
SENATE BILL 5156

State of Washington

68th Legislature

2023 Regular Session

By Senators Torres, Dhingra, Hasegawa, Hunt, Muzzall, Nobles, Randall, Rolfes, Schoesler, Shewmake, Wagoner, Warnick, Wellman, and L. Wilson

Prefiled 01/05/23. Read first time 01/09/23. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to expanding the farm internship program;
2 amending RCW 49.12.471; creating a new section; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that encouraging
6 participation in agriculture is valuable. The farm internship program
7 allows students to experience farming practices and get hands-on
8 experience with farming activities. The internship program has
9 existed since 2014 and was piloted in a few select counties. The
10 legislature finds that this program is valuable, should be extended
11 to all counties, and should continue without an expiration date.

12 **Sec. 2.** RCW 49.12.471 and 2020 c 212 s 1 are each amended to
13 read as follows:

14 (1) The director shall establish a farm internship ((pilot))
15 project for the employment of farm interns on small farms under
16 special certificates at wages, if any, as authorized by the
17 department and subject to such limitations as to time, number,
18 proportion, and length of service as provided in this section and as
19 prescribed by the department. ((The pilot project consists of the
20 following counties: San Juan, Skagit, King, Whatcom, Kitsap, Pierce,

1 Jefferson, ~~Spokane, Yakima, Chelan, Grant, Island, Snohomish,~~
2 ~~Kittitas, Lincoln, Thurston, Walla Walla, Clark, Cowlitz, and~~
3 ~~Lewis.~~)

4 (2) A small farm may employ no more than three interns at one
5 time under this section.

6 (3) A small farm must apply for a special certificate on a form
7 made available by the director. The application must set forth: The
8 name of the farm and a description of the farm seeking the
9 certificate; the type of work to be performed by a farm intern; a
10 description of the internship program; the period of time for which
11 the certificate is sought and the duration of an internship; the
12 number of farm interns for which a special certificate is sought; the
13 wages, if any, that will be paid to the farm intern; any room and
14 board, stipends, and other remuneration the farm will provide to a
15 farm intern; and the total number of workers employed by the farm.

16 (4) Upon receipt of an application, the department shall review
17 the application and issue a special certificate to the requesting
18 farm within fifteen days if the department finds that:

19 (a) The farm qualifies as a small farm;

20 (b) There have been no serious violations of chapter 49.46 RCW or
21 Title 51 RCW that provide reasonable grounds to believe that the
22 terms of an internship agreement may not be complied with;

23 (c) The issuance of a certificate will not create unfair
24 competitive labor cost advantages nor have the effect of impairing or
25 depressing wage or working standards established for experienced
26 workers for work of a like or comparable character in the industry or
27 occupation at which the intern is to be employed;

28 (d) A farm intern will not displace an experienced worker; and

29 (e) The farm demonstrates that the interns will perform work for
30 the farm under an internship program that: (i) Provides a curriculum
31 of learning modules and supervised participation in farm work
32 activities designed to teach farm interns about farming practices and
33 farm enterprises; (ii) is based on the bona fide curriculum of an
34 educational or vocational institution; (iii) encourages the interns
35 to participate in career and technical education or other educational
36 content with courses in agriculture or related programs of study at a
37 community or technical college; and ~~((iii))~~ (iv) is reasonably
38 designed to provide the intern with vocational knowledge and skills
39 about farming practices and enterprises. In assessing an internship
40 program, the department may consult with relevant college and

1 university departments and extension programs and state and local
2 government agencies involved in the regulation or development of
3 agriculture.

4 (5) A special certificate issued under this section must specify
5 the terms and conditions under which it is issued, including: The
6 name of the farm; the duration of the special certificate allowing
7 the employment of farm interns and the duration of an internship; the
8 total number of interns authorized under the special certificate; the
9 authorized wage rate, if any; and any room and board, stipends, and
10 other remuneration the farm will provide to the farm intern. A farm
11 intern may be paid at wages specified in the certificate only during
12 the effective period of the certificate and for the duration of the
13 internship.

14 (6) If the department denies an application for a special
15 certificate, notice of denial must be mailed to the farm. The farm
16 listed on the application may, within fifteen days after notice of
17 such action has been mailed, file with the director a petition for
18 review of the denial, setting forth grounds for seeking such a
19 review. If reasonable grounds exist, the director or the director's
20 authorized representative may grant such a review and, to the extent
21 deemed appropriate, afford all interested persons an opportunity to
22 be heard on such review.

23 (7) Before employing a farm intern, a farm must submit a
24 statement on a form made available by the director stating that the
25 farm understands: The requirements of the industrial welfare act,
26 this chapter, that apply to farm interns; that the farm must pay
27 workers' compensation premiums in the assigned intern risk class and
28 must pay workers' compensation premiums for nonintern work hours in
29 the applicable risk class; and that if the farm does not comply with
30 subsection (8) of this section, the director may revoke the special
31 certificate.

32 (8) The director may revoke a special certificate issued under
33 this section if a farm fails to: Comply with the requirements of the
34 industrial welfare act, this chapter, that apply to farm interns; pay
35 workers' compensation premiums in the assigned intern risk class; or
36 pay workers' compensation premiums in the applicable risk class for
37 nonintern work hours.

38 (9) Before the start of a farm internship, the farm and the
39 intern must sign a written agreement and send a copy of the agreement
40 to the department. The written agreement must, at a minimum:

1 (a) Describe the internship program offered by the farm,
2 including the skills and objectives the program is designed to teach
3 and the manner in which those skills and objectives will be taught;

4 (b) Explicitly state that the intern is not entitled to
5 unemployment benefits or minimum wages for work and activities
6 conducted pursuant to the internship program for the duration of the
7 internship;

8 (c) Describe the responsibilities, expectations, and obligations
9 of the intern and the farm, including the anticipated number of hours
10 of farm activities to be performed by and the anticipated number of
11 hours of curriculum instruction provided to the intern per week;

12 (d) Describe the activities of the farm and the type of work to
13 be performed by the farm intern; and

14 (e) (~~Describes~~ [~~Describe~~]) Describe any wages, room and board,
15 stipends, and other remuneration the farm will provide to the farm
16 intern.

17 (10) The department must limit the administrative costs of
18 implementing the internship (~~pilot~~) program by relying on farm
19 organizations and other stakeholders to perform outreach and inform
20 the farm community of the program and by limiting employee travel to
21 the investigation of allegations of noncompliance with program
22 requirements.

23 (11) The definitions in this subsection apply throughout this
24 section unless the context clearly requires otherwise.

25 (a) "Farm intern" means an individual who provides services to a
26 small farm under a written agreement and primarily as a means of
27 learning about farming practices and farm enterprises.

28 (b) "Farm internship program" means an internship program
29 described under subsection (4) (e) of this section.

30 (c) "Small farm" means a farm:

31 (i) Organized as a sole proprietorship, partnership, or
32 corporation;

33 (ii) That reports on the applicant's schedule F of form 1040 or
34 other applicable form filed with the United States internal revenue
35 service annual sales less than (~~two hundred fifty thousand dollars~~)
36 \$65,000; and

37 (iii) Where all the owners or partners of the farm provide
38 regular labor to and participate in the management of the farm, and
39 own or lease the productive assets of the farm.

1 (12) The department shall monitor and evaluate the farm
2 internships authorized by this section and report to the appropriate
3 committees of the legislature by December 31, 2024. The report must
4 include, but not be limited to: The number of small farms that
5 applied for and received special certificates; the number of interns
6 employed as farm interns; the nature of the educational activities
7 provided to the farm interns; the wages and other remuneration paid
8 to farm interns; the number of and type of workers' compensation
9 claims for farm interns; the employment of farm interns following
10 farm internships; and other matters relevant to assessing farm
11 internships authorized in this section.

12 (~~(13) This section expires December 31, 2025.~~)

13 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of
15 the state government and its existing public institutions, and takes
16 effect immediately.

--- END ---