

HOUSE BILL REPORT

EHB 1924

As Passed Legislature

Title: An act relating to small forest landowners.

Brief Description: Concerning small forest landowners.

Sponsors: Representatives Dent and Fitzgibbon.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/14/17, 2/16/17 [DP].

Floor Activity:

Passed House: 3/2/17, 98-0.

Senate Amended.

Passed Senate: 4/10/17, 47-0.

House Concurred.

Passed House: 4/13/17, 96-0.

Passed Legislature.

Brief Summary of Engrossed Bill

- Exempts from the Farm Labor Contractor Act persons performing farm labor contracting activity solely for a small forest landowner who receives services of no more than two agricultural employees at any given time.
- Directs the Department of Natural Resources to perform and submit to the Legislature by October 31, 2017, an analysis of the possibility of streamlining the burning permit process for small forest landowners.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 15 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Fitzgibbon, Kretz, Lytton, Orcutt, Pettigrew, Robinson, Schmick, Springer, Stanford and J. Walsh.

Staff: Robert Hatfield (786-7117).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Farm Labor Contractors.

The state Farm Labor Contractor Act (FLCA) provides for licensing and regulation of farm labor contractors. A "farm labor contractor" is a person who, for a fee, performs any farm labor contracting activity. "Farm labor contracting activity" means recruiting, soliciting, employing, supplying, transporting, or hiring agricultural workers.

The Director of the Department of Labor and Industries (Director) issues licenses to farm labor contractors. The fees are \$35 per year for farm labor contractors not engaged in forestation or reforestation, and \$100 per year for those who are engaged in forestation or reforestation. There are also surety bond and insurance requirements.

The Director also enforces various requirements and prohibitions applicable to farm labor contractors. The Director may bring suit upon a surety bond on behalf of a worker whose rights have been violated or seek to enjoin a person acting as a farm labor contractor in violation of the Act. There are civil penalties of up to \$1,000, as well as criminal penalties for certain violations of the FLCA.

Department of Natural Resources - Introduction.

The Department of Natural Resources (DNR) manages a number of different categories of land, each for a specific purpose and under different management requirements. These include approximately 3 million acres of federally-granted lands and state forest lands, which the DNR manages to support common schools, counties, and other public institutions.

The DNR has the direct charge and responsibility over all matters pertaining to forest fire services in the state. The forest fire-related duties of the DNR include enforcing all forest fire-related laws, investigating the cause of forest fires, and accepting the empowerment to direct all fire suppression efforts.

Department of Natural Resources - Burning Permits.

A person must have a valid written burning permit obtained from the DNR to burn any flammable material on any lands under the protection of the DNR, or to burn refuse or waste forest material on forestlands protected by the DNR. The DNR must establish by rule a fee schedule in connection with permits for silvicultural burning.

Department of Natural Resources - Small Forest Landowners.

To qualify as a small forest landowner, a person must be an owner of forestland who has harvested no more than an average timber volume of 2 million board feet per year in the three years preceding application to the DNR, and does not expect to harvest more than that amount in the 10 years following application to the DNR.

Summary of Engrossed Bill:

The definition of "farm labor contractor" is modified to exclude a person performing farm labor contracting activity solely for a small forest landowner who receives services of no more than two agricultural employees at any given time.

The DNR is directed to perform and submit to the Legislature by October 31, 2017, an analysis of the possibility of streamlining the burning permit process for small forest landowners.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) A small forest landowner in Kittitas County has been trying for the past six years to reduce the wildfire risk on his property, and has encountered two challenges that this bill addresses. The tonnage-based burning permit has cost the landowner approximately \$600 over six years. It makes sense to offer a reduced-fee burning permit fee to those who are doing fuels reduction work. Historically, his area of Kittitas County burned every eight to 18 years, but it has not burned for more than 100 years, so there is a huge volume of timber waiting to burn, one way or another. Wood that is decomposing puts out more greenhouse gases than wood that burns because, when it decomposes, it produces methane, in addition to carbon dioxide. To hire somebody to help with doing fuels reduction work requires going through the farm labor contractor program, which costs several hundred dollars, and requires things like extra insurance and posting a bond. This, in turn, forces the whole process underground for small forest landowners, and raises the overall cost of doing fuels reduction for small forest landowners, which in turn reduces the amount of land that can be treated.

This bill would probably affect fewer than six contractors in the state. The DNR indicated last year that the burning permit fee structure was counterintuitive, but they did not have the staff to address the issue.

(Opposed) None.

Persons Testifying: Representative Dent, prime sponsor; Representative Fitzgibbon; Michael August, Manastash Timberlands; and Heather Hansen, Washington Farm Forestry Association.

Persons Signed In To Testify But Not Testifying: None.