

HOUSE BILL REPORT

ESHB 1940

As Passed House
February 11, 1994

Title: An act relating to fishing guides.

Brief Description: Establishing fishing guide licenses for Oregon residents.

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

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, February 3, 1994, DPS;
Passed House, February 11, 1994, 97-1.

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives King, Chair; Orr, Vice Chair; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Quall and Scott.

Staff: Keitlyn Watson (786-7310).

Background: During the 1993 legislative session, the states of Oregon and Idaho enacted legislation affecting Washington's fishing guides. Oregon raised its non-resident guide license fees for Washington residents to levels equivalent to Washington's non-resident guide fees. The increase was from \$50.00 to \$1,254.00.

Oregon and Idaho established guide license reciprocity on the Columbia and Snake rivers, respectively, on the condition that the state of Washington adopt comparable liability insurance and first aid training requirements for fishing guides to the requirements in Oregon and Idaho.

Under current Washington law, a salmon guide license is required by the Department of Fisheries for a guide in freshwater rivers and streams, other than in that part of the Columbia river below the bridge at Longview. A fishing guide license is required by the Department of Wildlife for game fish guiding. Currently, Washington salmon and fishing

guides are subject only to a licensing fee. The fee for a fishing guide license is \$180.00 for a resident and \$600.00 for a nonresident. The fee for a salmon guide license is \$130.00 for a resident and \$630.00 for a nonresident.

Summary of Bill: New requirements are established for fishing guides for game fish and salmon, and are administered by the Department of Fish and Wildlife. These include: a current first aid certification, a current cardiopulmonary resuscitation (CPR) certification, and liability insurance coverage of a minimum of \$300,000 per claim. Failure to comply with these licensing requirements constitutes a gross misdemeanor.

The Department of Fish and Wildlife is directed to issue a single license document for guides for game fish or salmon.

The nonresident guide fee for fishing guides is reduced from \$600.00 to \$180.00. The nonresident salmon guide fee is reduced from \$630.00 to \$130.00. Reciprocity is established with Oregon and Idaho for game fish guide licenses.

Charterboat license holders are authorized to designate up to six additional operators.

Fiscal Note: Available.

Effective Date: January 1, 1995.

Testimony For Proposed Substitute Bill: True reciprocity on the Columbia River would simplify guide operations for both Oregon and Washington guides. Reciprocity would allow Oregon's nonresident fees to come down. It is necessary to establish a reciprocal relationship with Idaho and Oregon to reduce controversy and hostility among guides on the Columbia and Snake rivers. The bill does not increase costs to the departments of Wildlife or Fisheries, and has a negative revenue impact of only \$6,200 annually for the two agencies. The added licensing requirements enhance the professionalism of guides and promote clients' safety. Insurance can be bought affordably by the day.

Testimony Against Proposed Substitute Bill: The majority of guides' operations are small-scale, local and seasonal. Small operators are already pressured by rising license fees and declining fish populations. The cost of insurance would drive such guides out of business, or underground. Insurance is to protect the guide, not the client, and the state should not force guides to protect themselves. There has never been a fatal accident to a client of a Washington guide. It is difficult to obtain liability insurance separately from expensive property insurance. The majority

should not be made to pay for the few who will benefit, i.e., guides who operate on the Columbia.

Witnesses: Representative George Orr, prime sponsor (pro); Paul Donheffner, Oregon State Marine Board (pro); Lesley Brines, departments of Wildlife and Fisheries (pro); Kris Olsen, Olsen's Guide Service (con); Ray Vermillion, Lucky Strike Guide Service (con); Bob Reid, Toledo Cowlitz River Charters (con); Keith Parker, Fish On Guide Service (pro, with concerns that it won't be enforced); Ron Rogers, Ron's Guide Service (con); Mark Heise, Heise Guide Service (con); Dennis Cook, Denny Guide Service (pro, with concern: if license fee drops, more Oregon guides will fish in Washington); Gary Krum, Tillamook Guide Association (pro); and Clancy Holt, Clancy's Guide Service (pro, with concern: reciprocity should include launching privileges).