

# HOUSE BILL REPORT

## HB 1930

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### As Reported by House Committee On: Labor

**Title:** An act relating to the nonemployee status of athletes in amateur sports.

**Brief Description:** Addressing the nonemployee status of athletes in amateur sports.

**Sponsors:** Representatives MacEwen, Riccelli, Parker, Tharinger, McCaslin, Ormsby, Sells and Robinson.

#### **Brief History:**

##### **Committee Activity:**

Labor: 2/10/15, 2/19/15 [DPS].

#### **Brief Summary of Substitute Bill**

- Specifies that "employee" as defined under the Minimum Wage Act, Industrial Welfare Act, and the Industrial Safety and Health Act, does not include an individual who is training or playing as an athlete for a team affiliated with the Western Hockey League.

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### HOUSE COMMITTEE ON LABOR

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; G. Hunt, Assistant Ranking Minority Member; McCabe, Moeller and Ormsby.

**Staff:** Trudes Tango (786-7384).

#### **Background:**

Under the state Minimum Wage Act (MWA), employers must pay their employees who are at least 18 years or older the minimum hourly wage. The Department of Labor and Industries (Department) establishes the minimum wage for persons under age 18, and by rule, allows employees age 14 and 15 to be paid 85 percent of the state minimum wage. Under the MWA, the definition of "employee" specifically excludes certain categories of people, such

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as certain agricultural workers, individuals doing casual labor in a private home, vessel operating crews on state ferries, inmates, and others.

The Industrial Welfare Act (IWA) establishes, among other things, conditions of employment for minors. The Department may inquire into the wages, hours, and conditions of labor of minors employed in any trade, business, or occupation in the state. A minor may not work unless the Department has issued to the employer a minor work permit. "Employee" is defined under the IWA as an employee who is employed in the business of the employee's employer, whether by manual labor or otherwise. "Employer" includes any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in the state and employs one or more employees.

The Washington Industrial Safety and Health Act (WISHA) authorizes the Department to establish safety and health standards for work environments. The Department may issue citations and other orders to employers that violate safety standards.

Washington's industrial insurance laws do not cover amateur athletes.

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#### **Summary of Substitute Bill:**

For the purposes of the MWA, IWA, and WISHA, the term "employee" does not include an individual for the purposes of training or playing as an athlete for a team affiliated with the Western Hockey League.

#### **Substitute Bill Compared to Original Bill:**

The original bill: (1) provided that "employee" does not include an individual who is an athlete playing in an amateur sports league, club, or association, whether or not the individual receives a stipend, educational scholarship, or other benefits for playing; and (2) provided definitions for "athlete" and "amateur sports league, club, or association."

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

#### **Staff Summary of Public Testimony:**

(In support) This bill clarifies how the Western Hockey League has been operating for many years by clarifying definitions under state law. These teams are an asset to the kids and the community. Team players stay with host families and go to school and are clearly

amateurs. This bill is important not just for sports and entertainment, but also for the entire community that is supported by the economic revenue generated by the teams.

(Opposed) None.

(Information only) The bill needs some technical corrections to make the legislative intent clear.

**Persons Testifying:** (In support) Representative MacEwen, prime sponsor; Russ Farwell, Seattle Thunderbirds Hockey Team; Robert Tory, Tri-City Americans Hockey Team; Diane Klem; Gary Gelin, Everett Silvertips Hockey Team; Doug Levy, City of Kent; and Greg Sloan, Spokane Chiefs Hockey Team.

(Information only) Elizabeth Smith, Department of Labor and Industries.

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