
SENATE BILL 5530

State of Washington

55th Legislature

1997 Regular Session

By Senators Morton and Rasmussen

Read first time 01/30/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to defining agriculture; amending RCW 49.17.020;
2 and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that the state's farms
5 are diverse in their nature and the owners, managers, and their
6 employees continually find new ways to plant, raise, harvest, process,
7 store, market, and distribute their products. The legislature further
8 finds that the department of labor and industries needs guidance in
9 determining when activities related to agricultural products are to be
10 regulated as agricultural activities and when they should be regulated
11 as other activities. It is the intent of the legislature that
12 activities performed by a farmer as incident to or in conjunction with
13 his or her farming activities be regulated as agricultural activities.
14 For this purpose, an agricultural activity is to be interpreted
15 broadly, based on the definition of "agriculture" in RCW 49.17.020.

16 **Sec. 2.** RCW 49.17.020 and 1973 c 80 s 2 are each amended to read
17 as follows:

18 For the purposes of this chapter:

1 (1) The term "agriculture" means farming and includes, but is not
2 limited to:

3 (a) The cultivation and tillage of the soil;

4 (b) Dairying;

5 (c) The production, cultivation, growing, and harvesting of any
6 agricultural or horticultural commodity;

7 (d) The raising of livestock, bees, fur-bearing animals, or
8 poultry; and

9 (e) Any practices performed by a farmer or on a farm, incident to
10 or in connection with such farming operations, including but not
11 limited to preparation for market and delivery to:

12 (i) Storage;

13 (ii) Market; or

14 (iii) Carriers for transportation to market.

15 (2) The term "director" means the director of the department of
16 labor and industries, or his designated representative.

17 ~~((+2))~~ (3) The term "department" means the department of labor and
18 industries.

19 ~~((+3))~~ (4) The term "employer" means any person, firm,
20 corporation, partnership, business trust, legal representative, or
21 other business entity which engages in any business, industry,
22 profession, or activity in this state and employs one or more employees
23 or who contracts with one or more persons, the essence of which is the
24 personal labor of such person or persons and includes the state,
25 counties, cities, and all municipal corporations, public corporations,
26 political subdivisions of the state, and charitable organizations:
27 PROVIDED, That any person, partnership, or business entity not having
28 employees, and who is covered by the industrial insurance act shall be
29 considered both an employer and an employee.

30 ~~((+4))~~ (5) The term "employee" means an employee of an employer
31 who is employed in the business of his employer whether by way of
32 manual labor or otherwise and every person in this state who is engaged
33 in the employment of or who is working under an independent contract
34 the essence of which is his personal labor for an employer under this
35 chapter whether by way of manual labor or otherwise.

36 ~~((+5))~~ (6) The term "person" means one or more individuals,
37 partnerships, associations, corporations, business trusts, legal
38 representatives, or any organized group of persons.

1 (~~(6)~~) (7) The term "safety and health standard" means a standard
2 which requires the adoption or use of one or more practices, means,
3 methods, operations, or processes reasonably necessary or appropriate
4 to provide safe or healthful employment and places of employment.

5 (~~(7)~~) (8) The term "work place" means any plant, yard, premises,
6 room, or other place where an employee or employees are employed for
7 the performance of labor or service over which the employer has the
8 right of access or control, and includes, but is not limited to, all
9 work places covered by industrial insurance under Title 51 RCW, as now
10 or hereafter amended.

11 (~~(8)~~) (9) The term "working day" means a calendar day, except
12 Saturdays, Sundays, and all legal holidays as set forth in RCW
13 1.16.050, as now or hereafter amended, and for the purposes of the
14 computation of time within which an act is to be done under the
15 provisions of this chapter, shall be computed by excluding the first
16 working day and including the last working day.

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