**5438-S2 AMS KING S2728.1 - NOT FOR FLOOR USE**

**2SSB 5438** - S AMD **199**

By Senator King

**NOT ADOPTED 03/06/2019**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  (1) The commissioner shall convene an advisory committee to review issues and topics of interest described in subsections (4) and (5)(a) and (b) of this section.

(2) The advisory committee shall be funded by an appropriation of five hundred thousand dollars per fiscal year from the funds established in RCW 50.24.014 for the first two years. Prior to the end of the first two years of the committee, the committee shall make recommendations for the continued funding for the committee in the report required under subsection (5) of this section.

(3)(a) The committee is composed of eight voting members:

(i) Four voting members representing agricultural workers' interests: One of whom shall be a farmworker; and all of whom shall be appointed from a list of at least four names submitted by a recognized statewide organization of workers;

(ii) Four voting members representing agricultural employers: One of whom shall be an agricultural employer; and all of whom shall be appointed from a list of at least four names submitted by a recognized statewide organization of agricultural employers; and

(iii) One ex officio member, without a vote, shall represent the department and serve as the chair.

(b) The department of labor and industries, department of health, and department of agriculture shall each have one nonvoting ex officio member serve on the advisory committee.

(4) The committee shall meet at least three times per year and provide comment on department rule making, policies, and initiatives, and study issues the committee determines require consideration.

(5) The committee shall submit a report to the governor and the legislature by October 31st each year beginning in 2021, that analyzes:

(a) The activities of, costs of, and funding for the employment security department's farmworker programs, including but not limited to the funds used to administer the H-2A application and adjudication process, wagner-peyser labor exchange programs, United States department of labor office of foreign labor certification programs, labor market information programs, and the funds to administer other statewide programs for farmworkers, and the amount of funds allocated by the federal government to administer the H-2A program and all other agricultural programs; and

(b) The working conditions, safety, and housing of farmworkers; the number of domestic farmworkers and available domestic farmworkers; and ways to attract more domestic farmworkers.

(6) The committee members shall serve without compensation, but are entitled to reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060. The committee may utilize department personnel and facilities as needed, without charge."

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On page 1, line 1 of the title, after "establishing" strike the remainder of the title and insert "an advisory committee within the employment security department; and creating a new section."

EFFECT: Removes legislative findings. Modifies the advisory committee reporting requirements to remove identification and recommendations on increasing ESD effectiveness for the H-2A recruitment process. Removes provisions related to:

(1) The office of agricultural and seasonal workforce services and its funding;

(2) The submittal and processing of H-2A applications;

(3) ESD analysis of costs and funding for administering the H-2A program; and ESD's establishment of related fees;

(4) An H-2A enforcement account;

(5) Conflicts with federal funding requirements; and

(6) Severability.