

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1924

Chapter 253, Laws of 2017

65th Legislature
2017 Regular Session

SMALL FOREST LANDOWNERS--FARM LABOR CONTRACTORS--BURNING PERMIT
REPORT

EFFECTIVE DATE: 7/23/2017

Passed by the House April 13, 2017
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2017
Yeas 47 Nays 0

CYRUS HABIB

President of the Senate

Approved May 8, 2017 11:24 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1924** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 8, 2017

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1924

AS AMENDED BY THE SENATE

Passed Legislature - 2017 Regular Session

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; amending RCW
2 19.30.010; creating a new section; and providing an expiration date.

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 NEW SECTION. **Sec. 2.** (1) The department of natural resources
2 shall consult with the appropriate stakeholders and develop an
3 analysis, with recommendations, as to whether the issuance of burning
4 permits can be streamlined for small forest landowners, as that term
5 is defined in RCW 76.09.450. The analysis must consider variable term
6 burning permits, alternative fee structures, and other methods to
7 incentivize small forest landowners to conduct forest health
8 treatments.

9 (2) Consistent with RCW 43.01.036, the department of natural
10 resources shall report the outcome of the analysis required by this
11 section to the legislature by October 31, 2017. In the report, the
12 department of natural resources must identify elements, consistent
13 with the recommendations of the analysis, within its current
14 authority to implement, a timeline for implementation of those
15 elements, and any elements in its recommendations that would require
16 a rule change, statutory amendment, or additional funding to
17 implement.

18 (3) This section expires August 1, 2018.

Passed by the House April 13, 2017.
Passed by the Senate April 10, 2017.
Approved by the Governor May 8, 2017.
Filed in Office of Secretary of State May 8, 2017.

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