

SENATE BILL REPORT

SB 5812

As of January 24, 2022

Title: An act relating to including Benton county as a county qualifying for the farm internship program.

Brief Description: Including Benton county as a county qualifying for the farm internship program.

Sponsors: Senators Warnick, Stanford, Brown and Schoesler.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/25/22.

Brief Summary of Bill

- Expands the farm internship pilot project to include Benton County.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Karen Epps (786-7424)

Background: Legislation enacted in 2010 directed the Department of Labor and Industries (L&I) to establish a farm internship pilot project (pilot project). Eligible farms were those located in Skagit County or San Juan County. That pilot project expired on December 31, 2011. Legislation enacted in 2014 reauthorized the pilot project for the following counties: Chelan, Grant, Island, Jefferson, King, Kitsap, Kittitas, Lincoln, Pierce, San Juan, Skagit, Snohomish, Spokane, Thurston, Whatcom, and Yakima. In 2017, legislation reauthorized the pilot project through December 31, 2019, and added the following counties: Clark, Cowlitz, Lewis, and Walla Walla. The pilot project expired December 31, 2019, and, in 2020, the Legislature directed L&I to reestablish the pilot project. The current pilot project expires on December 31, 2024.

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

Under the pilot project, qualified small farms are allowed to employ up to three farm interns at any time, working under special certificates. Farms seeking to employ interns must apply for special certificates issued by L&I and sign agreements with the interns setting forth specified information. The special certificate must specify its terms and conditions, including the duration of the internship, the wage rate, if any, and any room, board, stipends, or other remuneration.

The farm must meet specified criteria, including:

- the farm qualifies as a small farm— annual sales of less than \$250,000 and other criteria;
- the farm has no serious violations of the Minimum Wage Act (MWA) or the Industrial Insurance Act;
- the issuance of a certificate does not create unfair competitive cost advantages or impair or depress wages or working standards for experienced farm workers; and
- the intern performs work under an internship program designed to teach interns about farming practices and farm enterprises, based on the bona fide curriculum of an educational or vocational institution.

Under the pilot project, farm interns are not considered employees under the MWA and the labor provided by a farm intern is not considered employment for purposes of unemployment insurance. L&I provides a special industrial insurance risk class for farm interns and the director of L&I may revoke a certificate for a farm's failure to pay industrial insurance premiums for interns or non-interns, and for other reasons.

L&I must monitor and evaluate the farm internships and report to the appropriate committees of the Legislature by December 31, 2024.

Summary of Bill: The pilot project is expanded to include Benton County.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.