
HOUSE BILL 1246

State of Washington

56th Legislature

1999 Regular Session

By Representatives Regala, Buck, H. Sommers, Huff, Linville and Haigh;
by request of Department of Fish and Wildlife

Read first time 01/20/1999. Referred to Committee on Natural
Resources.

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.

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