

**HB 2106** - H AMD TO H AMD (H-2939.4/07) **417**  
By Representative Chandler

1 On page 1, beginning on line 3 of the amendment, strike all  
2 material through "law." on page 21, line 20, and insert the following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 19.30 RCW  
4 to read as follows:

5 The legislature finds that farm labor contractors can benefit  
6 migrant and seasonal workers by providing the opportunity for stable  
7 full-time work, and farm labor contractors can benefit agricultural  
8 employers by providing farm skilled workers and assisting employers in  
9 complying with numerous hiring regulations. The legislature also finds  
10 that there is the potential for abuse of workers, and the potential for  
11 increased liability for farmers, if the industry is not properly  
12 regulated. It is therefore the intent of the legislature to establish  
13 a vibrant and well-regulated farm labor contracting industry to  
14 mutually benefit farmers and farm workers in our state.

15 **Sec. 2.** RCW 19.30.030 and 1985 c 280 s 3 are each amended to read  
16 as follows:

17 LICENSE--REQUIREMENTS FOR ISSUING. The director shall not issue to  
18 any person a license to (~~act~~) operate as a farm labor contractor  
19 until:

20 (1) Such person has executed a written application for each year  
21 that the applicant seeks to operate as a farm labor contractor. The  
22 written application shall be on a form prescribed by the director, be  
23 subscribed and sworn to by the applicant, and contain(~~ing~~): (a) A  
24 statement by the applicant of all facts required by the director  
25 concerning the applicant's character, competency, responsibility, and  
26 the manner and method by which he or she proposes to conduct operations  
27 as a farm labor contractor if such license is issued(~~ed~~); and (b) the  
28 names and addresses of all persons financially interested, either as  
29 partners, stockholders, associates, profit sharers, or providers of

1 board or lodging to agricultural employees in the proposed operation as  
2 a labor contractor, together with the amount of their respective  
3 interests;

4 (2) The director shall create a simplified license renewal  
5 application for the second and subsequent years that an entity applies  
6 for a license;

7 (3) The director, after investigation, is satisfied as to the  
8 character, competency, and responsibility of the applicant;

9 ~~((+3))~~ (4) The applicant has paid to the director a license fee  
10 ~~((of: (1) Thirty five dollars in the case of a farm labor contractor~~  
11 ~~not engaged in forestation or reforestation, or (2) one hundred dollars~~  
12 ~~in the case of a farm labor contractor engaged in forestation or~~  
13 ~~reforestation or such other sum as the director finds necessary, and~~  
14 ~~adopts by rule, for the administrative costs of evaluating~~  
15 ~~applications)).~~ The director shall determine the appropriate amount of  
16 the license fee, not to exceed one hundred dollars for a farm labor  
17 contractor not engaged in forestation or reforestation, and two hundred  
18 dollars for a farm labor contractor engaged in forestation or  
19 reforestation;

20 ~~((+4))~~ (5) The applicant has successfully passed a qualifying  
21 examination designed to test the applicant's ability, knowledge, and  
22 proficiency to conduct and manage the business of a farm labor  
23 contractor in compliance with applicable laws and regulations. By July  
24 1, 2012, the director shall prescribe the requirements for and the  
25 manner of testing the competency of license applicants;

26 (6) The applicant has filed proof satisfactory to the director of  
27 the existence of a policy of insurance with any insurance carrier  
28 authorized to do business in the state of Washington in an amount  
29 satisfactory to the director, which insures the contractor against  
30 liability for damage to persons or property arising out of the  
31 contractor's operation of, or ownership of, any vehicle or vehicles for  
32 the transportation of individuals in connection with the contractor's  
33 business, activities, or operations as a farm labor contractor;

34 ~~((+5))~~ (7) The applicant has filed a surety bond or other security  
35 which meets the requirements set forth in RCW 19.30.040;

36 ~~((+6))~~ (8) The applicant executes a written statement which shall  
37 be subscribed and sworn to and shall contain the following declaration:

1 "With regards to any action filed against me concerning my  
2 activities as a farm labor contractor, I appoint the director of the  
3 Washington department of labor and industries as my lawful agent to  
4 accept service of summons when I am not present in the jurisdiction in  
5 which the action is commenced or have in any other way become  
6 unavailable to accept service"; and

7 ~~((7))~~ (9) The applicant has stated on his or her application  
8 whether or not ~~((his or her contractor's license or the license of))~~  
9 the applicant or any of ((his or her)) the applicant's agents,  
10 partners, associates, stockholders, or profit sharers:

11 (a) Has ever ((been)) had his or her license suspended, revoked, or  
12 denied by any state or federal agency~~((, and whether or not there are~~  
13 ~~any outstanding judgments against him or her or any of his or her~~  
14 ~~agents, partners, associates, stockholders, or profit sharers))~~; and

15 (b) Has any outstanding debts against him or her from final state  
16 or federal administrative determinations or judgments in any state or  
17 federal court arising out of activities as a farm labor contractor in  
18 any state or country.

19 NEW SECTION. Sec. 3. The department of labor and industries shall  
20 convene a work group to discuss concerns and develop recommendations  
21 regarding the licensure and regulation of farm labor contractors. The  
22 work group shall report its recommendations to the house of  
23 representatives commerce and labor committee and the senate labor,  
24 commerce, research and development committee by December 1, 2007. Any  
25 recommendations requiring amendments or additions to the farm labor  
26 contractor act shall include proposed legislation. Any recommendations  
27 requiring appropriations shall include proposed decision packages.  
28 This section expires April 1, 2008."

29 Correct the title.

EFFECT: Expresses the legislature's intent to establish a vibrant  
and well-regulated farm labor contracting industry.  
Modifies the section relating to the requirements for issuing  
licenses as follows:

Strikes an explicit requirement that applicant demonstrate full compliance applicable state and federal laws.

Strikes an explicit requirement that an applicant be in compliance with the payment terms of settlement agreements arising out of farm labor contracting activities in any state or country.

Adds a requirement that the director of the Department of Labor and Industries create a simplified license renewal application.

Adds a specific date (July 1, 2012) by which the director must prescribe the requirements and the manner of testing applicants.

Directs the Department to convene a work group to discuss concerns and develop recommendations regarding the licensure and regulation of farm labor contractors, and to report its recommendations to legislative committees by December 1, 2007.

Strikes remainder of underlying bill, including sections relating to: (1) Definitions; (2) the denial, suspension, and revocation of licenses; (3) surety bonds; (4) the duties and prohibited acts of contractors; (5) nondiscrimination; (6) complaints; and (7) transportation safety standards.

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