

HOUSE BILL REPORT

SSB 5824

As Passed House:
April 9, 2015

Title: An act relating to certain recreational guides.

Brief Description: Concerning certain recreational guides.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senator Parlette).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/17/15, 3/24/15 [DP].

Floor Activity:

Passed House: 4/9/15, 97-0.

Brief Summary of Substitute Bill

- Requires an applicant for a game fish guide license or food fish guide license to include with the applicant's application a sworn declaration certifying whether the area of the applicant's operations will include federally recognized navigable waters with a motorized vessel.
- Authorizes the Washington Department of Fish and Wildlife (WDFW) to, for one year from the date of a conviction of Unlawfully Acting as a Game Fish Guide, Food Fish Guide, or Chartering Without a License, deny the convicted person's applications for a game fish guide license, food fish guide license, or charter boat operator license.
- Authorizes the WDFW to suspend a person's game fish guide, food fish guide, or charter boat operator license if that person is convicted of two or more violations of any WDFW rule within 12 months regarding seasons, bag limits, species, size, sex, or other possession restrictions while engaged in game fish guide, food fish guide, or charter boat operator activities.
- Requires the WDFW to issue an identifying decal to all game fish guides, food fish guides, and charter boat operators that prominently displays a guide or charter boat operator's license number and requires a game fish guide, food fish guide, or charter boat operator to display the identifying decal on the guide or charter boat operator's vessel in an easily visible location.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Creates a combination fish guide license that allows the holder to offer or perform the services of a game fish guide, food fish guide, or charter boat operator (both salmon charter and non-salmon charter), and allows the WDFW to adopt rules to create and sell a separate combination license for food fish guide and game fish guide activities only.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 12 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Dunshee, Hurst, Kretz, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

Staff: Peter Clodfelter (786-7127).

Background:

Fish Guide and Charter Boat Operator Licenses.

The Washington Department of Fish and Wildlife (WDFW) manages the harvest of fish and licensing of fishers. A commercial license is required to act as a game fish guide, food fish guide, or a charter boat operator. In general, the term guide refers to a person who accepts compensation while transporting or accompanying fishers and sharing techniques and expertise of the fish and waters.

A game fish guide license allows guide services related to game fish such as steelhead, bass, and catfish. A food fish guide license allows guide services related to food fish in most freshwater areas. Food fish include salmon, sturgeon, halibut, bottomfish, and tuna. Additionally, a charter boat license is required to operate a vessel for a fee in areas where others fish for food fish or shellfish in Puget Sound, Grays Harbor, Willapa Bay, Pacific Ocean waters, Lake Washington, or the Columbia River below the bridge at Longview. Charter boat operators are licensed either as non-salmon charter operators or as salmon charter operators.

Information Required in Fish Guide License Applications.

An applicant for a food fish guide license or game fish guide license is required to provide the WDFW with the following information:

- the applicant's driver's license or other identification card;
- the applicant's unified business identifier number;
- proof of current certification in first aid and cardiopulmonary resuscitation;
- proof of commercial liability insurance coverage of at least \$300,000; and
- if the applicant intends to carry passengers for hire with a motorized vessel on federally recognized navigable waters, an original or notarized copy of a valid license issued by the United States Coast Guard to the applicant that authorizes the applicant to carry passengers for hire.

Acting as a Fish Guide or Chartering without Licensure.

The crime of Acting as a Game Fish Guide, Food Fish Guide, or Chartering Without a License is punishable as a gross misdemeanor.

Reports Required by the Washington Department of Fish and Wildlife.

The WDFW has authority to require, pursuant to rule, licensed game fish guides, along with certain other commercial licensees (not including licensed food fish guides or licensed charter boat operators), to submit reports.

Summary of Bill:

Introduction.

Technical changes place statutes relevant to both food fish and game fish guides together. A food fish guide license is required in order to offer food fish guide services in all waters in the state, not just in freshwater rivers and streams in the state.

Information Required in Fish Guide License Applications.

An applicant for a game fish guide license or food fish guide license is required to also include a sworn declaration requiring the applicant to certify whether the area of the applicant's operations will include federally recognized navigable waters with a motorized vessel.

Acting as a Fish Guide or Chartering Without Licensure.

Denying Future Applications. Upon conviction of the gross misdemeanor of Acting as a Game Fish Guide, Food Fish Guide, or Chartering Without a License, the WDFW is authorized to deny applications submitted by the convicted 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.

License Suspension. Additionally, the WDFW is authorized to suspend a charter boat operator license, food fish guide license, or game fish guide license if, within a 12-month period, the license holder is convicted of two or more violations of any WDFW rule regarding seasons, bag limits, species, size, sex, or other possession restrictions while engaged in charter boat operator, food fish guide, or game fish guide activities. A person whose license is suspended in that manner may file an appeal within 20 days of the notice of license suspension pursuant to the state Administrative Procedure Act [34.05 RCW].

Decal.

The WDFW is required to issue an identifying decal to all food fish guides, game fish guides, and charter boat operators that must prominently display the fish guide or charter operator's license number. Any person who acts or offers to act as a fish guide or charter boat operator is required to display the identifying decal on the person's vessel in a location easily visible to customers and adjacent vessels.

Fish Guide Combination License.

A fish guide combination license is created that 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. The WDFW is required to adopt rules to create and sell the fish guide combination license. Further, the WDFW may adopt rules to create and sell another

combination license for food fish and game fish activities only. For any such combination licenses, the fee must be below the fee equal to the total cost of the individual licenses contained within the combination.

Reports Required by the Washington Department of Fish and Wildlife.

Fishing guides are removed from the list of licensed people who may be required to make reports pursuant to WDFW rules.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) A constituent requested this bill in response to people performing fishing guide services without the necessary licenses. The decal requirement in the bill would help address that problem. A former enforcement agent with the Washington Department of Fish and Wildlife and members of the public also provided input that helped develop the bill and clean up the statutes related to fishing guides.

(Opposed) None.

Persons Testifying: Senator Parlette, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.