
HOUSE BILL 1924

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, 76.04.205, and 70.94.6534.

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.

35 **Sec. 3.** RCW 70.94.6534 and 2010 1st sp.s. c 7 s 128 are each
36 amended to read as follows:

37 (1) The department of natural resources shall have the
38 responsibility for issuing and regulating burning permits required by

1 it relating to the following activities for the protection of life or
2 property and/or for the public health, safety, and welfare:

3 (a) Abating a forest fire hazard;

4 (b) Prevention of a fire hazard;

5 (c) Instruction of public officials in methods of forest
6 firefighting;

7 (d) Any silvicultural operation to improve the forestlands of the
8 state; and

9 (e) Silvicultural burning used to improve or maintain fire
10 dependent ecosystems for rare plants or animals within state,
11 federal, and private natural area preserves, natural resource
12 conservation areas, parks, and other wildlife areas.

13 (2) The department of natural resources shall not retain such
14 authority, but it shall be the responsibility of the appropriate fire
15 protection agency for permitting and regulating outdoor burning on
16 lands where the department of natural resources does not have fire
17 protection responsibility.

18 (3) Permit fees shall be assessed for silvicultural burning under
19 the jurisdiction of the department of natural resources and collected
20 by the department of natural resources as provided for in this
21 section. All fees shall be deposited in the air pollution control
22 account, created in RCW 70.94.015. The legislature shall appropriate
23 to the department of natural resources funds from the air pollution
24 control account to enforce and administer the program under this
25 section and RCW 70.94.6536, 70.94.6538, and 70.94.6540. Fees shall be
26 set by rule by the department of natural resources at the level
27 necessary to cover the costs of the program after receiving
28 recommendations on such fees from the public. The department of
29 natural resources may adopt a reduced fee schedule for applicants who
30 are small forest landowners as defined in RCW 76.09.450.

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