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**SUBSTITUTE SENATE BILL 5996**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Saldaña, Valdez, Hunt, Shewmake, Trudeau, Kauffman, Conway, Dhingra, Hasegawa, Keiser, Nguyen, Nobles, Stanford, and C. Wilson)

AN ACT Relating to collecting data on the H-2A worker program and from certain hand harvesters; adding a new section to chapter 50.75 RCW; adding a new section to chapter 50.38 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 50.75 RCW to read as follows:

(1) Whenever the department conducts a field check or field visit of an employer, the department must collect the following information:

(a) The number of H-2A workers the employer has at each work site; and

(b) The actual geographic location of where the H-2A workers are living during their employment with the employer.

(2) The department must compile the information and compare the number of workers sought by an employer on the employer's H-2A application with the number of H-2A workers actually working for the employer.

(3) The department must make the information available to the advisory committee appointed under RCW 50.75.040 on a quarterly basis.

NEW SECTION. **Sec.**  A new section is added to chapter 50.38 RCW to read as follows:

(1) The department must conduct, or cause to be conducted, a comprehensive annual wage survey of workers hand harvesting apples, cherries, pears, and blueberries.

(2) At a minimum, the surveys must:

(a) Gather information on wage rates received for harvesting activities;

(b) Include a question concerning whether the survey respondent made an unemployment insurance claim in the survey period; and

(c) Gather information on the respondent's age, gender, and whether the respondent was born in the United States or the number of years the respondent has lived in the United States.

(3) The office must:

(a) Utilize a phone survey designed to receive responses from a minimum of 850 total fruit harvesters;

(b) Beginning fiscal year 2025, include field surveys designed to receive responses from a minimum of:

(i) 1,200 apple harvesters;

(ii) 200 pear harvesters;

(iii) 200 blueberry harvesters; and

(iv) 350 cherry harvesters.

(4) The department must provide $25 incentive payments for survey respondents who are eligible to respond to the survey.

(5) The department must submit a report to the appropriate committees of the legislature annually by May 1st on surveys conducted under this section. The report must include:

(a) Information about the number of responses; and

(b) Individual responses, without names, by age, gender, United States birth or number of years in the United States, and whether the respondent filed an unemployment insurance claim.

NEW SECTION. **Sec.**  If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

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