

**EHB 1924** - S COMM AMD

By Committee on Commerce, Labor & Sports

ADOPTED 04/10/2017

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

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

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

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

20 (4) "Agricultural employer" means any person engaged in  
21 agricultural activity, including the growing, producing, or  
22 harvesting of farm or nursery products, or engaged in the forestation  
23 or reforestation of lands, which includes but is not limited to the  
24 planting, transplanting, tubing, precommercial thinning, and thinning  
25 of trees and seedlings, the clearing, piling, and disposal of brush  
26 and slash, the harvest of Christmas trees, and other related  
27 activities.

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

31 (6) This chapter shall not apply to employees of the employment  
32 security department acting in their official capacity or their

1 agents, nor to any common carrier or full time regular employees  
2 thereof while transporting agricultural employees, nor to any person  
3 who performs any of the services enumerated in subsection (3) of this  
4 section only within the scope of his or her regular employment for  
5 one agricultural employer on whose behalf he or she is so acting,  
6 unless he or she is receiving a commission or fee, which commission  
7 or fee is determined by the number of workers recruited, or to a  
8 nonprofit corporation or organization which performs the same  
9 functions for its members. Such nonprofit corporation or organization  
10 shall be one in which:

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

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

16 (7) "Fee" means:

17 (a) Any money or other valuable consideration paid or promised to  
18 be paid for services rendered or to be rendered by a farm labor  
19 contractor.

20 (b) Any valuable consideration received or to be received by a  
21 farm labor contractor for or in connection with any of the services  
22 described in subsection (3) of this section, and shall include the  
23 difference between any amount received or to be received by him, and  
24 the amount paid out by him for or in connection with the rendering of  
25 such services.

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

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

36 (2) Consistent with RCW 43.01.036, the department of natural  
37 resources shall report the outcome of the analysis required by this  
38 section to the legislature by October 31, 2017. In the report, the  
39 department of natural resources must identify elements, consistent

1 with the recommendations of the analysis, within its current  
2 authority to implement, a timeline for implementation of those  
3 elements, and any elements in its recommendations that would require  
4 a rule change, statutory amendment, or additional funding to  
5 implement.

6 (3) This section expires August 1, 2018."

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7 On page 1, line 1 of the title, after "landowners;" strike the  
8 remainder of the title and insert "amending RCW 19.30.010; creating a  
9 new section; and providing an expiration date."

EFFECT: Removes provisions authorizing the department of natural  
resources (DNR) to issue multiple year burning permits to small  
forest landowners.

Adds a provision requiring DNR to develop an analysis with  
recommendations on streamlining the issuance of burning permits for  
small forest landowners.

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