

2 **ESHB 1785** - CONF REPT - S3501.2
3 By Conference Committee

4 ADOPTED 4/25/93

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

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

15 (2) The legislature further finds that the livelihoods and revenues
16 produced by Washington's forests, estuaries, waterways, and watersheds
17 would be enhanced by immediate investments in clean water
18 infrastructure and habitat restoration.

19 (3) The legislature further finds that an insufficiency in
20 financial resources, especially in timber-dependent communities, has
21 resulted in investments in clean water and habitat restoration too low
22 to ensure the long-term economic and environmental health of
23 Washington's forests, estuaries, waterways, and watersheds.

24 (4) The legislature further finds that unemployed workers and
25 Washington's economically distressed communities, especially timber-
26 dependent areas, can benefit from opportunities for employment in
27 environmental restoration projects.

28 (5) The legislature therefore declares that immediate investments
29 in a variety of environmental restoration projects, based on sound
30 principles of watershed management and environmental and forest
31 restoration, are necessary to rehabilitate damaged watersheds and to
32 assist dislocated workers and the unemployed gain job skills necessary
33 for long-term employment.

34 NEW SECTION. **Sec. 2.** PURPOSE AND INTENT--DEFINITIONS. (1) It is
35 the intent of this chapter to provide financial resources to make

1 substantial progress toward: (a) Implementing the Puget Sound water
2 quality management plan and other watershed-based management strategies
3 and plans; (b) ameliorating degradation to watersheds; and (c) keeping
4 and creating stable, environmentally sound, good wage employment in
5 Washington state. The legislature intends that employment under this
6 chapter is not to result in the displacement or partial displacement,
7 whether by the reduction of hours of nonovertime work, wages, or other
8 employment benefits, of currently employed workers, including but not
9 limited to state civil service employees, or of currently or normally
10 contracted services.

11 (2) It is the purpose of this chapter to:

12 (a) Implement clean water, forest, and habitat restoration projects
13 that will produce measurable improvements in water and habitat quality,
14 that rate highly when existing environmental ranking systems are
15 applied, and that provide economic stability.

16 (b) Facilitate the coordination and consistency of federal, state,
17 tribal, local, and private water and habitat protection and enhancement
18 programs in the state's watersheds.

19 (c) Fund necessary projects for which a public planning process has
20 been completed.

21 (d) Provide immediate funding to create jobs and training for
22 environmental restoration and enhancement jobs for unemployed workers
23 and displaced workers in impact areas, especially timber-dependent
24 communities.

25 (3) For purposes of this chapter "impact areas" means: (a)
26 Distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty
27 areas in those counties not covered under (a) of this subsection that
28 are timber impact areas as defined in RCW 43.31.601; (c) urban
29 subcounty areas as defined in RCW 43.165.010(3)(c); and (d) areas that
30 the task force determines are likely to experience dislocations in the
31 near future from downturns in natural resource-based industries.

32 (4) For purposes of this chapter, "high-risk youth" means youth
33 eligible for Washington conservation corps programs under chapter
34 43.220 RCW or Washington service corps programs under chapter 50.65
35 RCW.

36 (5) For purposes of this chapter, "dislocated forest products
37 worker" has the meaning set forth in RCW 50.70.010.

1 (6) For purposes of this chapter, "task force" means the
2 environmental enhancement and job creation task force created under
3 section 5 of this act.

4 NEW SECTION. **Sec. 3.** ENVIRONMENTAL AND FOREST RESTORATION
5 ACCOUNT. (1) The environmental and forest restoration account is
6 established in the state treasury. Money in the account may be spent
7 only after appropriation by the legislature and in a manner consistent
8 with this chapter. Private nonprofit organizations and state, local,
9 and tribal entities are eligible for funds under this chapter. Money
10 in the account may be used to make grants, loans, or interagency
11 contracts as needed to implement environmental and forest restoration
12 projects.

13 (2) For fiscal years 1994 through 1998, at least fifty percent of
14 the funds in the environmental and forest restoration account shall be
15 used for environmental restoration and enhancement projects in rural
16 communities impacted by the decline in timber harvest levels as defined
17 in chapter 50.70 RCW and that employ displaced timber workers. These
18 projects may include watershed restoration such as removing or
19 upgrading roads to reduce erosion and sedimentation, and improvements
20 in forest habitat such as thinning and pruning. Beginning July 1,
21 1998, at least fifty percent of the funds in the environmental and
22 forest restoration account shall be used for environmental restoration
23 and enhancement projects in counties with unemployment rates above the
24 state average.

25 (3) The environmental and forest restoration account shall consist
26 of funds appropriated by law, principal and interest from the repayment
27 of loans granted under this chapter, and federal and other money
28 received by the state for deposit in the account.

29 (4) At least ten percent of the funds distributed from the
30 environmental and forest restoration account annually shall be
31 allocated to the Washington conservation corps established under
32 chapter 43.220 RCW to employ high-risk youth on projects consistent
33 with this chapter and to fund administrative support services required
34 by the senior environmental corps established under chapter 43.63A RCW.

35 (5) At least five percent of the funds distributed from the
36 environmental and forest restoration account annually shall be used for
37 contracts with nonprofit corporations to fund or finance projects,
38 including those that increase private sector investments in pollution

1 prevention activities and equipment and that are consistent with the
2 provisions of this section and section 4 of this act.

3 (6) No more than five percent of the annual revenues to the
4 environmental and forest restoration account may be expended for
5 administrative purposes by any state agency or project administration;
6 however, funds expended by the Washington conservation corps shall be
7 subject solely to the limitations set forth in RCW 43.220.230.

8 (7) Except for essential administrative and supervisory purposes,
9 funds in the environmental and forest restoration account may not be
10 used for hiring permanent state employees.

11 NEW SECTION. **Sec. 4.** GRANTS OR LOANS FOR ENVIRONMENTAL AND FOREST
12 RESTORATION PROJECTS--CRITERIA. (1) Subject to the limitations of
13 section 3 of this act, the task force shall award funds from the
14 environmental and forest restoration account on a competitive basis.
15 The task force shall evaluate and rate environmental enhancement and
16 restoration project proposals using the following criteria:

17 (a) The ability of the project to produce measurable improvements
18 in water and habitat quality;

19 (b) The cost-effectiveness of the project based on: (i) Projected
20 costs and benefits of the project; (ii) past costs and environmental
21 benefits of similar projects; and (iii) the ability of the project to
22 achieve cost efficiencies through its design to meet multiple policy
23 objectives;

24 (c) The inclusion of the project as a high priority in a federal,
25 state, tribal, or local government plan relating to environmental or
26 forest restoration, including but not limited to a local watershed
27 action plan, storm water management plan, capital facility plan, growth
28 management plan, or a flood control plan; or the ranking of the project
29 by conservation districts as a high priority for water quality and
30 habitat improvements;

31 (d) The number of jobs to be created by the project for dislocated
32 forest products workers, high-risk youth, and residents of impact
33 areas;

34 (e) Participation in the project by environmental businesses to
35 provide training, cosponsor projects, and employ or jointly employ
36 project participants;

37 (f) The ease with which the project can be administered from the
38 community the project serves;

1 (g) The extent to which the project will either augment existing
2 efforts by organizations and governmental entities involved in
3 environmental and forest restoration in the community or receive
4 matching funds, resources, or in-kind contributions; and

5 (h) The capacity of the project to produce jobs and job-related
6 training that will pay market rate wages and impart marketable skills
7 to workers hired under this chapter.

8 (2) The following types of projects and programs shall be given top
9 priority in the first fiscal year after the effective date of this act:

10 (a) Projects that are highly ranked in and implement adopted or
11 approved watershed action plans, such as those developed pursuant to
12 Puget Sound water quality authority rules adopted for local planning
13 and management of nonpoint source pollution;

14 (b) Conservation district projects that provide water quality and
15 habitat improvements;

16 (c) Indian tribe projects that provide water quality and habitat
17 improvements; or

18 (d) Projects that implement actions approved by a shellfish
19 protection district under chapter 100, Laws of 1992.

20 (3) Funds shall not be awarded for the following activities:

21 (a) Administrative rule making;

22 (b) Planning; or

23 (c) Public education.

24 NEW SECTION. **Sec. 5.** ENVIRONMENTAL ENHANCEMENT AND JOB CREATION
25 TASK FORCE. (1) There is created the environmental enhancement and job
26 creation task force within the office of the governor. The purpose of
27 the task force is to provide a coordinated and comprehensive approach
28 to implementation of chapter . . . , Laws of 1993 (this act). The task
29 force shall consist of the commissioner of public lands, the director
30 of the department of wildlife, the director of the department of
31 fisheries, the director of the department of ecology, the director of
32 the parks and recreation commission, the timber team coordinator, the
33 executive director of the work force training and education
34 coordinating board, and the executive director of the Puget sound water
35 quality authority, or their designees. The task force may seek the
36 advice of the following agencies and organizations: The department of
37 community development, the department of trade and economic
38 development, the conservation commission, the employment security

1 department, the interagency committee for outdoor recreation,
2 appropriate federal agencies, appropriate special districts, the
3 Washington state association of counties, the association of Washington
4 cities, labor organizations, business organizations, timber-dependent
5 communities, environmental organizations, and Indian tribes. The
6 governor shall appoint the task force chair. Members of the task force
7 shall serve without additional pay. Participation in the work of the
8 committee by agency members shall be considered in performance of their
9 employment. The governor shall designate staff and administrative
10 support to the task force and shall solicit the participation of agency
11 personnel to assist the task force.

12 (2) The task force shall have the following responsibilities:

13 (a) Soliciting and evaluating, in accordance with the criteria set
14 forth in section 4 of this act, requests for funds from the
15 environmental and forest restoration account and making distributions
16 from the account. The task force shall award funds for projects and
17 training programs it approves and may allocate the funds to state
18 agencies for disbursement and contract administration;

19 (b) Coordinating a process to assist state agencies and local
20 governments to implement effective environmental and forest restoration
21 projects funded under this chapter;

22 (c) Considering unemployment profile data provided by the
23 employment security department;

24 (d) No later than December 31, 1993, providing recommendations to
25 the appropriate standing committees of the legislature for improving
26 the administration of grants for projects or training programs funded
27 under this chapter that prevent habitat and environmental degradation
28 or provide for its restoration;

29 (e) Submitting to the appropriate standing committees of the
30 legislature a biennial report summarizing the jobs and the
31 environmental benefits created by the projects funded under this
32 chapter.

33 (3) Beginning July 1, 1994, the task force shall have the following
34 responsibilities:

35 (a) To solicit and evaluate proposals from state and local
36 agencies, private nonprofit organizations, and tribes for environmental
37 and forest restoration projects;

38 (b) To rank the proposals based on criteria developed by the task
39 force in accordance with section 4 of this act; and

1 (c) To determine funding allocations for projects to be funded from
2 the account created in section 3 of this act and for projects or
3 programs as designated in the omnibus operating and capital
4 appropriations acts.

5 NEW SECTION. **Sec. 6.** FIRST YEAR PROJECT FUNDING. The legislature
6 recognizes the need for immediate job creation and environmental and
7 forest restoration, especially in timber-dependent communities. For
8 fiscal year 1994, funding to implement the purposes of this chapter
9 shall be provided through individual agency appropriations as specified
10 in the omnibus operating and capital appropriations acts.

11 NEW SECTION. **Sec. 7.** UNANTICIPATED FEDERAL FUNDS. When an agency
12 submits an unanticipated federal receipt under RCW 43.79.270, the
13 governor shall consider placing these funds into the environmental and
14 forest restoration account or requiring that the funds be used in a
15 manner consistent with the criteria established in section 4 of this
16 act.

17 NEW SECTION. **Sec. 8.** RECRUITMENT AND EMPLOYMENT. (1) Eligibility
18 for training or employment in projects funded through the environmental
19 and forest restoration account shall, to the extent practicable, be for
20 workers who are currently unemployed.

21 (2) To the greatest extent practicable, the following groups of
22 individuals shall be given preference for training or employment in
23 projects funded through the environmental and forest restoration
24 account:

25 (a) Dislocated workers who are receiving unemployment benefits or
26 have exhausted unemployment benefits; and

27 (b) High-risk youth.

28 (3) Projects funded for forest restoration shall be for workers
29 whose employment was terminated in the Washington forest products
30 industry within the previous four years.

31 (4) The task force shall submit a list to private industry councils
32 and the employment security department of projects receiving funds
33 under the provisions of this chapter. The list shall include the
34 number, location, and types of jobs expected to be provided by each
35 project. The employment security department shall recruit workers for
36 these jobs by:

1 (a) Notifying dislocated forest workers who meet the definitions in
2 chapter 50.70 RCW, who are receiving unemployment benefits or who have
3 exhausted unemployment benefits, of their eligibility for the programs;

4 (b) Notifying other unemployed workers;

5 (c) Developing a pool of unemployed workers including high-risk
6 youth eligible to enroll in the program; and

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

8 (5) The employment security department shall refer eligible workers
9 to employers hiring under the environmental and forest restoration
10 account programs. Recipients of funds shall consider the list of
11 eligible workers developed by the employment security department before
12 conducting interviews or making hiring decisions. Recipients of funds
13 shall ensure that workers are aware of whatever opportunities for
14 vocational training, job placement, and remedial education are
15 available from the employment security department.

16 (6) An individual is eligible for applicable employment security
17 benefits while participating in training related to this chapter.
18 Eligibility shall be confirmed by the commissioner of employment
19 security by submitting a commissioner-approved training waiver.

20 (7) Persons receiving funds from the environmental and forest
21 restoration account shall not be considered state employees for the
22 purposes of existing provisions of law with respect to hours of work,
23 sick leave, vacation, and civil service but shall receive health
24 benefits. Persons receiving funds from this account who are hired by
25 a state agency, except for Washington conservation and service corps
26 enrollees, shall receive medical and dental benefits as provided under
27 chapter 41.05 RCW and industrial insurance coverage under Title 51 RCW,
28 but are exempt from the provisions of chapter 41.06 RCW.

29 (8) Compensation for employees, except for Washington conservation
30 and service corps enrollees, hired under the program established by
31 this chapter shall be based on market rates in accordance with the
32 required skill and complexity of the jobs created. Remuneration paid
33 to employees under this chapter shall be considered covered employment
34 for purposes of chapter 50.04 RCW.

35 (9) Employment under this program shall not result in the
36 displacement or partial displacement, whether by the reduction of hours
37 of nonovertime work, wages, or other employment benefits, of currently
38 employed workers, including but not limited to state civil service
39 employees, or of currently or normally contracted services.

1 NEW SECTION. **Sec. 9.** An individual shall be considered to be in
2 training with the approval of the commissioner as defined in RCW
3 50.20.043, and be eligible for applicable unemployment insurance
4 benefits while participating in and making satisfactory progress in
5 training related to this chapter.

6 NEW SECTION. **Sec. 10.** For the purpose of providing the protection
7 of the unemployment compensation system to individuals at the
8 conclusion of training or employment obtained as a result of this
9 chapter, a special base year and benefit year are established.

10 (1) Only individuals who have entered training or employment
11 provided by the environmental and forest restoration account, and whose
12 employment or training under such account was not considered covered
13 under chapter 50.04 RCW, shall be allowed the special benefit
14 provisions of this chapter.

15 (2) An application for initial determination made under this
16 chapter must be filed in writing with the employment security
17 department within twenty-six weeks following the week in which the
18 individual commenced employment or training obtained as a result of
19 this chapter. Notice from the individual, from the employing entity,
20 or notice of hire from employment security department administrative
21 records shall satisfy this requirement.

22 (3) For the purpose of this chapter, a special base year is
23 established for an individual consisting of the first four of the last
24 five completed calendar quarters, or if a benefit year is not
25 established using the first four of the last five completed calendar
26 quarters as the base year, the last four completed calendar quarters
27 immediately prior to the first day of the calendar week in which the
28 individual began employment or training provided by the environmental
29 and forest restoration account.

30 (4) A special individual benefit year is established consisting of
31 the entire period of training or employment provided by the
32 environmental and forest restoration account and a fifty-two
33 consecutive week period commencing with the first day of the calendar
34 week in which the individual last participated in such employment or
35 training. No special benefit year shall have a duration in excess of
36 three hundred twelve calendar weeks. Such special benefit year will
37 not be established unless the criteria contained in RCW 50.04.030 has
38 been met, except that an individual meeting the requirements of this

1 chapter and who has an unexpired benefit year established which would
2 overlap the special benefit year may elect to establish a special
3 benefit year under this chapter, notwithstanding the provisions in RCW
4 50.04.030 relating to establishment of a subsequent benefit year, and
5 RCW 50.40.010 relating to waiver of rights. Such unexpired benefit
6 year shall be terminated with the beginning of the special benefit year
7 if the individual elects to establish a special benefit year under this
8 chapter.

9 (5) The individual's weekly benefit amount and maximum amount
10 payable during the special benefit year shall be governed by the
11 provisions contained in RCW 50.20.120. The individual's basic and
12 continuing right to benefits shall be governed by the general laws and
13 rules relating to the payment of unemployment compensation benefits to
14 the extent that they are not in conflict with the provisions of this
15 chapter.

16 (6) The fact that wages, hours, or weeks worked during the special
17 base year may have been used in computation of a prior valid claim for
18 unemployment compensation shall not affect a claim for benefits made
19 under the provisions of this chapter. However, wages, hours, and weeks
20 worked used in computing entitlement on a claim filed under this
21 chapter shall not be available or used for establishing entitlement or
22 amount of benefits in any succeeding benefit year.

23 (7) Benefits paid to an individual filing under the provisions of
24 this section shall not be charged to the experience rating account of
25 any contribution paying employer.

26 NEW SECTION. **Sec. 11.** On or before June 30, 1998, the legislative
27 budget committee shall prepare a report to the legislature evaluating
28 the implementation of the environmental restoration jobs act of 1993,
29 chapter . . . , Laws of 1993 (this act).

30 NEW SECTION. **Sec. 12.** RCW 43.220.900 and 1987 c 367 s 5 & 1983
31 1st ex.s. c 40 s 22 are each repealed.

32 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.131
33 RCW to read as follows:

34 The Washington conservation corps and its powers and duties shall
35 be terminated on June 30, 1999, as provided in section 14 of this act.

1 NEW SECTION. **Sec. 14.** The following acts or parts of acts, as now
2 existing or hereafter amended, are each repealed, effective June 30,
3 2000:

- 4 (1) RCW 43.220.010 and 1983 1st ex.s. c 40 s 2;
- 5 (2) RCW 43.220.020 and 1988 c 36 s 23 & 1983 1st ex.s. c 40 s 1;
- 6 (3) RCW 43.220.030 and 1987 c 367 s 1 & 1983 1st ex.s. c 40 s 3;
- 7 (4) RCW 43.220.040 and 1987 c 367 s 2 & 1983 1st ex.s. c 40 s 4;
- 8 (5) RCW 43.220.050 and 1983 1st ex.s. c 40 s 5;
- 9 (6) RCW 43.220.060 and 1987 c 505 s 44 & 1983 1st ex.s. c 40 s 6;
- 10 (7) RCW 43.220.070 and 1990 c 71 s 2, 1988 c 78 s 1, & 1986 c 266
11 s 48;
- 12 (8) RCW 43.220.080 and 1983 1st ex.s. c 40 s 8;
- 13 (9) RCW 43.220.090 and 1983 1st ex.s. c 40 s 9;
- 14 (10) RCW 43.220.120 and 1988 c 36 s 24 & 1983 1st ex.s. c 40 s 12;
- 15 (11) RCW 43.220.130 and 1983 1st ex.s. c 40 s 13;
- 16 (12) RCW 43.220.140 and 1983 1st ex.s. c 40 s 14;
- 17 (13) RCW 43.220.150 and 1983 1st ex.s. c 40 s 15;
- 18 (14) RCW 43.220.160 and 1983 1st ex.s. c 40 s 16;
- 19 (15) RCW 43.220.170 and 1983 1st ex.s. c 40 s 17;
- 20 (16) RCW 43.220.180 and 1983 1st ex.s. c 40 s 18;
- 21 (17) RCW 43.220.190 and 1987 c 367 s 3 & 1983 1st ex.s. c 40 s 20;
- 22 (18) RCW 43.220.210 and 1987 c 367 s 4 & 1985 c 230 s 1;
- 23 (19) RCW 43.220.220 and 1985 c 230 s 2;
- 24 (20) RCW 43.220.230 and 1990 c 71 s 3 & 1985 c 230 s 3;
- 25 (21) RCW 43.220.240 and 1985 c 230 s 4; and
- 26 (22) RCW 43.220.250 and 1985 c 230 s 5.

27 NEW SECTION. **Sec. 15.** SHORT TITLE. This act shall be known as
28 the environmental restoration jobs act of 1993.

29 NEW SECTION. **Sec. 16.** 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. 17.** SEVERABILITY. If any provision of this act
33 or its application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other
35 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 18.** Sections 1 through 11 of this act shall
2 constitute a new chapter in Title 43 RCW.

3 NEW SECTION. **Sec. 19.** If any part of this act is found to be in
4 conflict with federal requirements that are a prescribed condition to
5 the allocation of federal funds to the state or the eligibility of
6 employers in this state for federal unemployment tax credits, the
7 conflicting part of this act is hereby declared to be inoperative
8 solely to the extent of the conflict, and such finding or determination
9 shall not affect the operation of the remainder of this act. The rules
10 under this act shall meet federal requirements that are a necessary
11 condition to the receipt of federal funds by the state or the granting
12 of federal unemployment tax credits to employers in this state.

13 NEW SECTION. **Sec. 20.** EFFECTIVE DATE. This act is necessary for
14 the immediate preservation of the public peace, health, or safety, or
15 support of the state government and its existing public institutions,
16 and shall take effect July 1, 1993."

17 **ESHB 1785** - CONF REPT - S3501.2
18 By Conference Committee

19 ADOPTED 4/25/93

20 On page 1, line 2 of the title, after "watersheds;" strike the
21 remainder of the title and insert "adding new sections to chapter
22 43.131 RCW; adding a new chapter to Title 43 RCW; creating new
23 sections; repealing RCW 43.220.900; providing an effective date; and
24 declaring an emergency."

--- END ---