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**SUBSTITUTE SENATE BILL 6405**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** Senate Economic Development, Trade & Innovation (originally sponsored by Senators Hargrove and Frockt)

READ FIRST TIME 02/02/12.

1       AN ACT Relating to the Washington service corps; amending RCW  
2 50.65.010, 50.65.020, 50.65.030, 50.65.040, 50.65.050, 50.65.060,  
3 50.65.065, and 39.04.010; adding new sections to chapter 43.17 RCW;  
4 adding a new section to chapter 50.65 RCW; and creating a new section.

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

6       NEW SECTION.   **Sec. 1.** The legislature finds that during our  
7 nation's great depression public work relief programs, such as the  
8 civilian conservation corps, provided employment and training to  
9 thousands who had difficulty finding jobs and that the tradition of  
10 such programs has continued in Washington with the Washington service  
11 corps and the Washington conservation corps. The legislature  
12 recognizes this state's responsibility to foster employment  
13 opportunities during periods of high unemployment. The legislature  
14 declares it to be a policy of this state that a portion of  
15 appropriations for capital expenditures be allocated to minor public  
16 works performed by those persons unemployed in the state.

17       NEW SECTION.   **Sec. 2.** A new section is added to chapter 43.17 RCW  
18 to read as follows:

1 All state agencies including all state departments, boards,  
2 councils, commissions, and quasi-public corporations must allocate, as  
3 a nondeductible item, out of any moneys appropriated for the original  
4 construction of any public building, an amount of one-half of one  
5 percent of the appropriation to be expended by the Washington service  
6 corps for minor public works by the state's unemployed residents under  
7 this chapter.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.17 RCW  
9 to read as follows:

10 (1) The funds allocated under section 2 of this act are subject to  
11 interagency reimbursement for expenditure by the Washington service  
12 corps when the particular law providing for the appropriation becomes  
13 effective.

14 (2) The director of the Washington service corps must determine the  
15 amount to be made available for implementation of the job creation  
16 projects of the Washington service corps in consultation with the  
17 commissioner of the employment security department and payments  
18 therefor must be made in accordance with law. The designation of minor  
19 public works are the responsibility of the director.

20 **Sec. 4.** RCW 50.65.010 and 1987 c 167 s 1 are each amended to read  
21 as follows:

22 (1) The legislature finds that:

23 ~~((+1))~~ (a) The unemployment rate in the state of Washington is the  
24 highest since the great depression, with a significantly higher rate  
25 among Washington youth and those needing additional training.

26 ~~((+2))~~ (b) The policy of the state is to conserve and protect its  
27 natural and urban resources, scenic beauty, and historical and cultural  
28 sites.

29 ~~((+3))~~ (c) It is in the public interest to target employment  
30 projects to those activities which have the greatest benefit to the  
31 local economy.

32 ~~((+4))~~ (d) There are many unemployed ~~((young adults))~~ citizens  
33 without hope or opportunities for entrance into the labor force who are  
34 unable to afford higher education and who create a serious strain on  
35 tax revenues in community services.

1 ((+5)) (e) The severe cutbacks in community and human services  
2 funding leave many local community service agencies without the  
3 resources to provide necessary services to those in need.

4 ((+6)) (f) The talent and energy of Washington's unemployed  
5 (~~young adults~~) citizens are an untapped resource which should be  
6 challenged to meet the serious shortage in community services and  
7 promote and conserve the valuable resources of the state.

8 (2) Therefore, the legislature finds it necessary and in the public  
9 interest to enact the Washington ((youth)) public employment ((and  
10 ~~conservation~~)) act. As part of this chapter, the Washington service  
11 corps is established as an operating program of the employment security  
12 department. The legislature desires to facilitate the potential of  
13 youth and others needing training and employment to obtain available  
14 job opportunities in both public and private agencies.

15 **Sec. 5.** RCW 50.65.020 and 1987 c 167 s 2 are each amended to read  
16 as follows:

17 Unless the context clearly requires otherwise, the definitions in  
18 this section apply throughout this chapter.

19 (1) "Commissioner" means the commissioner of the employment  
20 security department.

21 (2) "Department" means the employment security department.

22 (3) "Enrollees" means those persons who have completed enrollment  
23 forms, completed a work agreement, and who have entered into the  
24 Washington service corps following the approval of the director of the  
25 supervising agency.

26 (4) "Corps" means the Washington service corps.

27 (5) "Work agreement" means the written agreement between the  
28 department, the enrollee and the supervising agency under this chapter  
29 for a period of up to eighteen months.

30 (6) "Supervising agencies" means those private or public agencies,  
31 including cities and counties, which develop and implement full-time  
32 service projects in which enrollees agree to participate.

33 (7) "Matching funds" means funding that is provided to the  
34 employment security department by agencies or individuals as financial  
35 support for a portion of the stipend or wage and benefits paid to the  
36 enrollee.

1 (8) "Financial support" means any thing of value contributed by  
2 agencies or individuals to the department for (~~(a youth)~~) an employment  
3 project (~~(which)~~) that is reasonably calculated to support directly the  
4 development and expansion of a particular program under this chapter  
5 and which represents an addition to any financial support previously or  
6 customarily provided by the individual or agency. "Financial support"  
7 includes, but is not limited to funds, equipment, facilities, and  
8 training.

9 (9) "Director" means the individual who (~~(shall)~~) serves as the  
10 director of the (~~(exchange)~~) Washington service corps.

11 (10) "Minor public works" means construction projects and  
12 environmental restoration projects performed by Washington service  
13 corps enrollees when the benefit of the project exceeds ten years,  
14 including, but not limited to: The repair and improvement of  
15 facilities and grounds of parks, playgrounds, and recreational  
16 facilities; the restoration of forest health, shorelines, streams, and  
17 other habitat; the control of noxious and invasive species; the  
18 painting and small repairs of public facilities; and other projects or  
19 portions of projects that do not involve work that requires a license  
20 or certification to perform such work.

21 **Sec. 6.** RCW 50.65.030 and 1993 c 302 s 1 are each amended to read  
22 as follows:

23 The Washington service corps is established within the employment  
24 security department. The commissioner (~~(shall)~~) must:

25 (1) Appoint a director and other personnel as necessary to carry  
26 out the purposes of this chapter;

27 (2) Coordinate (~~(youth)~~) employment and training efforts for youth  
28 and the unemployed under the department's jurisdiction and cooperate  
29 with other agencies or departments providing youth and employment  
30 services to ensure that funds appropriated for the purposes of this  
31 chapter will not be expended to duplicate existing services, but will  
32 increase the (~~(services of youth)~~) opportunities for youth and the  
33 unemployed to be of service to the state;

34 (3) The employment security department is authorized to place  
35 subgrants with other federal, state, and local governmental agencies  
36 and private agencies to provide youth employment projects and to

1 increase (~~the numbers of youth employed~~) employment opportunities for  
2 youth and the unemployed;

3 (4) Determine appropriate financial support levels by private  
4 business, community groups, foundations, public agencies, and  
5 individuals which will provide matching funds for enrollees in service  
6 projects under work agreements. The matching funds requirement may be  
7 waived for public agencies or reduced for private agencies;

8 (5) Recruit enrollees who are residents of the state unemployed at  
9 the time of application and are at least eighteen years of age (~~but~~  
10 ~~have not reached their twenty-sixth birthday~~);

11 (6) Recruit supervising agencies to host the enrollees in full-time  
12 service activities (~~which shall~~) that may not exceed eleven months'  
13 duration;

14 (7) Assist supervising agencies in the development of scholarships  
15 and matching funds from private and public agencies, individuals, and  
16 foundations in order to support a portion of the enrollee's stipend and  
17 benefits;

18 (8) Develop general employment guidelines for placement of  
19 enrollees in supervising agencies to establish appropriate authority  
20 for hiring, firing, grievance procedures, and employment standards  
21 which are consistent with state and federal law;

22 (9) Match enrollees with appropriate public agencies and available  
23 service projects;

24 (10) Monitor enrollee activities for compliance with this chapter  
25 and compliance with work agreements;

26 (11) Assist enrollees in transition to employment upon termination  
27 from the programs, including such activities as orientation to the  
28 labor market, on-the-job training, and placement in the private sector;

29 (12) Establish a program for providing incentives to encourage  
30 successful completion of terms of enrollment in the service corps and  
31 the continuation of educational pursuits. Such incentives (~~shall~~)  
32 must be in the form of educational assistance equivalent to two years  
33 of community or technical college tuition for eleven months of service.  
34 Educational assistance funding (~~shall~~) may only be used for tuition,  
35 fees, and course-related books and supplies. Enrollees who receive  
36 educational assistance funding (~~shall~~) must start using it within one  
37 year of their service completion and (~~shall~~) must finish using it  
38 within four years of their service completion;

1 (13) Enter into agreements with the state's community and technical  
2 college system and other educational institutions or independent  
3 nonprofit agencies to provide special education in basic skills,  
4 including reading, writing, and mathematics for those participants who  
5 may benefit by participation in such classes. Participation is not  
6 mandatory but (~~shall be~~) is strongly encouraged.

7 **Sec. 7.** RCW 50.65.040 and 1993 c 302 s 2 are each amended to read  
8 as follows:

9 The commissioner may select and enroll in the Washington service  
10 corps program any person who is at least eighteen years of age (~~but~~  
11 ~~has not reached their twenty-sixth birthday~~), is a resident of the  
12 state, and who is not for medical, legal, or psychological reasons  
13 incapable of service. Efforts (~~shall~~) must be made to enroll youths  
14 and unemployed individuals who are economically, socially, physically,  
15 or educationally disadvantaged. The commissioner may prescribe such  
16 additional standards and procedures in consultation with supervising  
17 agencies as may be necessary in conformance with this chapter. In  
18 addition, the commissioner may select and enroll youth fourteen to  
19 seventeen years of age on special projects during the summer and at  
20 other times during the school year that may complement and support  
21 their school curriculum or that link and support service with learning.

22 **Sec. 8.** RCW 50.65.050 and 1987 c 167 s 5 are each amended to read  
23 as follows:

24 The commissioner (~~shall~~) must use existing local offices of the  
25 employment security department or contract with local jurisdictions or  
26 independent, private nonprofit agencies in a local community to  
27 establish the Washington service corps program and to insure coverage  
28 of the program statewide. Each local office (~~shall~~) must maintain a  
29 list of available (~~youth~~) employment opportunities for youth and the  
30 unemployed in the jurisdiction covered by the local office and the  
31 appropriate forms or work agreements to enable (~~the youths~~) such  
32 individuals to apply for employment in private or public supervising  
33 agencies.

34 **Sec. 9.** RCW 50.65.060 and 1993 c 302 s 3 are each amended to read  
35 as follows:

1       (1) Placements in the Washington service corps (~~shall~~) must be  
2 made in supervising agencies under work agreements as provided under  
3 this chapter and (~~shall~~) must include those assignments (~~which~~)  
4 that provide for addressing community needs (~~and~~) or conservation  
5 problems and will assist the community in economic development efforts.  
6 Each work agreement (~~shall~~) must:

7       (~~(1)~~) (a) Demonstrate that the service project is appropriate for  
8 the enrollee's interests, skills, and abilities and that the project is  
9 designed to meet unmet community needs;

10       (~~(2)~~) (b) Include a requirement of regular performance  
11 evaluation. This shall include clear work performance standards set by  
12 the supervising agency and procedures for identifying strengths,  
13 recommended improvement areas and conditions for probation or dismissal  
14 of the enrollee; and

15       (~~(3)~~) (c) Include a commitment for partial financial support for  
16 the enrollee from private industry, public agencies, community groups,  
17 or foundations. The commissioner may establish additional standards  
18 for the development of placements for enrollees with supervising  
19 agencies and assure that the work agreements comply with those  
20 standards. This section (~~shall~~) does not apply to conservation corps  
21 programs established by chapter 43.220 RCW.

22       (2) Agencies of the state may use the Washington service corps for  
23 the purpose of employing youth and the unemployed qualifying under this  
24 chapter.

25       **Sec. 10.** RCW 50.65.065 and 1993 c 302 s 4 are each amended to read  
26 as follows:

27       For each enrollee, the work agreements, or combination of work  
28 agreements, developed under RCW 50.65.060 (~~shall~~) must, whenever  
29 practical, and as appropriate to the enrollee:

30       (1) Include a variety of experiences consisting of: Indoor  
31 activities; outdoor activities; and volunteer activities;

32       (2) Provide time for participation in a core training program  
33 common to all participants.

34       NEW SECTION. **Sec. 11.** A new section is added to chapter 50.65 RCW  
35 to read as follows:

36       (1) The director must develop a formula for distribution of funds

1 allocated under section 2 of this act. The formula must distribute  
2 funds in each county of the state on a per capita basis, prioritizing  
3 distribution to counties as follows:

4 (a) First priority is given to those rural counties with  
5 unemployment rates more than twenty percent above the state average;

6 (b) Second priority is given to those rural counties with  
7 unemployment rates between five percent and twenty percent above the  
8 state average;

9 (c) Third priority is given to all other rural counties;

10 (d) Fourth priority is given to nonrural counties with unemployment  
11 rates more than twenty percent above the state average; and

12 (e) Fifth priority is given to all other nonrural counties.

13 (2) For the purposes of this section, a rural county has the same  
14 meaning as provided in RCW 82.14.370.

15 **Sec. 12.** RCW 39.04.010 and 2008 c 130 s 16 are each amended to  
16 read as follows:

17 The definitions in this section apply throughout this chapter  
18 unless the context clearly requires otherwise.

19 (1) "Award" means the formal decision by the state or municipality  
20 notifying a responsible bidder with the lowest responsive bid of the  
21 state's or municipality's acceptance of the bid and intent to enter  
22 into a contract with the bidder.

23 (2) "Contract" means a contract in writing for the execution of  
24 public work for a fixed or determinable amount duly awarded after  
25 advertisement and competitive bid, or a contract awarded under the  
26 small works roster process in RCW 39.04.155.

27 (3) "Municipality" means every city, county, town, port district,  
28 district, or other public agency authorized by law to require the  
29 execution of public work, except drainage districts, diking districts,  
30 diking and drainage improvement districts, drainage improvement  
31 districts, diking improvement districts, consolidated diking and  
32 drainage improvement districts, consolidated drainage improvement  
33 districts, consolidated diking improvement districts, irrigation  
34 districts, or other districts authorized by law for the reclamation or  
35 development of waste or undeveloped lands.

36 (4)(a) "Public work" means all work, construction, alteration,  
37 repair, or improvement other than ordinary maintenance, executed at the

1 cost of the state or of any municipality, or which is by law a lien or  
2 charge on any property therein. All public works, including  
3 maintenance when performed by contract shall comply with chapter 39.12  
4 RCW. "Public work" does not include work, construction, alteration,  
5 repair, or improvement performed under contracts entered into under RCW  
6 36.102.060(4) or under development agreements entered into under RCW  
7 36.102.060(7) or leases entered into under RCW 36.102.060(8).

8 (b) "Public work" does not include "minor public works" performed  
9 by the Washington service corps as defined in RCW 50.65.020.

10 (5) "Responsible bidder" means a contractor who meets the criteria  
11 in RCW 39.04.350.

12 (6) "State" means the state of Washington and all departments,  
13 supervisors, commissioners, and agencies of the state.

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