

HOUSE BILL ANALYSIS

HB 2923

Brief Description: Ensuring that provisions governing occupational and professional activities apply to the inmate work program.

Sponsors: Representatives McMorris, Conway, Koster, Cole and Gombosky.

Hearing: February 2, 1998

BACKGROUND:

Correctional industries: The Washington State Department of Corrections (DOC) provides programs designed to avoid idleness and promote the work ethic and individual self improvement of adult felony offenders committed to its jurisdiction by the courts. The department's Division of Correctional Industries operates five classes of work programs that provide jobs, training, and work experience for inmates. In establishing inmate programs, the Legislature intends to remove statutory and other restrictions that have limited the programs in the past.

Public works: State law regulates contracting procedures for public works. Public works include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality. The prevailing wage law requires that employees on public works construction projects be paid the prevailing wage. The prevailing wage is the rate of hourly wage, usual benefits, and overtime paid in a locality to a majority of workers, laborers, or mechanics, in the same trade or occupation. The Department of Labor and Industries administers the prevailing wage law.

Contractor registration: The Department of Labor and Industries administers and enforces the contractor registration statute. Under the statute, general and speciality contractors are required to register with the department. A person wishing to do construction services must meet the requirements established by the statute relating to registration, bonding and insurance, and notification to customers. Penalties for violating the statute are established.

Regulation of professions and occupations: The Department of Licensing administers and enforces a regulatory program to license or certify individuals in several professional and occupational fields. Examples of these professions or occupations include, architect, esthetician, barber, landscape architect, manicurist, cosmetologist, and several other

occupations and professions.

Industrial safety and health: The Washington Industrial Safety and Health Act (WISHA) applies to most workplaces in Washington, including private and public workplaces. Under WISHA, an employer must comply with the safety and health rules adopted by the department, and is obligated to furnish all employees a workplace that is free from recognized hazards that cause, or are likely to cause serious injury or death to employees. This general duty to keep workplaces free from serious recognized hazards is referred to as the safe work place– requirement. The safe work place requirement applies even if the department has not adopted a specific rule to cover the particular facts of the violation.

SUMMARY OF BILL:

The legislature intends that laws governing public works, contractor registration, professional and occupational licensing, and industrial safety and health apply to inmate work programs and labor.

RULES AUTHORITY: The bill does not contain provisions addressing the rule making powers of an agency.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.