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HOUSE BILL 2408

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State of Washington

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By Representatives Johnson, Eddy, Rivers, Hinkle, Clibborn, Wilcox, Angel, Asay, Dickerson, Dammeier, Walsh, Taylor, Ross, Fagan, Chandler, Armstrong, Warnick, Morris, Blake, Takko, Haler, Hurst, Springer, and Parker

Read first time 01/13/12. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to options for addressing seasonal shortages of  
2 labor in agriculture; amending RCW 28A.150.220, 28B.12.060, 28B.12.060,  
3 72.65.100, 72.09.280, 50.62.030, 43.70.335, 43.70.340, 70.114A.081, and  
4 47.66.100; reenacting and amending RCW 72.09.100; adding a new section  
5 to chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW;  
6 adding a new section to chapter 28A.305 RCW; creating a new section;  
7 providing an effective date; providing an expiration date; and  
8 declaring an emergency.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that agriculture is a  
11 cornerstone of Washington's economy, and that the long-term viability  
12 of the state's agricultural economy must be protected. The legislature  
13 also finds that there are seasonal shortages of labor in agriculture  
14 from time to time, and that these shortages have a significant adverse  
15 impact on Washington's berry and tree fruit sectors. The legislature  
16 intends to provide options for addressing seasonal shortages of labor  
17 in agriculture, including strategies for assisting certain persons to  
18 work in agriculture and mechanisms for meeting the housing and  
19 transportation needs of such workers.

1           **Sec. 2.** RCW 28A.150.220 and 2011 1st sp.s. c 27 s 1 are each  
2 amended to read as follows:

3           (1) In order for students to have the opportunity to develop the  
4 basic education knowledge and skills under RCW 28A.150.210, school  
5 districts must provide instruction of sufficient quantity and quality  
6 and give students the opportunity to complete graduation requirements  
7 that are intended to prepare them for postsecondary education, gainful  
8 employment, and citizenship. The program established under this  
9 section shall be the minimum instructional program of basic education  
10 offered by school districts.

11           (2) Each school district shall make available to students the  
12 following minimum instructional offering each school year:

13           (a) For students enrolled in grades one through twelve, at least a  
14 district-wide annual average of one thousand hours, which shall be  
15 increased to at least one thousand eighty instructional hours for  
16 students enrolled in each of grades seven through twelve and at least  
17 one thousand instructional hours for students in each of grades one  
18 through six according to an implementation schedule adopted by the  
19 legislature, but not before the 2014-15 school year; and

20           (b) For students enrolled in kindergarten, at least four hundred  
21 fifty instructional hours, which shall be increased to at least one  
22 thousand instructional hours according to the implementation schedule  
23 under RCW 28A.150.315.

24           (3) The instructional program of basic education provided by each  
25 school district shall include:

26           (a) Instruction in the essential academic learning requirements  
27 under RCW 28A.655.070;

28           (b) Instruction that provides students the opportunity to complete  
29 twenty-four credits for high school graduation, subject to a phased-in  
30 implementation of the twenty-four credits as established by the  
31 legislature. Course distribution requirements may be established by  
32 the state board of education under RCW 28A.230.090;

33           (c) If the essential academic learning requirements include a  
34 requirement of languages other than English, the requirement may be met  
35 by students receiving instruction in one or more American Indian  
36 languages;

37           (d) Supplemental instruction and services for underachieving

1 students through the learning assistance program under RCW 28A.165.005  
2 through 28A.165.065;

3 (e) Supplemental instruction and services for eligible and enrolled  
4 students whose primary language is other than English through the  
5 transitional bilingual instruction program under RCW 28A.180.010  
6 through 28A.180.080;

7 (f) The opportunity for an appropriate education at public expense  
8 as defined by RCW 28A.155.020 for all eligible students with  
9 disabilities as defined in RCW 28A.155.020; and

10 (g) Programs for highly capable students under RCW 28A.185.010  
11 through 28A.185.030.

12 (4) Nothing contained in this section shall be construed to require  
13 individual students to attend school for any particular number of hours  
14 per day or to take any particular courses.

15 (5) Each school district's kindergarten through twelfth grade basic  
16 educational program shall be accessible to all students who are five  
17 years of age, as provided by RCW 28A.225.160, and less than twenty-one  
18 years of age and shall consist of a minimum of one hundred eighty  
19 school days per school year in such grades as are conducted by a school  
20 district, and one hundred eighty half-days of instruction, or  
21 equivalent, in kindergarten, to be increased to a minimum of one  
22 hundred eighty school days per school year according to the  
23 implementation schedule under RCW 28A.150.315. However, effective May  
24 1, 1979, a school district may schedule the last five school days of  
25 the one hundred and eighty day school year for noninstructional  
26 purposes in the case of students who are graduating from high school,  
27 including, but not limited to, the observance of graduation and early  
28 release from school upon the request of a student, and all such  
29 students may be claimed as a full-time equivalent student to the extent  
30 they could otherwise have been so claimed for the purposes of RCW  
31 28A.150.250 and 28A.150.260.

32 (6) Nothing in this section precludes a school district from  
33 adopting a school calendar of one hundred eighty school days that  
34 includes breaks to accommodate participation or employment in  
35 agricultural activities, including the harvesting of farm or nursery  
36 products and related activities.

37 (7) Nothing in this section precludes a school district from  
38 enriching the instructional program of basic education, such as

1 offering additional instruction or providing additional services,  
2 programs, or activities that the school district determines to be  
3 appropriate for the education of the school district's students.

4 ~~((7))~~ (8) The state board of education shall adopt rules to  
5 implement and ensure compliance with the program requirements imposed  
6 by this section, RCW 28A.150.250 and 28A.150.260, and such related  
7 supplemental program approval requirements as the state board may  
8 establish.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW  
10 to read as follows:

11 Nothing in this section precludes an institution of higher  
12 education from adopting an academic calendar that includes breaks to  
13 accommodate participation or employment in agricultural activities,  
14 including the harvesting of farm or nursery products and related  
15 activities.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.50 RCW  
17 to read as follows:

18 Nothing in this section precludes a community or technical college  
19 from adopting an academic calendar that includes breaks to accommodate  
20 participation or employment in agricultural activities, including the  
21 harvesting of farm or nursery products and related activities.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.305  
23 RCW to read as follows:

24 (1) In addition to waivers authorized under RCW 28A.305.140,  
25 28A.305.141, and 28A.655.180, the state board of education may grant  
26 waivers from the requirement for a one hundred eighty day school year  
27 under RCW 28A.150.220 to school districts that propose to operate one  
28 or more schools on a flexible calendar for purposes of accommodating  
29 participation or employment in agricultural activities, including the  
30 harvesting of farm or nursery products and related activities. The  
31 requirement under RCW 28A.150.220 that school districts offer an annual  
32 average instructional hour offering of at least one thousand hours  
33 shall not be waived.

34 (2) A school district seeking a waiver under this section must  
35 submit an application that includes:

1 (a) A proposed calendar for the school day and school year that  
2 demonstrates how the instructional hour requirement will be maintained;

3 (b) A description of the need to accommodate participation or  
4 employment in agricultural activities;

5 (c) A summary of comments received at one or more public hearings  
6 on the proposal and how concerns will be addressed; and

7 (d) Other information that the state board of education may request  
8 to assure that the proposed flexible calendar will not adversely affect  
9 student learning.

10 (3) The state board of education shall adopt criteria to evaluate  
11 waiver requests. Waivers may be granted for up to three years. After  
12 each school year, the state board of education shall analyze empirical  
13 evidence to determine whether the reduction is affecting student  
14 learning. If the state board of education determines that student  
15 learning is adversely affected, the school district shall discontinue  
16 the flexible calendar as soon as possible but not later than the  
17 beginning of the next school year after the determination has been  
18 made.

19 **Sec. 6.** RCW 28B.12.060 and 2009 c 172 s 1 are each amended to read  
20 as follows:

21 The higher education coordinating board shall adopt rules as may be  
22 necessary or appropriate for effecting the provisions of this chapter,  
23 and not in conflict with this chapter, in accordance with the  
24 provisions of chapter 34.05 RCW, the state higher education  
25 administrative procedure act. Such rules shall include provisions  
26 designed to make employment under the work-study program reasonably  
27 available, to the extent of available funds, to all eligible needy  
28 students in eligible postsecondary institutions. The rules shall  
29 include:

30 (1) Providing work under the state work-study program that will not  
31 result in the displacement of employed workers or impair existing  
32 contracts for services;

33 (2) Furnishing work only to a student who:

34 (a) Is capable, in the opinion of the eligible institution, of  
35 maintaining good standing in such course of study while employed under  
36 the program covered by the agreement; and

1 (b) Has been accepted for enrollment as at least a half-time  
2 student at the eligible institution or, in the case of a student  
3 already enrolled in and attending the eligible institution, is in good  
4 standing and in at least half-time attendance there either as an  
5 undergraduate, graduate or professional student; and

6 (c) Is not pursuing a degree in theology;

7 (3) Placing priority on providing:

8 (a) Work opportunities for students who are residents of the state  
9 of Washington as defined in RCW 28B.15.012 and 28B.15.013, particularly  
10 former foster youth as defined in RCW 28B.92.060;

11 (b) Job placements in fields related to each student's academic or  
12 vocational pursuits, with an emphasis on off-campus job placements  
13 whenever appropriate; and

14 (c) Off-campus community service placements;

15 (4) To the extent practicable, limiting the proportion of state  
16 subsidy expended upon nonresident students to fifteen percent, or such  
17 less amount as specified in the biennial appropriations act;

18 (5) Provisions to assure that in the state institutions of higher  
19 education, utilization of this work-study program:

20 (a) Shall only supplement and not supplant classified positions  
21 under jurisdiction of chapter 41.06 RCW;

22 (b) That all positions established which are comparable shall be  
23 identified to a job classification under the director of personnel's  
24 classification plan and shall receive equal compensation;

25 (c) Shall not take place in any manner that would replace  
26 classified positions reduced due to lack of funds or work; and

27 (d) That work study positions shall only be established at entry  
28 level positions of the classified service unless the overall scope and  
29 responsibilities of the position indicate a higher level; (~~and~~))

30 (6) Provisions to encourage job placements in high employer demand  
31 occupations that meet Washington's economic development goals,  
32 including those in international trade and international relations.  
33 The board shall permit appropriate job placements in other states and  
34 other countries; and

35 (7) Provisions to encourage job placements in agricultural  
36 activities, including the harvesting of farm or nursery products and  
37 related activities.

1       **Sec. 7.** RCW 28B.12.060 and 2011 1st sp.s. c 11 s 146 are each  
2 amended to read as follows:

3       The office of student financial assistance shall adopt rules as may  
4 be necessary or appropriate for effecting the provisions of this  
5 chapter, and not in conflict with this chapter, in accordance with the  
6 provisions of chapter 34.05 RCW, the administrative procedure act.  
7 Such rules shall include provisions designed to make employment under  
8 the work-study program reasonably available, to the extent of available  
9 funds, to all eligible needy students in eligible postsecondary  
10 institutions. The rules shall include:

11       (1) Providing work under the state work-study program that will not  
12 result in the displacement of employed workers or impair existing  
13 contracts for services;

14       (2) Furnishing work only to a student who:

15       (a) Is capable, in the opinion of the eligible institution, of  
16 maintaining good standing in such course of study while employed under  
17 the program covered by the agreement; and

18       (b) Has been accepted for enrollment as at least a half-time  
19 student at the eligible institution or, in the case of a student  
20 already enrolled in and attending the eligible institution, is in good  
21 standing and in at least half-time attendance there either as an  
22 undergraduate, graduate or professional student; and

23       (c) Is not pursuing a degree in theology;

24       (3) Placing priority on providing:

25       (a) Work opportunities for students who are residents of the state  
26 of Washington as defined in RCW 28B.15.012 and 28B.15.013, particularly  
27 former foster youth as defined in RCW 28B.92.060;

28       (b) Job placements in fields related to each student's academic or  
29 vocational pursuits, with an emphasis on off-campus job placements  
30 whenever appropriate; and

31       (c) Off-campus community service placements;

32       (4) To the extent practicable, limiting the proportion of state  
33 subsidy expended upon nonresident students to fifteen percent, or such  
34 less amount as specified in the biennial appropriations act;

35       (5) Provisions to assure that in the state institutions of higher  
36 education, utilization of this work-study program:

37       (a) Shall only supplement and not supplant classified positions  
38 under jurisdiction of chapter 41.06 RCW;

1 (b) That all positions established which are comparable shall be  
2 identified to a job classification under the director of personnel's  
3 classification plan and shall receive equal compensation;

4 (c) Shall not take place in any manner that would replace  
5 classified positions reduced due to lack of funds or work; and

6 (d) That work study positions shall only be established at entry  
7 level positions of the classified service unless the overall scope and  
8 responsibilities of the position indicate a higher level; (~~and~~)

9 (6) Provisions to encourage job placements in high employer demand  
10 occupations that meet Washington's economic development goals,  
11 including those in international trade and international relations.  
12 The office shall permit appropriate job placements in other states and  
13 other countries; and

14 (7) Provisions to encourage job placements in agricultural  
15 activities, including the harvesting of farm or nursery products and  
16 related activities.

17 **Sec. 8.** RCW 72.09.100 and 2011 1st sp.s. c 21 s 37 and 2011 c 100  
18 s 1 are each reenacted and amended to read as follows:

19 It is the intent of the legislature to vest in the department the  
20 power to provide for a comprehensive inmate work program and to remove  
21 statutory and other restrictions which have limited work programs in  
22 the past. It is also the intent of the legislature to ensure that the  
23 department, in developing and selecting correctional industries work  
24 programs, does not encourage the development of, or provide for  
25 selection of or contracting for, or the significant expansion of, any  
26 new or existing class I correctional industries work programs that  
27 unfairly compete with Washington businesses. The legislature intends  
28 that the requirements relating to fair competition in the correctional  
29 industries work programs be liberally construed by the department to  
30 protect Washington businesses from unfair competition. For purposes of  
31 establishing such a comprehensive program, the legislature recommends  
32 that the department consider adopting any or all, or any variation of,  
33 the following classes of work programs:

34 (1) CLASS I: FREE VENTURE INDUSTRIES.

35 (a) The employer model industries in this class shall be operated  
36 and managed in total or in part by any profit or nonprofit organization  
37 pursuant to an agreement between the organization and the department.



1 The organization shall produce goods or services for sale to both the  
2 public and private sector, and may be engaged in agricultural  
3 activities, such as the harvesting of farm or nursery products and  
4 related activities.

5 (b) The customer model industries in this class shall be operated  
6 and managed by the department to provide Washington state manufacturers  
7 or businesses with products or services currently produced or provided  
8 by out-of-state or foreign suppliers.

9 (c) The department shall review these proposed industries,  
10 including any potential new class I industries work program or the  
11 significant expansion of an existing class I industries work program,  
12 before the department contracts to provide such products or services.  
13 The review shall include the analysis required under RCW 72.09.115 to  
14 determine if the proposed correctional industries work program will  
15 compete with any Washington business. An agreement for a new class I  
16 correctional industries work program, or an agreement for a significant  
17 expansion of an existing class I correctional industries work program,  
18 that unfairly competes with any Washington business is prohibited.

19 (d) The department shall supply appropriate security and custody  
20 services without charge to the participating firms.

21 (e) Inmates who work in free venture industries shall do so at  
22 their own choice. They shall be paid a wage comparable to the wage  
23 paid for work of a similar nature in the locality in which the industry  
24 is located, as determined by the director of correctional industries.  
25 If the director cannot reasonably determine the comparable wage, then  
26 the pay shall not be less than the federal minimum wage.

27 (f) An inmate who is employed in the class I program of  
28 correctional industries shall not be eligible for unemployment  
29 compensation benefits pursuant to any of the provisions of Title 50 RCW  
30 until released on parole or discharged.

31 (2) CLASS II: TAX REDUCTION INDUSTRIES.

32 (a) Industries in this class shall be state-owned and operated  
33 enterprises designed primarily to reduce the costs for goods and  
34 services for tax-supported agencies and for nonprofit organizations.

35 (b)(i) The industries selected for development within this class  
36 shall, as much as possible, match the available pool of inmate work  
37 skills and aptitudes with the work opportunities in the free community.

1 The industries shall be closely patterned after private sector  
2 industries but with the objective of reducing public support costs  
3 rather than making a profit.

4 (ii) The products and services of this industry, including  
5 purchased products and services necessary for a complete product line,  
6 may be sold to the following:

7 (A) Public agencies;

8 (B) Nonprofit organizations;

9 (C) Private contractors when the goods purchased will be ultimately  
10 used by a public agency or a nonprofit organization;

11 (D) An employee and immediate family members of an employee of the  
12 department;

13 (E) A person under the supervision of the department and his or her  
14 immediate family members; and

15 (F) A licensed health professional for the sole purpose of  
16 providing eyeglasses to enrollees of the state medical program at no  
17 more than the health professional's cost of acquisition.

18 (iii) The department shall authorize the type and quantity of items  
19 that may be purchased and sold under (b)(ii)(D) and (E) of this  
20 subsection.

21 (iv) It is prohibited to purchase any item purchased under  
22 (b)(ii)(D) and (E) of this subsection for the purpose of resale.

23 (v) Clothing manufactured by an industry in this class may be  
24 donated to nonprofit organizations that provide clothing free of charge  
25 to low-income persons.

26 (c)(i) Class II correctional industries products and services shall  
27 be reviewed by the department before offering such products and  
28 services for sale to private contractors.

29 (ii) The secretary shall conduct a yearly marketing review of the  
30 products and services offered under this subsection. Such review shall  
31 include an analysis of the potential impact of the proposed products  
32 and services on the Washington state business community. To avoid  
33 waste or spoilage and consequent loss to the state, when there is no  
34 public sector market for such goods, by-products and surpluses of  
35 timber, agricultural, and animal husbandry enterprises may be sold to  
36 private persons, at private sale. Surplus by-products and surpluses of  
37 timber, agricultural and animal husbandry enterprises that cannot be

1 sold to public agencies or to private persons may be donated to  
2 nonprofit organizations. All sales of surplus products shall be  
3 carried out in accordance with rules prescribed by the secretary.

4 (d) Security and custody services shall be provided without charge  
5 by the department.

6 (e) Inmates working in this class of industries shall do so at  
7 their own choice and shall be paid for their work on a gratuity scale  
8 which shall not exceed the wage paid for work of a similar nature in  
9 the locality in which the industry is located and which is approved by  
10 the director of correctional industries.

11 (f) Provisions of RCW 41.06.142 shall not apply to contracts with  
12 Washington state businesses entered into by the department through  
13 class II industries.

14 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

15 (a) Industries in this class shall be operated by the department.  
16 They shall be designed and managed to accomplish the following  
17 objectives:

18 (i) Whenever possible, to provide basic work training and  
19 experience so that the inmate will be able to qualify for better work  
20 both within correctional industries and the free community. It is not  
21 intended that an inmate's work within this class of industries should  
22 be his or her final and total work experience as an inmate.

23 (ii) Whenever possible, to provide forty hours of work or work  
24 training per week.

25 (iii) Whenever possible, to offset tax and other public support  
26 costs.

27 (b) Class III correctional industries shall be reviewed by the  
28 department to set policy for work crews. The department shall prepare  
29 quarterly detail statements showing where work crews worked, what  
30 correctional industry class, and the hours worked.

31 (c) Supervising, management, and custody staff shall be employees  
32 of the department.

33 (d) All able and eligible inmates who are assigned work and who are  
34 not working in other classes of industries shall work in this class.

35 (e) Except for inmates who work in work training programs, inmates  
36 in this class shall be paid for their work in accordance with an inmate  
37 gratuity scale. The scale shall be adopted by the secretary of  
38 corrections.

1 (4) CLASS IV: COMMUNITY WORK INDUSTRIES.

2 (a) Industries in this class shall be operated by the department.  
3 They shall be designed and managed to provide services in the inmate's  
4 resident community at a reduced cost. The services shall be provided  
5 to public agencies, to persons who are poor or infirm, or to nonprofit  
6 organizations.

7 (b) Class IV correctional industries shall be reviewed by the  
8 department to set policy for work crews. The department shall prepare  
9 quarterly detail statements showing where work crews worked, what  
10 correctional industry class, and the hours worked. Class IV  
11 correctional industries operated in work camps established pursuant to  
12 RCW 72.64.050 are exempt from the requirements of this subsection  
13 (4)(b).

14 (c) Inmates in this program shall reside in facilities owned by,  
15 contracted for, or licensed by the department. A unit of local  
16 government shall provide work supervision services without charge to  
17 the state and shall pay the inmate's wage.

18 (d) The department shall reimburse participating units of local  
19 government for liability and workers compensation insurance costs.

20 (e) Inmates who work in this class of industries shall do so at  
21 their own choice and shall receive a gratuity which shall not exceed  
22 the wage paid for work of a similar nature in the locality in which the  
23 industry is located.

24 (5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

25 (a) Programs in this class shall be subject to supervision by the  
26 department. The purpose of this class of industries is to enable an  
27 inmate, placed on community supervision, to work off all or part of a  
28 community restitution order as ordered by the sentencing court.

29 (b) Employment shall be in a community restitution program operated  
30 by the state, local units of government, or a nonprofit agency.

31 (c) To the extent that funds are specifically made available for  
32 such purposes, the department shall reimburse nonprofit agencies for  
33 workers compensation insurance costs.

34 **Sec. 9.** RCW 72.65.100 and 1986 c 125 s 7 are each amended to read  
35 as follows:

36 The secretary is authorized to make rules and regulations for the

1 administration of the provisions of this chapter to administer the work  
2 release program. In addition, the department shall:

3 (1) Supervise and consult with work release participants;

4 (2) Locate available employment or vocational training  
5 opportunities for qualified work release participants. Employment  
6 opportunities for work release participants may include work in  
7 agricultural activities, such as the harvesting of farm or nursery  
8 products and related activities;

9 (3) Effect placement of work release participants under the  
10 program;

11 (4) Collect, account for and make disbursement from earnings of  
12 work release participants under the provisions of this chapter,  
13 including accounting for all inmate debt in the community services  
14 revolving fund. RCW 9.95.370 applies to inmates assigned to  
15 work/training release facilities who receive assistance as provided in  
16 RCW 9.95.310, 9.95.320, 72.65.050, and 72.65.090;

17 (5) Promote public understanding and acceptance of the work release  
18 program.

19 All state agencies shall cooperate with the department in the  
20 administration of the work release program as provided by this chapter.

21 **Sec. 10.** RCW 72.09.280 and 2007 c 483 s 302 are each amended to  
22 read as follows:

23 (1) The department shall continue to establish community justice  
24 centers throughout the state for the purpose of providing comprehensive  
25 services and monitoring for offenders who are reentering the community.

26 (2) For the purposes of this chapter, "community justice center" is  
27 defined as a nonresidential facility staffed primarily by the  
28 department in which recently released offenders may access services  
29 necessary to improve their successful reentry into the community. Such  
30 services may include but are not limited to, those listed in the  
31 individual reentry plan, mental health, chemical dependency, sex  
32 offender treatment, anger management, parenting education, financial  
33 literacy, housing assistance, and employment assistance.

34 (3) At a minimum, the community justice center shall include:

35 (a) A violator program to allow the department to utilize a range  
36 of available sanctions for offenders who violate conditions of their  
37 supervision;

1 (b) An employment opportunity program to assist an offender in  
2 finding employment, which may include work in agricultural activities,  
3 such as the harvesting of farm or nursery products and related  
4 activities; and

5 (c) Resources for connecting offenders with services such as  
6 treatment, transportation, training, family reunification, and  
7 community services.

8 (4) In addition to any other programs or services offered by a  
9 community justice center, the department shall designate a transition  
10 coordinator to facilitate connections between the former offender and  
11 the community. The department may designate transition coordination  
12 services to be provided by a community transition coordination network  
13 pursuant to RCW 72.78.030 if one has been established in the community  
14 where the community justice center is located and the department has  
15 entered into a memorandum of understanding with the county to share  
16 resources.

17 (5) The transition coordinator shall provide information to former  
18 offenders regarding services available to them in the community  
19 regardless of the length of time since the offender's release from the  
20 correctional facility. The transition coordinator shall, at a minimum,  
21 be responsible for the following:

22 (a) Gathering and maintaining information regarding services  
23 currently existing within the community that are available to offenders  
24 including, but not limited to:

25 (i) Programs offered through the department of social and health  
26 services, the department of health, the department of licensing,  
27 housing authorities, local community and technical colleges, other  
28 state or federal entities which provide public benefits, and nonprofit  
29 entities;

30 (ii) Services such as housing assistance, employment assistance,  
31 education, vocational training, parent education, financial literacy,  
32 treatment for substance abuse, mental health, anger management, and any  
33 other service or program that will assist the former offender to  
34 successfully transition into the community;

35 (b) Coordinating access to the existing services with the community  
36 providers and provide offenders with information regarding how to  
37 access the various type of services and resources that are available in  
38 the community.

1 (6)(a) A minimum of six community justice centers shall be  
2 operational by December 1, 2009. The six community justice centers  
3 include those in operation on July 22, 2007.

4 (b) By December 1, 2011, the department shall establish a minimum  
5 of three additional community justice centers within the state.

6 (7) In locating new centers, the department shall:

7 (a) Give priority to the counties with the largest population of  
8 offenders who were under the jurisdiction of the department of  
9 corrections and that do not already have a community justice center;

10 (b) Ensure that at least two centers are operational in eastern  
11 Washington; and

12 (c) Comply with RCW 72.09.290 and all applicable zoning laws and  
13 regulations.

14 (8) Before beginning the siting or opening of the new community  
15 justice center, the department shall:

16 (a) Notify the city, if applicable, and the county within which the  
17 community justice center is proposed. Such notice shall occur at least  
18 sixty days prior to selecting a specific location to provide the  
19 services listed in this section;

20 (b) Consult with the community providers listed in subsection (5)  
21 of this section to determine if they have the capacity to provide  
22 services to offenders through the community justice center; and

23 (c) Give due consideration to all comments received in response to  
24 the notice of the start of site selection and consultation with  
25 community providers.

26 (9) The department shall make efforts to enter into memoranda of  
27 understanding or agreements with the local community policing and  
28 supervision programs as defined in RCW 72.78.010 in which the community  
29 justice center is located to address:

30 (a) Efficiencies that may be gained by sharing space or resources  
31 in the provision of reentry services to offenders, including services  
32 provided through a community transition coordination network  
33 established pursuant to RCW 72.78.030 if a network has been established  
34 in the county;

35 (b) Mechanisms for communication of information about offenders,  
36 including the feasibility of shared access to databases;

37 (c) Partnerships to establish neighborhood corrections initiatives

1 between the department of corrections and local police to supervise  
2 offenders.

3 (i) A neighborhood corrections initiative includes shared  
4 mechanisms to facilitate supervision of offenders which may include  
5 activities such as joint emphasis patrols to monitor high-risk  
6 offenders, service of bench and secretary warrants and detainers, joint  
7 field visits, connecting offenders with services, and, where  
8 appropriate, directing offenders into sanction alternatives in lieu of  
9 incarceration.

10 (ii) The agreement must address:

11 (A) The roles and responsibilities of police officers and  
12 corrections staff participating in the partnership; and

13 (B) The amount of corrections staff and police officer time that  
14 will be dedicated to partnership efforts.

15 **Sec. 11.** RCW 50.62.030 and 1995 c 135 s 4 are each amended to read  
16 as follows:

17 Job service resources shall be used to assist with the reemployment  
18 of unemployed workers using the most efficient and effective means of  
19 service delivery. The job service program of the employment security  
20 department may undertake any program or activity for which funds are  
21 available and which furthers the goals of this chapter. These programs  
22 and activities shall include, but are not limited to:

23 (1) Giving older unemployed workers and the long-term unemployed  
24 the highest priority for all services made available under this  
25 section. The employment security department shall make the services  
26 provided under this chapter available to the older unemployed workers  
27 and the long-term unemployed as soon as they register under the  
28 employment assistance program;

29 (2) Supplementing basic employment services, with special job  
30 search and claimant placement assistance designed to assist  
31 unemployment insurance claimants to obtain employment;

32 (3) Providing employment services, such as recruitment, screening,  
33 and referral of qualified workers, including refugees and asylees, to  
34 agricultural areas where these services have in the past contributed to  
35 positive economic conditions for the agricultural industry; and

36 (4) Providing otherwise unobtainable information and analysis to



1 the legislature and program managers about issues related to employment  
2 and unemployment.

3 **Sec. 12.** RCW 43.70.335 and 1999 c 374 s 10 are each amended to  
4 read as follows:

5 (1) Any person providing temporary worker housing consisting of  
6 five or more dwelling units, or any combination of dwelling units,  
7 dormitories, or spaces that house ten or more occupants, or any person  
8 providing temporary worker housing who makes the election to comply  
9 with the temporary worker building code under RCW 70.114A.081(1)(~~(g)~~)  
10 (h), shall secure an (~~annual~~) operating license prior to occupancy  
11 and shall pay a fee according to RCW 43.70.340. The term of all  
12 licenses issued on or after July 23, 2011, shall be at least two years,  
13 and shall be established, by rule, by the department. The license  
14 shall be conspicuously displayed on site.

15 (2) Licenses issued under this chapter may be suspended or revoked  
16 upon the failure or refusal of the person providing temporary worker  
17 housing to comply with rules adopted under this section or chapter  
18 70.114A RCW by the department. All such proceedings shall be governed  
19 by the provisions of chapter 34.05 RCW.

20 (3) The department may assess a civil fine in accordance with RCW  
21 43.70.095 for failure or refusal to obtain a license prior to occupancy  
22 of temporary worker housing. The department may refund all or part of  
23 the civil fine collected once the operator obtains a valid operating  
24 license.

25 (4) Civil fines under this section shall not exceed twice the cost  
26 of the license plus the cost of the initial on-site inspection for the  
27 first violation of this section, and shall not exceed ten times the  
28 cost of the license plus the cost of the initial on-site inspection for  
29 second and subsequent violations within any five-year period. The  
30 department may adopt rules as necessary to assure compliance with this  
31 section.

32 **Sec. 13.** RCW 43.70.340 and 1998 c 37 s 7 are each amended to read  
33 as follows:

34 (1) The temporary worker housing fund is established in the custody  
35 of the state treasury. The department shall deposit all funds received  
36 under subsections (2) and (3) of this section and from the legislature

1 to administer a temporary worker housing permitting, licensing, and  
2 inspection program conducted by the department. Disbursement from the  
3 fund shall be on authorization of the secretary of health or the  
4 secretary's designee. The fund is subject to the allotment procedure  
5 provided under chapter 43.88 RCW, but no appropriation is required for  
6 disbursements.

7 (2) There is imposed a fee on each operating license issued by the  
8 department to every operator of temporary worker housing that is  
9 regulated by the state board of health. In establishing the fee to be  
10 paid under this subsection the department shall consider the cost of  
11 administering a license as well as enforcing applicable state board of  
12 health rules on temporary worker housing.

13 (3) There is imposed a fee on each temporary worker housing  
14 building permit issued by the department to every operator of temporary  
15 worker housing as required by RCW 43.70.337. The fee shall include the  
16 cost of administering a permit as well as enforcing the department's  
17 temporary worker building code as adopted under RCW 70.114A.081.

18 (4) The department shall conduct a fee study for:

19 (a) A temporary worker housing operator's license;

20 (b) On-site inspections; and

21 (c) A plan review and building permit for new construction.

22 After completion of the study, the department shall adopt these  
23 fees by rule by no later than December 31, 1998.

24 (5) The ~~((term of the operating license and the))~~ application  
25 procedures shall be established, by rule, by the department.

26 (6) During the 2011-2013 and 2013-2015 fiscal biennia, the  
27 department may not raise fees related to regulation and inspection of  
28 farmworker housing.

29 **Sec. 14.** RCW 70.114A.081 and 1999 c 374 s 8 are each amended to  
30 read as follows:

31 (1) The department shall adopt by rule a temporary worker building  
32 code in conformance with the temporary worker housing standards  
33 developed under the Washington industrial safety and health act,  
34 chapter 49.17 RCW, and the following guidelines:

35 (a) The temporary worker building code shall provide construction  
36 standards for shelter and associated facilities that are safe, secure,

1 and capable of withstanding the stresses and loads associated with  
2 their designated use, and to which they are likely to be subjected by  
3 the elements;

4 (b) The temporary worker building code shall permit and facilitate  
5 designs and formats that allow for maximum affordability and  
6 flexibility, consistent with the provision of decent, safe, and  
7 sanitary housing;

8 (c) The temporary worker building code shall permit and encourage  
9 multiple uses of structures, footings, and foundations, and shall also  
10 permit all concrete footings and concrete foundations used for cherry  
11 tents to also be used for other types of temporary housing, such as  
12 mobile units;

13 (d) In developing the temporary worker building code the department  
14 of health shall consider:

15 (i) The need for dormitory type housing for groups of unrelated  
16 individuals; and

17 (ii) The need for housing to accommodate families;

18 (~~(d)~~) (e) The temporary worker building code shall incorporate  
19 the opportunity for the use of construction alternatives and the use of  
20 new technologies that meet the performance standards required by law;

21 (~~(e)~~) (f) The temporary worker building code shall include  
22 standards for heating and insulation appropriate to the type of  
23 structure and length and season of occupancy;

24 (~~(f)~~) (g) The temporary worker building code shall include  
25 standards for temporary worker housing that are to be used only during  
26 periods when no auxiliary heat is required; and

27 (~~(g)~~) (h) The temporary worker building code shall provide that  
28 persons operating temporary worker housing consisting of four or fewer  
29 dwelling units or combinations of dwelling units, dormitories, or  
30 spaces that house nine or fewer occupants may elect to comply with the  
31 provisions of the temporary worker building code, and that unless the  
32 election is made, such housing is subject to the codes adopted under  
33 RCW 19.27.031.

34 (2) In adopting the temporary worker building code, the department  
35 shall make exceptions to the codes listed in RCW 19.27.031 and chapter  
36 19.27A RCW, in keeping with the guidelines set forth in this section.  
37 The initial temporary worker building code adopted by the department

1 shall be substantially equivalent (~~with~~) to the temporary worker  
2 building code developed by the state building code council as directed  
3 by section 8, chapter 220, Laws of 1995.

4 (3) The temporary worker building code authorized and required by  
5 this section shall be enforced by the department.

6 The department shall have the authority to allow minor variations  
7 from the temporary worker building code that do not compromise the  
8 health or safety of workers. Procedures for requesting variations and  
9 guidelines for granting such requests shall be included in the rules  
10 adopted under this section.

11 **Sec. 15.** RCW 47.66.100 and 2011 c 272 s 2 are each amended to read  
12 as follows:

13 (1) The department shall establish a rural mobility grant program.  
14 The purpose of the grant program is to aid small cities and rural  
15 areas, as identified in the "Summary of Public Transportation - 2008"  
16 published by the department or subsequent versions published by the  
17 department. Of the money appropriated for the rural mobility grant  
18 program:

19 (a) Fifty percent (~~of the money appropriated for the rural~~  
20 ~~mobility grant program~~) must go to noncompetitive grants that must be  
21 distributed to the transit systems serving small cities and rural areas  
22 in a manner similar to past disparity equalization programs(~~(-)~~);

23 (b) (~~Fifty~~) No more than forty percent (~~of the money~~  
24 ~~appropriated for the rural mobility grant program~~) must go to  
25 competitive grants to providers of rural mobility service in areas not  
26 served or underserved by transit agencies; and

27 (c) At least ten percent must be used to provide agricultural  
28 workers with enhanced transit opportunities through the establishment  
29 of vanpool or other programs. Any vanpool program must, at a minimum,  
30 provide appropriate vehicles, insurance, and maintenance, and may  
31 charge an appropriate fee, as determined by the department, to the  
32 riders in a vanpool.

33 (2) The department may establish an advisory committee to carry out  
34 the mandates of this section.

35 (3) The department must report annually to the transportation  
36 committees of the legislature on the status of any grants projects  
37 funded by the program created under this section.

1       (~~(4) During the 2011-2013 fiscal biennium, the department shall,~~  
2 ~~with money appropriated for the competitive grants program under~~  
3 ~~subsection (1)(b) of this section, implement a pilot project to provide~~  
4 ~~agricultural workers with enhanced transit opportunities through the~~  
5 ~~establishment of one or more vanpool programs. The pilot project must,~~  
6 ~~at a minimum, provide appropriate vehicles, insurance, and maintenance,~~  
7 ~~and may charge an appropriate fee, as determined by the department, to~~  
8 ~~the riders in a vanpool.))~~

9       NEW SECTION.   **Sec. 16.**   Section 6 of this act expires July 1, 2012.

10       NEW SECTION.   **Sec. 17.**   Section 7 of this act takes effect July 1,  
11   2012.

12       NEW SECTION.   **Sec. 18.**   Sections 12 and 13 of this act are  
13   necessary for the immediate preservation of the public peace, health,  
14   or safety, or support of the state government and its existing public  
15   institutions, and take effect immediately.

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