current first aid and  
6 cardiopulmonary resuscitation certification and a current liability  
7 insurance policy.

8        (2) An applicant for a guide license shall pay the required license  
9 fee and provide evidence of the following:

10        (a) A current first aid certification issued by the American Red  
11 Cross or equivalent;

12        (b) A current cardiopulmonary resuscitation certification; and

13        (c) Liability insurance coverage of a minimum of three hundred  
14 thousand dollars per claim for bodily injury or property damage caused  
15 by the acts of the licensee or the licensee's employees.

16        (3) After January 1, 1995, the department may adopt rules  
17 specifying any additional licensing requirements that it determines are  
18 necessary.

19        (4) A violation of this section is a gross misdemeanor.

20        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 77.32 RCW  
21 to read as follows:

22        The department shall issue a single license document for fishing  
23 guides and salmon guides, as defined in RCW 77.32.211 and 75.28.010,  
24 respectively.    The license shall designate whether the guide is  
25 licensed to fish for game fish, salmon, or both.    Each license issued  
26 shall be effective for the remainder of the calendar year in which it  
27 is purchased.

28        **Sec. 4.**    RCW 77.32.211 and 1991 sp.s. c 7 s 4 are each amended to  
29 read as follows:

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

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

35        (3) A fishing guide license allows the holder to offer or perform  
36 the services of a professional guide in the taking of game fish.    The

1 fee for this license is one hundred eighty dollars for ((a)) both  
2 residents and (~~six hundred dollars for a~~) nonresidents.

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

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

11 (6) A fishing or field trial permit allows the holder to promote,  
12 conduct, hold, or sponsor a fishing or field trial contest in  
13 accordance with rules of the commission. The fee for a fishing contest  
14 permit is twenty-four dollars. The fee for a field trial contest  
15 permit is twenty-four dollars.

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

22 (8) A valid Oregon fishing guide license that is equivalent to a  
23 license issued under subsection (3) of this section is valid in the  
24 concurrent waters of the Columbia river if the state of Oregon  
25 recognizes as valid the equivalent Washington license. A valid Idaho  
26 fishing guide license that is equivalent to a license issued under  
27 subsection (3) of this section is valid in the concurrent waters of the  
28 Snake river if the state of Idaho recognizes as valid the equivalent  
29 Washington license. The director may identify by rule which Oregon and  
30 Idaho licenses are equivalent.

31 **Sec. 5.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to read  
32 as follows:

33 (1) Except as otherwise provided by this title, it is unlawful to  
34 engage in any of the following activities without a license or permit  
35 issued by the director:

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

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

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

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

4 (e) Act as a guide for salmon for personal use in freshwater rivers  
5 (~~and~~), streams, and lakes, other than that part of the Columbia river  
6 below the bridge at Longview and Lake Washington.

7 (2) No person may engage in the activities described in subsection  
8 (1) of this section unless the licenses or permits required by this  
9 title are in the person's possession, and the person is the named  
10 license holder or an alternate operator designated on the license.

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

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

24 **Sec. 6.** RCW 75.28.046 and 1993 c 340 s 9 are each amended to read  
25 as follows:

26 This section applies to all commercial fishery licenses, delivery  
27 licenses, and charter licenses, except for whiting--Puget Sound fishery  
28 licenses and emergency salmon delivery licenses.

29 (1) The license holder may engage in the activity authorized by a  
30 license subject to this section. The holder of a license subject to  
31 this section may also designate up to two alternate operators for the  
32 license, except that the holder of a charter license may designate up  
33 to six alternate operators for the license. A person designated as an  
34 alternate operator must possess an alternate operator license issued  
35 under section 23 of this act and RCW 75.28.048.

36 (2) The fee to change the alternate operator designation is twenty-  
37 two dollars.

1       **Sec. 7.** RCW 75.28.710 and 1993 c 340 s 26 are each amended to read  
2 as follows:

3       (1) It is unlawful to offer or perform the services of a  
4 professional salmon guide in the taking of salmon for personal use in  
5 freshwater rivers ((and)), streams, and lakes, other than in that part  
6 of the Columbia river below the bridge at Longview and Lake Washington,  
7 without a professional salmon guide license.

8       (2) Only an individual at least sixteen years of age may hold a  
9 professional salmon guide license. No individual may hold more than  
10 one professional salmon guide license.

11       **Sec. 8.** RCW 75.28.780 and 1993 sp.s. c 17 s 42 are each amended to  
12 read as follows:

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

	Personal License	Annual Fee	Governing
	(RCW 75.50.100 Surcharge)		Section
	Resident	Nonresident	
19	(1) Alternate Operator	\$ 35	\$ 35 RCW 75.28.048
20	(2) Geoduck Diver	\$185	\$295 RCW 75.28.750
21	(3) Salmon Guide	\$130	<del>(\$630)</del> RCW 75.28.710
22			<u>\$130</u>
23		(plus \$20)	(plus \$100)

24       NEW SECTION. **Sec. 9.** This act shall take effect January 1, 1995.

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