

1 **ESSB 5454** - H COMM AMD

2 By Committee on Environmental Affairs

3 Strike everything after the enacting clause and insert the  
4 following:

5 "NEW SECTION. **Sec. 1.** LEGISLATIVE FINDINGS. (1) The legislature  
6 finds that the long-term health of the economy of Washington state  
7 depends on the sustainable management of its natural resources.  
8 Washington's forests, estuaries, waterways, and watersheds provide a  
9 livelihood for thousands of citizens of Washington state and millions  
10 of dollars of income and tax revenues every year from forests,  
11 fisheries, shellfisheries, recreation, tourism, and other water-  
12 dependent industries. The legislature further finds that the  
13 livelihoods and revenues produced by the state's forests, estuaries,  
14 waterways, and watersheds are threatened by continuing degradation of  
15 habitats and water quality.

16 (2) The legislature finds that existing programs to protect and  
17 enhance the state's forests, estuaries, waterways, and watersheds need  
18 to be better coordinated in order to conserve our natural and financial  
19 resources.

20 (3) The legislature finds that unemployed workers and Washington's  
21 economically distressed communities can benefit from opportunities for  
22 employment through labor intensive restoration projects.

23 (4) The legislature recognizes that stewardship activities on  
24 state-owned lands is a responsible investment consistent with the  
25 provisions of this chapter. It is the intent of the legislature that  
26 stewardship activities funded under this chapter provide labor  
27 intensive employment.

28 (5) Employment under this chapter is not intended to displace or  
29 partially displace currently employed workers, including but not  
30 limited to, state employees and service employees under existing  
31 contracts.

32 (6) Wages paid under this chapter shall be based on market rates in  
33 accordance with the required skills and complexity of the jobs created.

1 (7) The legislature therefore declares that investments in labor-  
2 intensive restoration projects, based on sound principles of  
3 environmental and forest restoration are necessary to prevent the  
4 burdening of future generations with clean-up costs, poorly functioning  
5 ecosystems, and the collapse of industries that rely on a healthy  
6 environment.

7 NEW SECTION. **Sec. 2.** INTERAGENCY COORDINATING COUNCIL. (1) There  
8 is created an interagency council on environmental and forest  
9 restoration within the office of the governor. The purpose of the  
10 council is to promote a coordinated and comprehensive approach to the  
11 state's environmental and forest restoration needs. The council shall  
12 consist of the director or commissioner from each of the following  
13 agencies: The department of ecology, the department of natural  
14 resources, the department of fisheries, the department of wildlife, the  
15 state parks and recreation commission, the interagency committee for  
16 outdoor recreation, the department of community development, the  
17 employment security department, the conservation commission, and the  
18 Puget Sound water quality authority. In addition, the governor shall  
19 appoint one member each from the following: The Washington state  
20 association of counties, the association of Washington cities, labor  
21 organizations, environmental organizations, and the tribes. Nonagency  
22 members of the council may advise on but shall not participate in  
23 decisions to fund projects. The council shall be chaired by the  
24 governor or the governor's designee.

25 (2) The department of community development shall provide staff  
26 support services to the council.

27 NEW SECTION. **Sec. 3.** DUTIES OF THE COUNCIL. (1) Beginning July  
28 1, 1993, the council shall have the following responsibilities:

29 (a) To coordinate a process to assist state agencies and local  
30 governments to implement effective environmental restoration projects;

31 (b) To evaluate unemployment profile data provided by the  
32 employment security department; and

33 (c) To review projects funded through the fiscal year 1994 omnibus  
34 operating and capital appropriations acts for consistency with  
35 provisions of this chapter.

1 (2) No later than December 31, 1993, the council shall provide  
2 recommendations to the appropriate committees of the legislature to  
3 streamline the administration of grants for programs that provide  
4 financial assistance to local governments for the purposes of  
5 preventing habitat and environmental degradation. These programs  
6 include but are not limited to grants for watershed planning, water  
7 quality management, ecosystem management, waste management, and local  
8 comprehensive planning.

9 (3) Beginning July 1, 1994, the council shall have the following  
10 responsibilities:

11 (a) To solicit and evaluate proposals from state and local  
12 agencies, private nonprofit organizations, and tribes for forest and  
13 environmental restoration projects;

14 (b) To rank the proposals based on criteria developed by the  
15 council in accordance with section 5 of this act;

16 (c) To determine funding allocations for projects to be funded from  
17 the account created in section 4 of this act, and for projects or  
18 programs as designated in the omnibus operating and capital  
19 appropriations acts; and

20 (d) To submit to the appropriate standing committees of the  
21 legislature, a biennial report summarizing the jobs and the  
22 environmental benefits created by the projects funded under this  
23 chapter.

24 NEW SECTION. **Sec. 4.** ENVIRONMENTAL AND FOREST RESTORATION  
25 ACCOUNT. (1) The environmental and forest restoration account is  
26 established in the state treasury. Money in the account may only be  
27 spent after appropriation by the legislature and in a manner consistent  
28 with this chapter. Private nonprofit organizations and state, local,  
29 and tribal entities are eligible for funds under this chapter. Money  
30 in the account may be used to make grants, loans, or interagency  
31 contracts as needed to implement environmental and forest restoration  
32 projects.

33 (2) The department of community development shall administer the  
34 account. To the extent possible, the department shall use existing  
35 mechanisms of grant and program administration.

36 (3) The environmental and forest restoration account shall consist  
37 of funds appropriated by law, principal and interest from the repayment

1 of loans granted under this chapter, and federal and other money  
2 received by the state for deposit in the account.

3 (4) At least ten percent of the annual revenues to the  
4 environmental restoration account shall be expended by the Washington  
5 conservation corps to employ high-risk youth on projects consistent  
6 with this chapter and to fund administrative support services required  
7 by the senior environmental corps.

8 (5) No more than three percent of the annual revenues to the  
9 environmental and forest restoration account shall be expended for  
10 administrative purposes.

11 (6) Except for essential administrative and supervisory purposes,  
12 money in the account may not be used for hiring permanent state  
13 employees.

14 NEW SECTION. **Sec. 5.** ENVIRONMENTAL AND FOREST RESTORATION  
15 PROJECTS--CRITERIA. (1) The council shall make recommendations for  
16 projects to be funded by the environmental and forest restoration  
17 account that:

18 (a) Produce measurable improvements in water and habitat quality;

19 (b) Create jobs that are labor intensive;

20 (c) Give priority to projects that achieve cost efficiencies by  
21 designing the project to meet multiple policy objectives;

22 (d) Implement a state or federally mandated plan relating to  
23 environmental or forest restoration, including but not limited to a  
24 local watershed action plan, stormwater management plan, capital  
25 facility plan, growth management plan, or a flood control plan;

26 (e) Coordinate projects from the community in which the project is  
27 located;

28 (f) Are supported financially or through in-kind resources at the  
29 local level;

30 (g) Utilize unemployed workers and high-risk youth, especially in  
31 areas that are economically distressed. For the purposes of this  
32 subsection, "high-risk youth" shall mean youth eligible for Washington  
33 conservation corps programs under chapter 43.220 RCW or Washington  
34 service corps programs under chapter 50.65 RCW; and

35 (h) Implement policies developed through comprehensive watershed  
36 management analysis.

1 (2) To the greatest extent possible, the council shall not award  
2 funds to projects that include the following activities:

- 3 (a) Administrative rule making;
- 4 (b) Planning; or
- 5 (c) Public education.

6 NEW SECTION. **Sec. 6.** FIRST YEAR PROJECT FUNDING. It is the  
7 intent of the legislature to promote a comprehensive approach for  
8 evaluating projects that address natural resource conservation needs.

9 At the same time, the legislature recognizes the necessity for  
10 immediate job creation and environmental restoration. The legislature  
11 therefore declares that, for fiscal year 1994, funding to implement the  
12 purposes of this chapter shall be provided through individual agency  
13 appropriations as specified in the omnibus operating and capital  
14 appropriations acts.

15 NEW SECTION. **Sec. 7.** UNANTICIPATED FEDERAL FUNDS. When an agency  
16 represented on the council submits an unanticipated federal receipt  
17 under RCW 43.79.270, the governor shall consider placing these funds  
18 into the environmental and forest restoration account or requiring that  
19 the funds be used in a manner consistent with the criteria established  
20 in section 5 of this act.

21 NEW SECTION. **Sec. 8.** RECRUITMENT AND EMPLOYMENT. (1) The council  
22 shall submit a list to the employment security department of projects  
23 receiving funds under the provisions of this chapter or from any  
24 legislative appropriations. The list shall include the number and  
25 types of jobs expected to be needed in each project. The employment  
26 security department shall recruit workers for hiring by employers  
27 funded under provisions of this chapter by:

28 (a) Notifying dislocated forest products workers who meet the  
29 definitions in chapter 50.70 RCW who are receiving unemployment  
30 benefits or who have exhausted unemployment benefits, of their  
31 eligibility for the programs;

32 (b) Notifying other unemployed workers;

33 (c) Developing a pool of unemployed workers including high-risk  
34 youth eligible to enroll in the programs; and

35 (d) Establishing procedures for workers to apply to the programs.

1 (2) Employers receiving funds from the account shall consider the  
2 list of eligible workers developed by the employment security  
3 department.

4 (3) To the extent possible, workers hired under this chapter shall  
5 receive training in environmental enhancement and forest restoration  
6 skills.

7 (4) Program enrollees hired by a state agency, except for  
8 Washington conservation and service corps enrollees, shall receive  
9 medical and dental benefits as provided under chapter 41.05 RCW,  
10 industrial insurance coverage under Title 51 RCW, but are exempt from  
11 the provisions of chapter 41.06 RCW.

12 NEW SECTION. **Sec. 9.** COMPREHENSIVE WATERSHED TEAMS. The  
13 department of ecology, the department of natural resources, and the  
14 Puget Sound water quality authority, shall jointly create two  
15 comprehensive watershed analysis teams. The analysis performed by each  
16 team shall include but not limited to, an assessment of:

- 17 (1) Pollution from point and nonpoint sources;  
18 (2) Forest practice effects;  
19 (3) Storm, surface, and ground water interactions; and  
20 (4) Water quality and water use interactions.

21 The comprehensive watershed teams shall incorporate, and revise as  
22 necessary, existing methodologies of watershed analysis. One team  
23 shall operate in Western Washington and one team shall operate in  
24 Eastern Washington. Each team shall coordinate its work efforts with  
25 the water resource data management program within the department of  
26 ecology.

27 NEW SECTION. **Sec. 10.** SHORT TITLE. This act shall be known as  
28 the environmental restoration jobs act of 1993.

29 NEW SECTION. **Sec. 11.** CAPTIONS AND PART HEADINGS. Section  
30 captions and part headings as used in this act constitute no part of  
31 the law.

32 NEW SECTION. **Sec. 12.** CODIFICATION DIRECTIONS. Sections 1  
33 through 10 of this act shall constitute a new chapter in Title 43 RCW.

1        NEW SECTION.    **Sec. 13.**    If specific funding for section 9 of this  
2 act, specifically referencing this act by bill and section number, is  
3 not provided by June 30, 1993, in the omnibus appropriations act,  
4 section 9 of this act is null and void."

EFFECT:    The striking amendment replaces the senate bill with the version of the HB 1785 as it passed the House, with three additions: 1) language is added in the intent section stating that wages should be market-based; 2) the Conservation Commission is added to the interagency task force; and 3) local funding or in-kind support is added to the list of criteria that the interagency council uses to make funding decisions.

The striking amendment deletes several provisions from the senate bill.    The most significant deletions are: 1) the equal distribution of restoration funds to forested areas, the Puget Sound basin, and non-Puget Sound areas; 2) the requirement that wages paid to restoration workers must be equal to or greater than twice the state minimum wage; and 3) the first year funding priorities.