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ENGROSSED HOUSE BILL 1924

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Dent and Fitzgibbon

Read first time 02/02/17. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to small forest landowners; and amending RCW  
2 19.30.010 and 76.04.205.

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

4 **Sec. 1.** RCW 19.30.010 and 1985 c 280 s 1 are each amended to  
5 read as follows:

6 ~~((As used in this chapter:))~~ The definitions in this section  
7 apply throughout this chapter unless the context clearly requires  
8 otherwise.

9 (1) "Person" includes any individual, firm, partnership,  
10 association, corporation, or unit or agency of state or local  
11 government.

12 (2) "Farm labor contractor" means any person, or his or her agent  
13 or subcontractor, who, for a fee, performs any farm labor contracting  
14 activity. "Farm labor contractor" does not include a person  
15 performing farm labor contracting activity solely for a small forest  
16 landowner as defined in RCW 76.09.450 who receives services of no  
17 more than two agricultural employees at any given time.

18 (3) "Farm labor contracting activity" means recruiting,  
19 soliciting, employing, supplying, transporting, or hiring  
20 agricultural employees.

1 (4) "Agricultural employer" means any person engaged in  
2 agricultural activity, including the growing, producing, or  
3 harvesting of farm or nursery products, or engaged in the forestation  
4 or reforestation of lands, which includes but is not limited to the  
5 planting, transplanting, tubing, precommercial thinning, and thinning  
6 of trees and seedlings, the clearing, piling, and disposal of brush  
7 and slash, the harvest of Christmas trees, and other related  
8 activities.

9 (5) "Agricultural employee" means any person who renders personal  
10 services to, or under the direction of, an agricultural employer in  
11 connection with the employer's agricultural activity.

12 (6) This chapter shall not apply to employees of the employment  
13 security department acting in their official capacity or their  
14 agents, nor to any common carrier or full time regular employees  
15 thereof while transporting agricultural employees, nor to any person  
16 who performs any of the services enumerated in subsection (3) of this  
17 section only within the scope of his or her regular employment for  
18 one agricultural employer on whose behalf he or she is so acting,  
19 unless he or she is receiving a commission or fee, which commission  
20 or fee is determined by the number of workers recruited, or to a  
21 nonprofit corporation or organization which performs the same  
22 functions for its members. Such nonprofit corporation or organization  
23 shall be one in which:

24 (a) None of its directors, officers, or employees are deriving  
25 any profit beyond a reasonable salary for services performed in its  
26 behalf.

27 (b) Membership dues and fees are used solely for the maintenance  
28 of the association or corporation.

29 (7) "Fee" means:

30 (a) Any money or other valuable consideration paid or promised to  
31 be paid for services rendered or to be rendered by a farm labor  
32 contractor.

33 (b) Any valuable consideration received or to be received by a  
34 farm labor contractor for or in connection with any of the services  
35 described in subsection (3) of this section, and shall include the  
36 difference between any amount received or to be received by him, and  
37 the amount paid out by him for or in connection with the rendering of  
38 such services.

39 (8) "Director" as used in this chapter means the director of the  
40 department of labor and industries of the state of Washington.

1       **Sec. 2.** RCW 76.04.205 and 1986 c 100 s 17 are each amended to  
2 read as follows:

3       (1) Except in certain areas designated by the department or as  
4 permitted under rules adopted by the department, a person shall have  
5 a valid written burning permit obtained from the department to burn:

6       (a) Any flammable material on any lands under the protection of  
7 the department; or

8       (b) Refuse or waste forest material on forestlands protected by  
9 the department.

10       (2)(a) To be valid a permit must be signed by both the department  
11 and the permittee. Conditions may be imposed in the permit for the  
12 protection of life, property, or air quality and (~~{the department}~~)  
13 the department may suspend or revoke the permits when conditions  
14 warrant. A permit shall be effective only under the conditions and  
15 for the period stated therein. Signing of the permit shall indicate  
16 the permittee's agreement to and acceptance of the conditions of the  
17 permit.

18       (b) Permits issued by the department to applicants who are small  
19 forest landowners as defined in RCW 76.09.450 may be multiple year  
20 permits, if a multiple year permit is requested by the small forest  
21 landowner.

22       (3) The department may inspect or cause to be inspected the area  
23 involved and may issue a burning permit if:

24       (a) All requirements relating to firefighting equipment, the work  
25 to be done, and precautions to be taken before commencing the burning  
26 have been met;

27       (b) No unreasonable danger will result; and

28       (c) Burning will be done in compliance with air quality standards  
29 established by chapter 70.94 RCW.

30       (4) The department, authorized employees thereof, or any warden  
31 or ranger may refuse, revoke, or postpone the use of permits to burn  
32 when necessary for the safety of adjacent property or when necessary  
33 in their judgment to prevent air pollution as provided in chapter  
34 70.94 RCW.

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