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**SUBSTITUTE HOUSE BILL 2226**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Ortiz-Self, Berry, Gregerson, Ramel, Santos, Reeves, Reed, and Davis)

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

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 50.75  
7 RCW to read as follows:

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

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

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

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

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

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 50.38  
2    RCW to read as follows:

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

6        (2) At a minimum, the surveys must:

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

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

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

14        (3) The office must:

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

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

19        (i) 1,200 apple harvesters;

20        (ii) 200 pear harvesters;

21        (iii) 200 blueberry harvesters; and

22        (iv) 350 cherry harvesters.

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

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

28        (a) Information about the number of responses; and

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

32        NEW SECTION.    **Sec. 3.**    If any part of this act is found to be in  
33    conflict with federal requirements that are a prescribed condition to  
34    the allocation of federal funds to the state, the conflicting part of  
35    this act is inoperative solely to the extent of the conflict and with  
36    respect to the agencies directly affected, and this finding does not  
37    affect the operation of the remainder of this act in its application  
38    to the agencies concerned. Rules adopted under this act must meet

1 federal requirements that are a necessary condition to the receipt of  
2 federal funds by the state.

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