

2 **SB 5255** - H COMM AMD **ADOPTED 4-25-99**
3 By Committee on Natural Resources

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 43.220.020 and 1994 c 264 s 32 are each amended to
8 read as follows:

9 The Washington conservation corps is hereby created, to be
10 implemented by the following state departments: The employment
11 security department, the department of ecology, the department of fish
12 and wildlife, the department of natural resources, (~~the department of~~
13 ~~agriculture,~~) and the state parks and recreation commission.

14 **Sec. 2.** RCW 43.220.030 and 1987 c 367 s 1 are each amended to read
15 as follows:

16 Program goals of the Washington conservation corps include:

17 (1) Conservation, rehabilitation, and enhancement of the state's
18 natural, historic, environmental, and recreational resources with
19 emphasis given to projects which address the following state-wide
20 priorities:

21 (a) Timber, fish and wildlife management plan;

22 (b) Watershed management plan;

23 (c) (~~1989 centennial celebration and~~) Eco-tourism and heritage
24 tourism;

25 (d) (~~Puget Sound~~) State-wide water quality;

26 (e) United States-Canada fisheries treaty;

27 (f) Public access to and environmental education about stewardship
28 of natural resources (~~through recreational facilities~~) on state
29 lands;

30 (g) Recreational trails;

31 (h) Salmon recovery and volunteer initiatives;

32 (2) Development of the state's youth resources through meaningful
33 work experiences;

34 (3) Making outdoor and historic resources of the state available
35 for public enjoyment;

1 (4) Teaching of the workings of natural, environmental, and
2 biological systems, as well as basic employment skills;

3 (5) Assisting agencies in carrying out statutory assignments with
4 limited funding resources; and

5 (6) Providing needed public services in both urban and rural
6 settings with emphasis in a distressed area or areas.

7 **Sec. 3.** RCW 43.220.040 and 1987 c 367 s 2 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Public lands" means any lands or waters, or interests therein,
12 owned or administered by any agency or instrumentality of the state,
13 federal, or local government.

14 (2) "Corps" means the Washington conservation corps.

15 (3) "Corps member" means an individual enrolled in the Washington
16 conservation corps.

17 (4) "Corps member leaders" or "specialists" means members of the
18 corps who serve in leadership or training capacities or who provide
19 specialized services other than or in addition to the types of work and
20 services that are performed by the corps members in general.

21 (5) "Council" means the Washington conservation corps coordinating
22 council.

23 (6) "Crew supervisor" means temporary, project, or permanent state
24 employees who supervise corps members and coordinate work project
25 design and completion.

26 (7) "Distressed area" has the meaning as defined in RCW 43.168.020.

27 **Sec. 4.** RCW 43.220.060 and 1987 c 505 s 44 are each amended to
28 read as follows:

29 (1) Each state department identified in RCW 43.220.020 shall have
30 the following powers and duties to carry out its functions relative to
31 the Washington conservation corps:

32 (a) Recruiting and employing staff ~~((and))~~, corps members, corps
33 member leaders, and specialists;

34 (b) ~~((Adopting criteria for the selection of applicants to the~~
35 ~~program from among the enrollees of the youth employment exchange~~
36 ~~program;~~

1 ~~((e))~~) Executing agreements for furnishing the services of the
2 ~~((employment conservation program))~~ corps to carry out conservation
3 corps programs to any federal, state, or local public agency, any local
4 organization as specified in this chapter in concern with the overall
5 objectives of the conservation corps;

6 ~~((d))~~) (c) Applying for and accepting grants or contributions of
7 funds from any private source;

8 ~~((e))~~) (d) Determining a preference for those projects which will
9 provide long-term benefits to the public, will provide productive
10 training and work experiences to the members involved, will be labor-
11 intensive, may result in payments to the state for services performed,
12 and can be promptly completed; and

13 ~~((f))~~) (e) Entering into agreements with community colleges within
14 the state's community and technical college system and other
15 educational institutions or independent nonprofit agencies to provide
16 special education in basic skills, including reading, writing, and
17 mathematics for those conservation corps members who may benefit by
18 participation in such classes. Classes shall be scheduled after corps
19 working hours. Participation by members is not mandatory but shall be
20 strongly encouraged. The participation shall be a primary factor in
21 determining whether the opportunity for corps membership beyond one
22 year shall be offered. Instruction related to the specific role of the
23 department in resource conservation shall also be offered, either in a
24 classroom setting or as is otherwise appropriate.

25 (2) The assignment of corps members shall not result in the
26 displacement of currently employed workers, including partial
27 displacement such as reduction in hours of nonovertime work, wages, or
28 other employment benefits. Supervising agencies that participate in
29 the program may not terminate, lay-off, or reduce the working hours of
30 any employee for the purpose of using a corps member with available
31 funds. In circumstances where substantial efficiencies or a public
32 purpose may result, supervising agencies may use corps members to carry
33 out essential agency work or contractual functions without displacing
34 current employees.

35 (3) Facilities, supplies, instruments, and tools of the supervising
36 agency shall be made available for use by the conservation corps to the
37 extent that such use does not conflict with the normal duties of the
38 agency. The agency may purchase, rent, or otherwise acquire other
39 necessary tools, facilities, supplies, and instruments.

1 **Sec. 5.** RCW 43.220.070 and 1995 c 399 s 112 are each amended to
2 read as follows:

3 (1) Conservation corps members shall be unemployed residents of the
4 state between eighteen and twenty-five years of age at the time of
5 enrollment who are citizens or lawful permanent residents of the United
6 States. The age requirements may be waived for corps leaders and
7 specialists with special leadership or occupational skills; such
8 members shall be given special responsibility for providing leadership,
9 character development, and sense of community responsibility to the
10 corps members, groups, and work crews to which they are assigned. The
11 upper age requirement may be waived for residents who have a sensory or
12 mental handicap. Special effort shall be made to recruit minority and
13 disadvantaged youth who meet selection criteria of the conservation
14 corps. Preference shall be given to youths residing in areas, both
15 urban and rural, in which there exists substantial unemployment
16 exceeding the state average unemployment rate.

17 (2) The legislature finds that people with developmental
18 disabilities would benefit from experiencing a meaningful work
19 experience, and learning the value of labor and of membership in a
20 productive society.

21 The legislature urges state agencies that are participating in the
22 Washington conservation corps program to consider for enrollment in the
23 program people who have developmental disabilities, as defined in RCW
24 71A.10.020.

25 If an agency chooses to enroll people with developmental
26 disabilities in its Washington conservation corps program, the agency
27 may apply to the United States department of labor, employment
28 standards administration for a special subminimum wage certificate in
29 order to be allowed to pay enrollees with developmental disabilities
30 according to their individual levels of productivity.

31 (3) Corps members shall not be considered state employees. Other
32 provisions of law relating to civil service, hours of work, rate of
33 compensation, sick leave, unemployment compensation, state retirement
34 plans, and vacation leave do not apply to the Washington conservation
35 corps except for the crew (~~leaders~~) supervisors, who shall be project
36 employees, and the administrative and supervisory personnel.

37 (4) Enrollment shall be for a period of six months which may be
38 extended for (~~an~~) additional (~~six months~~) six-month periods by
39 mutual agreement of the corps and the corps member, not to exceed two

1 years. Corps members shall be reimbursed at the minimum wage rate
2 established by state or federal law, whichever is higher, which may be
3 increased by up to five percent for each additional six-month period
4 worked: PROVIDED, That if agencies elect to run a residential program,
5 the appropriate costs for room and board shall be deducted from the
6 corps member's paycheck as provided in chapter 43.220 RCW.

7 (5) Corps members are to be available at all times for emergency
8 response services coordinated through the department of community,
9 trade, and economic development or other public agency. Duties may
10 include sandbagging and flood cleanup, search and rescue, and other
11 functions in response to emergencies.

12 **Sec. 6.** RCW 43.220.120 and 1994 c 264 s 34 are each amended to
13 read as follows:

14 (1) There is established a conservation corps within the department
15 of fish and wildlife.

16 (2) Specific work project areas of the ((game)) fish and wildlife
17 conservation corps may include the following:

- 18 (a) Habitat development;
- 19 (b) Land clearing;
- 20 (c) Construction projects;
- 21 (d) Noxious weed control;
- 22 (e) Brush cutting;
- 23 (f) Reader board construction;
- 24 (g) Painting;
- 25 (h) Cleaning and repair of rearing ponds;
- 26 (i) Fishtrap construction;
- 27 (j) Brush clearance;
- 28 (k) Spawning channel restoration;
- 29 (l) Log removal;
- 30 (m) Nest box maintenance and cleaning;
- 31 (n) Fence building;
- 32 (o) Winter game feeding and herding;
- 33 (p) Stream rehabilitation;
- 34 (q) Fish hatchery operation and maintenance;
- 35 (r) Fish tagging; and

36 (s) Such other projects as the director of fish and wildlife may
37 determine. If appropriate facilities are available, the director of

1 fish and wildlife may authorize carrying out projects which involve
2 overnight stays.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.220 RCW
4 to read as follows:

5 (1) An amount not to exceed five percent of the funds available for
6 the Washington conservation corps may be expended on agency
7 administrative costs. Agency administrative costs are indirect
8 expenses such as personnel, payroll, contract administration, fiscal
9 services, and other overhead costs.

10 (2) An amount not to exceed twenty percent of the funds available
11 for the Washington conservation corps may be expended for costs
12 included in subsection (1) of this section and program support costs.
13 Program support costs include, but are not limited to, program
14 planning, development of reports, job and career training, uniforms and
15 equipment, and standard office space and utilities. Program support
16 costs do not include direct scheduling and supervision of corps
17 members.

18 (3) A minimum of eighty percent of the funds available for the
19 Washington conservation corps shall be expended for corps member
20 salaries and benefits and for direct supervision of corps members.

21 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each
22 repealed:

23 (1) RCW 43.220.050 (Coordination by youth employment exchange--
24 Powers and duties) and 1983 1st ex.s. c 40 s 5;

25 (2) RCW 43.220.220 (Use of funds for enrollees and members from
26 distressed areas--Youth employment exchange--Evaluation of projects--
27 Training plan) and 1985 c 230 s 2;

28 (3) RCW 43.220.240 (Staff support--Administration) and 1985 c 230
29 s 4;

30 (4) RCW 43.131.383 (Conservation corps--Termination) and 1993 c 516
31 s 13;

32 (5) RCW 43.131.384 (Conservation corps--Repeal) and 1993 c 516 s
33 14;

34 (6) RCW 43.220.150 (Conservation corps established in department of
35 agriculture--Work project areas) and 1983 1st ex.s. c 40 s 15; and

36 (7) RCW 43.220.230 (Limitation on use of funds) and 1990 c 71 s 3
37 & 1985 c 230 s 3.

