

# HOUSE BILL REPORT

## HB 1232

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### As Passed Legislature

**Title:** An act relating to employer-purchased fishing guide licenses.

**Brief Description:** Concerning employer-purchased fishing guide licenses.

**Sponsors:** Representatives Chandler, Blake and McCabe.

#### Brief History:

##### Committee Activity:

Agriculture & Natural Resources: 2/12/15, 2/17/15 [DP].

##### Floor Activity:

Passed House: 3/10/15, 98-0.

Passed Senate: 4/13/15, 48-0.

Passed Legislature.

#### Brief Summary of Bill

- Requires the holder of a game fish guide license or a food fish guide license to surrender the license to the holder's employer upon termination of employment if the employer paid for the license.
- Makes a game fish guide license or a food fish guide license that is surrendered to an employer by an employee transferrable to another employee for the remainder of the license year.

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### 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; Chandler, Dunshee, Kretz, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

**Staff:** Peter Clodfelter (786-7127).

#### Background:

A game fish guide license or a food fish guide license issued by the Washington Department of Fish and Wildlife is required in order to perform or offer to perform the services of a game

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fish guide or a food fish guide. An applicant must include the following information in an application for a game fish guide license or a food fish guide license:

- a driver's license or other government-issued identification;
- the applicant's unified business license number;
- proof of current certification in first aid and cardiopulmonary resuscitation;
- proof of commercial liability insurance of at least \$300,000; and
- if applicable, 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.

The current fee for a game fish guide license is \$250 for residents and \$670 for non-residents. The current fee for a food fish guide license is \$220 for residents and \$800 for non-residents.

**Summary of Bill:**

Upon termination of an employment relationship, if an employee possesses a food fish guide license or a game fish guide license, either of which the employer purchased on behalf of the employee, then the employee must surrender the license to the employer or pay to the employer an amount equal to the amount of the license fee and application fee that the employer paid. If the employee fails to surrender the license the license is invalidated. Additionally, a food fish guide license or a game fish guide license that is surrendered to an employer by an employee is transferrable to a new employee who meets the license qualifications.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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) Recreational fishing is a growing part of Washington's economy, especially along the Columbia River. This bill would fix a quirk in the law and would help businesses in the recreational fishing industry that employ fishing guides. Historically, there have been too many fishing guides operating in state waters. Several years ago the Legislature improved the law regulating fishing guides by requiring fishing guides to have business licenses with tax identification numbers, as well as proof of commercial liability insurance. That change reduced the number of fishing guides. Currently, a recreational fishing business may choose to help an employee obtain a guide license by allowing the employee to rely on the business's business license, tax identification number, and commercial liability insurance to meet the guide license qualifications. However, if a guide employee quits or is fired, then there is nothing to stop that guide employee from continuing to use the guide license despite not having a business license and tax identification number, or commercial liability insurance. Although currently the Washington Department of Fish and Wildlife may send the guide employee a letter saying that the license is no longer valid, without a change in the law,

it is not possible to stop a guide employee from continuing to use the guide license to offer guide services and attract customers who do not know the license may not be valid and that the guide does not have insurance.

(Opposed) None.

**Persons Testifying:** Representative Chandler, prime sponsor; and Lori Zoller, Klickitat River Guides.

**Persons Signed In To Testify But Not Testifying:** None.