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HOUSE BILL 1906

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AS AMENDED BY THE SENATE

Passed Legislature - 2017 Regular Session

**State of Washington**                      **65th Legislature**                      **2017 Regular Session**

**By** Representatives Orcutt, Blake, McDonald, Pike, and Doglio

Read first time 02/02/17. Referred to Committee on Labor & Workplace Standards.

1            AN ACT Relating to the expansion of counties qualifying for the  
2 farm internship program, including certain southwest Washington  
3 counties; amending RCW 49.12.470; amending 2014 c 131 s 5  
4 (uncodified); and providing expiration dates.

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

6            **Sec. 1.** RCW 49.12.470 and 2014 c 131 s 1 are each amended to  
7 read as follows:

8            (1) The director shall establish a farm internship pilot project  
9 until December 1, 2017, for the employment of farm interns on small  
10 farms under special certificates at wages, if any, as authorized by  
11 the department and subject to such limitations as to time, number,  
12 proportion, and length of service as provided in this section and as  
13 prescribed by the department. The pilot project consists of the  
14 following counties: San Juan, Skagit, King, Whatcom, Kitsap, Pierce,  
15 Jefferson, Spokane, Yakima, Chelan, Grant, Island, Snohomish,  
16 Kittitas, Lincoln, (~~and~~) Thurston, Walla Walla, Clark, Cowlitz, and  
17 Lewis.

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

20            (3) A small farm must apply for a special certificate on a form  
21 made available by the director. The application must set forth: The

1 name of the farm and a description of the farm seeking the  
2 certificate; the type of work to be performed by a farm intern; a  
3 description of the internship program; the period of time for which  
4 the certificate is sought and the duration of an internship; the  
5 number of farm interns for which a special certificate is sought; the  
6 wages, if any, that will be paid to the farm intern; any room and  
7 board, stipends, and other remuneration the farm will provide to a  
8 farm intern; and the total number of workers employed by the farm.

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

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

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

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

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

22 (e) The farm demonstrates that the interns will perform work for  
23 the farm under an internship program that: (i) Provides a curriculum  
24 of learning modules and supervised participation in farm work  
25 activities designed to teach farm interns about farming practices and  
26 farm enterprises; (ii) is based on the bona fide curriculum of an  
27 educational or vocational institution; and (iii) is reasonably  
28 designed to provide the intern with vocational knowledge and skills  
29 about farming practices and enterprises. In assessing an internship  
30 program, the department may consult with relevant college and  
31 university departments and extension programs and state and local  
32 government agencies involved in the regulation or development of  
33 agriculture.

34 (5) A special certificate issued under this section must specify  
35 the terms and conditions under which it is issued, including: The  
36 name of the farm; the duration of the special certificate allowing  
37 the employment of farm interns and the duration of an internship; the  
38 total number of interns authorized under the special certificate; the  
39 authorized wage rate, if any; and any room and board, stipends, and  
40 other remuneration the farm will provide to the farm intern. A farm

1 worker may be paid at wages specified in the certificate only during  
2 the effective period of the certificate and for the duration of the  
3 internship.

4 (6) If the department denies an application for a special  
5 certificate, notice of denial must be mailed to the farm. The farm  
6 listed on the application may, within fifteen days after notice of  
7 such action has been mailed, file with the director a petition for  
8 review of the denial, setting forth grounds for seeking such a  
9 review. If reasonable grounds exist, the director or the director's  
10 authorized representative may grant such a review and, to the extent  
11 deemed appropriate, afford all interested persons an opportunity to  
12 be heard on such review.

13 (7) Before employing a farm intern, a farm must submit a  
14 statement on a form made available by the director stating that the  
15 farm understands: The requirements of the industrial welfare act,  
16 this chapter ((49.12-RCW)), that apply to farm interns; that the farm  
17 must pay workers' compensation premiums in the assigned intern risk  
18 class and must pay workers' compensation premiums for nonintern work  
19 hours in the applicable risk class; and that if the farm does not  
20 comply with subsection (8) of this section, the director may revoke  
21 the special certificate.

22 (8) The director may revoke a special certificate issued under  
23 this section if a farm fails to: Comply with the requirements of the  
24 industrial welfare act, this chapter ((49.12-RCW)), that apply to  
25 farm interns; pay workers' compensation premiums in the assigned  
26 intern risk class; or pay workers' compensation premiums in the  
27 applicable risk class for nonintern work hours.

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

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

34 (b) Explicitly state that the intern is not entitled to  
35 unemployment benefits or minimum wages for work and activities  
36 conducted pursuant to the internship program for the duration of the  
37 internship;

38 (c) Describe the responsibilities, expectations, and obligations  
39 of the intern and the farm, including the anticipated number of hours

1 of farm activities to be performed by and the anticipated number of  
2 hours of curriculum instruction provided to the intern per week;

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

5 (e) Describes any wages, room and board, stipends, and other  
6 remuneration the farm will provide to the farm intern.

7 (10) The department must limit the administrative costs of  
8 implementing the internship pilot program by relying on farm  
9 organizations and other stakeholders to perform outreach and inform  
10 the farm community of the program and by limiting employee travel to  
11 the investigation of allegations of noncompliance with program  
12 requirements.

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

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

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

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

21 (i) Organized as a sole proprietorship, partnership, or  
22 corporation;

23 (ii) That reports on the applicant's schedule F of form 1040 or  
24 other applicable form filed with the United States internal revenue  
25 service annual sales less than two hundred fifty thousand dollars;  
26 and

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

30 (12) The department shall monitor and evaluate the farm  
31 internships authorized by this section and report to the appropriate  
32 committees of the legislature by December 31, 2017. The report must  
33 include, but not be limited to: The number of small farms that  
34 applied for and received special certificates; the number of interns  
35 employed as farm interns; the nature of the educational activities  
36 provided to the farm interns; the wages and other remuneration paid  
37 to farm interns; the number of and type of workers' compensation  
38 claims for farm interns; the employment of farm interns following  
39 farm internships; and other matters relevant to assessing farm  
40 internships authorized in this section.

1        (13) This section expires December 31, 2019.

2        **Sec. 2.**    2014 c 131 s 5 (uncodified) is amended to read as  
3 follows:

4        This act expires December 31, (~~2017~~) 2019.

5        NEW SECTION.    **Sec. 3.**    2014 c 131 s 2 expires December 31, 2019.

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