

with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

Passed the Senate March 22, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.

CHAPTER 69

[House Bill No. 104]

MINIMUM WAGE ACT—VOLUNTARY SERVICE

AN ACT Relating to the minimum wage act; amending section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.010; adding a new section to chapter 49.46 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.010 are each amended to read as follows:

As used in this chapter:

- (1) "Director" means the director of labor and industries;
- (2) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director under RCW 49.46.050;
- (3) "Employ" includes to suffer or to permit to work;
- (4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;
- (5) "Employee" includes any individual employed by an employer but shall not include:
 - (a) Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(b) Any individual employed in domestic service in or about a private home;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the director: PROVIDED HOWEVER, That such terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions);

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously: PROVIDED, That if such individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under RCW 41.24;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of such voluntary services: PROVIDED, That such voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government or publicly supported retirement system other than that provided under RCW 41.24;

~~((e))~~ (f) Any newspaper vendor or carrier;

~~((f))~~ (g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

*~~((g))~~ (h) Any individual engaged in forest protection and fire prevention activities;

~~((h))~~ (i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

~~((i))~~ (j) Any individual whose duties require that he reside or sleep at the place of his employment or who otherwise spends a substantial portion of his work time subject to call, and not engaged in the performance of active duties;

~~((j))~~ (k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution((-));

~~((k))~~ (l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature((-);

~~((l))~~ (m) All vessel operating crews of the Washington state ferries operated by the state highway commission((-);

~~((m))~~ (n) Any individual employed as a seaman on a vessel other than an American vessel.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

NEW SECTION. Sec. 2. There is added to chapter 49.46 RCW a new section to read as follows:

When an individual volunteers his or her labor to a state or local governmental body or agency and receives pursuant to a statute or policy or an ordinance or resolution adopted by or applicable to the state or local governmental body or agency reimbursement in lieu of compensation at a nominal rate for normally incurred expenses or receives a nominal amount of compensation per unit of voluntary service rendered such reimbursement or compensation shall not be deemed a salary for the rendering of services or for purposes of granting, affecting or adding to any qualification, entitlement or benefit rights under any state, local government or publicly supported retirement system other than that provided under RCW 41.24.

NEW SECTION. Sec. 3. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 13, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.

CHAPTER 70

[Substitute House Bill No. 27]

OFFICE OF SMALL BUSINESS

AN ACT Relating to small businesses; amending section 43.31.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 221, Laws of 1967 and RCW 43.31.040; adding new sections to chapter 43.31 RCW; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 43.31 RCW a new section to read as follows:

The legislature finds that the small businesses in the state of Washington are essential to the well-being of the state's economy and that these businesses have unique needs and problems that must be dealt with to insure a healthy economy for all of the citizens of the state. The legislature further understands that small businesses represent a majority of the businesses in this state and that it is very important that these small businesses be conserved as they provide jobs for nearly one-half of Washington's workers, insure essential economic competition, and broaden the industrial base of Washington industries.

NEW SECTION. Sec. 2. There is added to chapter 43.31 RCW a new section to read as follows:

Unless the context clearly requires otherwise the definitions in this section shall apply throughout sections 1 through 5 of this 1977 amendatory act.