

CERTIFICATION OF ENROLLMENT

SENATE BILL 5530

Chapter 362, Laws of 1997

55th Legislature
1997 Regular Session

DEFINING AGRICULTURE FOR WASHINGTON INDUSTRIAL SAFETY AND HEALTH
ACT PURPOSES

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 21, 1997
YEAS 40 NAYS 3

BRAD OWEN

President of the Senate

Passed by the House April 8, 1997
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 14, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5530** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

May 14, 1997 - 2:25 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5530

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

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 The term agriculture- does not mean a farmer's processing for sale
16 or handling for sale a commodity or product grown or produced by a
17 person other than the farmer or the farmer's employees.

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

20 ~~((+2))~~ (3) The term "department" means the department of labor and
21 industries.

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

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

1 (~~(5)~~) (6) The term "person" means one or more individuals,
2 partnerships, associations, corporations, business trusts, legal
3 representatives, or any organized group of persons.

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

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

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

Passed the Senate April 21, 1997.

Passed the House April 8, 1997.

Approved by the Governor May 14, 1997.

Filed in Office of Secretary of State May 14, 1997.