

SENATE BILL REPORT

EHB 1924

As Reported by Senate Committee On:
Commerce, Labor & Sports, March 22, 2017

Title: An act relating to small forest landowners.

Brief Description: Concerning small forest landowners.

Sponsors: Representatives Dent and Fitzgibbon.

Brief History: Passed House: 3/02/17, 98-0.

Committee Activity: Commerce, Labor & Sports: 3/09/17, 3/22/17 [DPA].

Brief Summary of Amended Bill

- Exempts persons performing certain farm labor contracting activity for a small forest landowner from farm labor contractor licensing requirements and regulations.
- Requires the Department of Natural Resources to develop an analysis on streamlining the issuance of burning permits for small forest landowners.

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Majority Report: Do pass as amended.

Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway, Hasegawa, King, Rossi, Saldaña and Wilson.

Staff: Jarrett Sacks (786-7448)

Background: Farm Labor Contractors. The Department of Labor and Industries (L&I) licenses and regulates farm labor contractors. A farm labor contractor is any person who, for a fee, performs any farm labor contracting activity. Farm labor contracting activity includes:

- recruiting;
- soliciting;
- employing;
- supplying;
- transporting; and
- hiring of agricultural workers.

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.

L&I 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. To be eligible for a farm labor contractor license, applicants must meet certain surety bond and insurance requirements.

L&I enforces applicable laws related to farm labor contractors, including bringing a suit upon a surety bond on behalf of a worker whose rights have been violated or seeking to enjoin a person acting as a farm labor contractor. State law authorizes civil and criminal penalties for violations of applicable farm labor contracting laws.

Department of Natural Resources (DNR). DNR manages a number of different categories of land, including approximately 3 million acres of federally-granted lands and state forest lands. DNR also approves applications for conducting forest practices, including tree thinning, chemical application, forest road building, and tree harvesting. Additionally, DNR has direct charge and responsibility over all matters pertaining to forest fire services in the state.

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 DNR, and does not expect to harvest more than that in the ten years following application to DNR.

Burning Permits. A person must have a valid written burning permit obtained from DNR to burn any flammable material on any lands under the protection of DNR, or to burn refuse or waste forest material on forestlands.

Summary of Amended Bill: Farm Labor Contractors. The definition of farm labor contractor is changed 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.

Burning Permits. DNR is required to develop an analysis on streamlining the issuance of burning permits to small forest landowners. The analysis must consider variable term burning permits, alternative fee structures, and other methods to incentivize small forest landowners to conduct forest health treatments. DNR must report the outcome of the analysis to the Legislature by October 31, 2017.

EFFECT OF COMMERCE, LABOR & SPORTS COMMITTEE AMENDMENT(S): The provision authorizing DNR to issue multi-year burning permits to small forest landowners is removed. A provision requiring DNR to develop an analysis on streamlining the issuance of burning permits for small forest landowners is added.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: There are a couple of things in the current law that make it difficult for small forest landowners to do fuel reduction in their forests. The first is that if their corporate structure is a certain way, they have to license as a farm labor contractor, which is expensive, has a large application process, and has insurance and surety requirements that are probably beyond what a small forest landowner needs. The second is that they have to constantly get new burning permits even though they are doing the same burning. The bill solves this and makes it easier for small forest landowners to do fuel reduction and keep forests healthy.

OTHER: The way the bill is structured impacts some of DNR's revenue with regard to issuing permits.

Persons Testifying: PRO: Representative Tom Dent, Prime Sponsor; Michael August, Manastash Timberlands, LLC; Heather Hansen, WA Farm Forestry Assn.

OTHER: Loren Torgerson, WADNR.

Persons Signed In To Testify But Not Testifying: No one.