

HOUSE BILL REPORT

HB 2604

As Reported by House Committee On:
Transportation

Title: An act relating to allowing nonprofit corporations and organizations and certain transit providers to provide transportation services to agricultural employees.

Brief Description: Allowing nonprofit corporations and organizations and certain transit providers to provide transportation services to agricultural employees.

Sponsors: Representatives Riccelli, Moscoso, Farrell, Warnick, Fitzgibbon, Roberts, Tarleton, Pollet, Jinkins and Freeman.

Brief History:

Committee Activity:

Transportation: 2/6/14, 2/10/14 [DPS].

Brief Summary of Substitute Bill

- Exempts employees and contractors of nonprofit corporations, nonprofit organizations, and transit agencies from the requirements of the Farm Labor Contractor Act when transporting agricultural employees.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 23 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Hargrove, Assistant Ranking Minority Member; Bergquist, Fitzgibbon, Freeman, Habib, Hawkins, Klippert, Kochmar, Moeller, Morris, Muri, Ortiz-Self, Riccelli, Ryu, Sells, Takko, Tarleton, Walkinshaw and Zeiger.

Minority Report: Do not pass. Signed by 7 members: Representatives Orcutt, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Hayes, Pike, Rodne, Shea and Young.

Staff: David Munnecke (786-7315).

Background:

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.

Farm Labor Contractor Act.

The state Farm Labor Contractor Act (Act) provides for licensing and regulation of farm labor contractors. A "farm labor contractor" is a person who, for a fee, performs any farm labor contracting activity. "Farm labor contracting activity" means recruiting, soliciting, employing, supplying, transporting, or hiring agricultural workers.

The Director of the Department of Labor and Industries (Director) issues licenses to farm labor contractors. The fees are \$35 per year for farm labor contractors not engaged in forestation or reforestation, and \$100 per year for those who are engaged in forestation or reforestation. There are also surety bond and insurance requirements.

The Director also enforces various requirements and prohibitions applicable to farm labor contractors. The Director may bring suit upon a surety bond on behalf of a worker whose rights have been violated, or seek to enjoin a person acting as a farm labor contractor in violation of the Act. There are civil penalties of up to \$1,000, as well as criminal penalties, for certain violations of the Act.

Agricultural Vanpool Pilot Project.

In 2011 the Rural Mobility Grant Program (Program) was established, with the designated purpose of aiding small cities and rural areas. Fifty percent of the money appropriated for the Program was required to go to noncompetitive grants for transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs. The other 50 percent of the money appropriated for the Program was required to go to competitive grants to providers of rural mobility services in areas underserved by transit agencies.

The Washington State Department of Transportation (WSDOT) was also required to implement a pilot project during the 2011-13 fiscal biennium, with funding from the competitive grant portion of the Program, to provide enhanced transit opportunities to agricultural workers through the establishment of vanpool programs. The pilot project was required to, at a minimum, provide appropriate vehicles, insurance, and maintenance and could charge a fee, as determined by the WSDOT, to riders.

A special needs transportation provider in eastern Washington was selected to receive the initial planning and development plans for the pilot project. However, regulatory requirements and potential liability related to working with agricultural workers ultimately led the special needs transportation provider to decline to enter into an operating contract for the vanpool pilot project.

Summary of Substitute Bill:

The employees and contractors of nonprofit corporations, nonprofit organizations, and transit agencies are exempted from the requirements of the Act when transporting agricultural employees.

Any exemption from the requirement to contribute to the cost of a vanpool that is provided to a vanpool driver is not considered a fee for purposes of the Act.

Substitute Bill Compared to Original Bill:

The substitute bill modifies the intent section to express the intent of the Legislature that vanpool program funding for local agricultural workers should not be used to transport workers brought into the country under the federal H-2A or H-2B visa programs.

All of the exemptions to the Act are placed in a new section, and part-time workers for nonprofit organizations and transit agencies are added to the types of workers that are exempt from the Act while transporting agricultural employees.

The exemption from the definition of fee for benefits to vanpool drivers is modified for the sake of clarity.

Appropriation: None.

Fiscal Note: Available.

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 resolves liability issues related to agricultural workers participating in vanpools. It insures the fair distribution of vanpool resources across the state, and helps agricultural workers receive and afford vanpool transportation.

Anything that assists agricultural workers in getting to the fields is supported by the agricultural industry. The definitions in the bill might need to be expanded, however, in order to include an exemption for part-time workers.

(With concerns) The funds available for vanpools should not be used to subsidize guest workers to the detriment of local workers.

(Opposed) None.

Persons Testifying: (In support) Representative Riccelli, prime sponsor; and Scott Dilley, Washington Farm Bureau.

(With concerns) Andrea Schmitt, Columbia Legal Services.

Persons Signed In To Testify But Not Testifying: None.