

---

SENATE BILL 5255

---

State of Washington

56th Legislature

1999 Regular Session

By Senators Jacobsen, Oke, Rasmussen and Finkbeiner; by request of Department of Fish and Wildlife

Read first time 01/18/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to the Washington conservation corps; amending RCW  
2 43.220.020, 43.220.030, 43.220.040, 43.220.060, 43.220.070, 43.220.120,  
3 and 43.220.230; repealing RCW 43.220.050, 43.220.220, 43.220.240,  
4 43.131.383, 43.131.384, and 43.220.150; and declaring an emergency.

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

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

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

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

15 Program goals of the Washington conservation corps include:

16 (1) Conservation, rehabilitation, and enhancement of the state's  
17 natural, historic, environmental, and recreational resources with

1 emphasis given to projects which address the following state-wide  
2 priorities:

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

4 (b) Watershed management plan;

5 (c) (~~(1989 centennial celebration and)~~) Eco-tourism and heritage  
6 tourism;

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

8 (e) United States-Canada fisheries treaty;

9 (f) Public access to and environmental education about stewardship  
10 of natural resources (~~(through recreational facilities)~~) on state  
11 lands;

12 (g) Recreational trails;

13 (h) Salmon recovery and volunteer initiatives;

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

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

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

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

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

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

26 Unless the context clearly requires otherwise, the definitions in  
27 this section apply throughout this chapter.

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

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

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

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

1 (5) "Council" means the Washington conservation corps coordinating  
2 council.

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

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

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

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

12 (a) Recruiting and employing staff ~~((and))~~, corps members, corps  
13 member leaders, and specialists;

14 ~~((Adopting criteria for the selection of applicants to the~~  
15 ~~program from among the enrollees of the youth employment exchange~~  
16 ~~program;~~

17 ~~((e)))~~ Executing agreements for furnishing the services of the  
18 ~~((employment conservation program))~~ corps to carry out conservation  
19 corps programs to any federal, state, or local public agency, any local  
20 organization as specified in this chapter in concern with the overall  
21 objectives of the conservation corps;

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

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

29 ~~((f)))~~ (e) Entering into agreements with community colleges within  
30 the state's community and technical college system and other  
31 educational institutions or independent nonprofit agencies to provide  
32 special education in basic skills, including reading, writing, and  
33 mathematics for those conservation corps members who may benefit by  
34 participation in such classes. Classes shall be scheduled after corps  
35 working hours. Participation by members is not mandatory but shall be  
36 strongly encouraged. The participation shall be a primary factor in  
37 determining whether the opportunity for corps membership beyond one  
38 year shall be offered. Instruction related to the specific role of the

1 department in resource conservation shall also be offered, either in a  
2 classroom setting or as is otherwise appropriate.

3 (2) The assignment of corps members shall not result in the  
4 displacement of currently employed workers, including partial  
5 displacement such as reduction in hours of nonovertime work, wages, or  
6 other employment benefits. Supervising agencies that participate in  
7 the program may not terminate, lay-off, or reduce the working hours of  
8 any employee for the purpose of using a corps member with available  
9 funds. In circumstances where substantial efficiencies or a public  
10 purpose may result, supervising agencies may use corps members to carry  
11 out essential agency work or contractual functions without displacing  
12 current employees.

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

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

20 (1) Conservation corps members shall be unemployed residents of the  
21 state between eighteen and twenty-five years of age at the time of  
22 enrollment who are citizens or lawful permanent residents of the United  
23 States. The age requirements may be waived for corps leaders and  
24 specialists with special leadership or occupational skills; such  
25 members shall be given special responsibility for providing leadership,  
26 character development, and sense of community responsibility to the  
27 corps members, groups, and work crews to which they are assigned. The  
28 upper age requirement may be waived for residents who have a sensory or  
29 mental handicap. Special effort shall be made to recruit minority and  
30 disadvantaged youth who meet selection criteria of the conservation  
31 corps. Preference shall be given to youths residing in areas, both  
32 urban and rural, in which there exists substantial unemployment  
33 exceeding the state average unemployment rate.

34 (2) The legislature finds that people with developmental  
35 disabilities would benefit from experiencing a meaningful work  
36 experience, and learning the value of labor and of membership in a  
37 productive society.

1 The legislature urges state agencies that are participating in the  
2 Washington conservation corps program to consider for enrollment in the  
3 program people who have developmental disabilities, as defined in RCW  
4 71A.10.020.

5 If an agency chooses to enroll people with developmental  
6 disabilities in its Washington conservation corps program, the agency  
7 may apply to the United States department of labor, employment  
8 standards administration for a special subminimum wage certificate in  
9 order to be allowed to pay enrollees with developmental disabilities  
10 according to their individual levels of productivity.

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

17 (4) Enrollment shall be for a period of six months which may be  
18 extended for (~~an~~) additional (~~six months~~) six-month periods by  
19 mutual agreement of the corps and the corps member, not to exceed two  
20 years. Corps members shall be reimbursed at the minimum wage rate  
21 established by state or federal law, whichever is higher, which may be  
22 increased by up to five percent for each additional six-month period  
23 worked: PROVIDED, That if agencies elect to run a residential program,  
24 the appropriate costs for room and board shall be deducted from the  
25 corps member's paycheck as provided in chapter 43.220 RCW.

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

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

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

35 (2) Specific work project areas of the (~~game~~) fish and wildlife  
36 conservation corps may include the following:

37 (a) Habitat development;

38 (b) Land clearing;

1 (c) Construction projects;  
2 (d) Noxious weed control;  
3 (e) Brush cutting;  
4 (f) Reader board construction;  
5 (g) Painting;  
6 (h) Cleaning and repair of rearing ponds;  
7 (i) Fishtrap construction;  
8 (j) Brush clearance;  
9 (k) Spawning channel restoration;  
10 (l) Log removal;  
11 (m) Nest box maintenance and cleaning;  
12 (n) Fence building;  
13 (o) Winter game feeding and herding;  
14 (p) Stream rehabilitation;  
15 (q) Fish hatchery operation and maintenance;  
16 (r) Fish tagging; and  
17 (s) Such other projects as the director of fish and wildlife may  
18 determine. If appropriate facilities are available, the director of  
19 fish and wildlife may authorize carrying out projects which involve  
20 overnight stays.

21 **Sec. 7.** RCW 43.220.230 and 1990 c 71 s 3 are each amended to read  
22 as follows:

23 (1) Not more than fifteen percent of the funds available for the  
24 Washington conservation corps (~~and the Washington service corps~~  
25 ~~prescribed in chapter 50.65 RCW~~) shall be expended for the cost of  
26 administration. For the purpose of this chapter, administrative costs  
27 are defined as including, but not limited to, program planning and  
28 evaluation, budget development and monitoring, personnel management,  
29 contract administration, payroll, development of program reports,  
30 (~~normal recruitment and placement procedures,~~) standard office space,  
31 and costs and utilities.

32 (2) The fifteen percent limitation does not include costs for any  
33 of the following: Program support activities such as (~~direct~~)  
34 scheduling and supervision of (enrollees, counseling) corps field  
35 personnel and projects, job and career training, uniforms and  
36 equipment, and extraordinary recruitment procedures necessary to fill  
37 project positions.

1       (~~(3) The total costs for all items included under subsection (1)~~  
2 ~~of this section and excluded from the fifteen percent lid under~~  
3 ~~subsection (2) of this section shall not: (a) Exceed thirty percent of~~  
4 ~~the appropriated funds available during a fiscal biennium for the~~  
5 ~~Washington conservation corps and the Washington service corps~~  
6 ~~programs; or (b) result in the average cost per enrollee exceeding the~~  
7 ~~level established by the following formula: Corps member basic hourly~~  
8 ~~wage multiplied by two thousand eighty. The tests included in items~~  
9 ~~(a) and (b) of this subsection are in the alternative and it is only~~  
10 ~~required that one of these tests be satisfied. For purposes of this~~  
11 ~~section, the term administrative costs does not include those~~  
12 ~~extraordinary placement costs of the department of employment security~~  
13 ~~for which the department is eligible for reimbursement under RCW~~  
14 ~~43.220.240. The provisions of this section apply separately to each~~  
15 ~~corps agency listed in RCW 43.220.020.))~~)

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

- 18       (1) RCW 43.220.050 and 1983 1st ex.s. c 40 s 5;
- 19       (2) RCW 43.220.220 and 1985 c 230 s 2;
- 20       (3) RCW 43.220.240 and 1985 c 230 s 4;
- 21       (4) RCW 43.131.383 and 1993 c 516 s 13;
- 22       (5) RCW 43.131.384 and 1993 c 516 s 14; and
- 23       (6) RCW 43.220.150 and 1983 1st ex.s. c 40 s 15.

24       NEW SECTION.   **Sec. 9.**   This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of the  
26 state government and its existing public institutions, and takes effect  
27 immediately.

--- END ---