

2 **ESHB 1785** - S COMM AMD

3 By Committee on Trade, Technology & Economic Development

4

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 are threatened by continuing degradation of water quality and habitat
18 degradation, and that immediate investments in clean water
19 infrastructure and habitat restoration and enhancement are required to
20 prevent the burdening of future generations with clean-up costs, poorly
21 functioning ecosystems, and the collapse of economically important
22 industries that rely on a healthy environment.

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

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

32 (5) The legislature therefore declares that immediate investments
33 in environmental restoration projects, based on sound principles of
34 watershed management and environmental and forest restoration, are
35 necessary to assist timber-dependent and other economically distressed
36 communities and to rehabilitate damaged watersheds.

1 NEW SECTION. **Sec. 2.** PURPOSE AND INTENT--DEFINITIONS. (1) It is
2 the intent of this chapter to provide financial resources to make
3 substantial progress toward: (a) Implementing the Puget Sound water
4 quality management plan and other watershed-based management strategies
5 and plans; (b) ameliorating degradation to watersheds; and (c) keeping
6 and creating stable, environmentally sound, good wage employment in
7 Washington state. The legislature intends that employment under this
8 chapter is not to displace or partially displace currently employed
9 workers, including but not limited to state employees and service
10 employees under existing contracts.

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) At least fifty percent of the funds in the environmental and
14 forest restoration account shall be used for environmental restoration
15 and enhancement projects in rural communities impacted by the decline
16 in timber harvest levels as defined in chapter 50.70 RCW and that
17 employ displaced timber workers. These projects may include watershed
18 restoration such as removing or upgrading roads to reduce erosion and
19 sedimentation, and improvements in forest habitat such as thinning and
20 pruning.

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

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

31 (5) At least five percent of the funds distributed from the
32 environmental and forest restoration account annually shall be used for
33 contracts with nonprofit corporations to fund or finance projects,
34 including those that increase private sector investments in pollution
35 prevention activities and equipment and that are consistent with the
36 provisions of this section and section 4 of this act.

37 (6) No more than five percent of the annual revenues to the
38 environmental and forest restoration account may be expended for

1 administrative purposes by any state agency or project administration;
2 however, funds expended by the Washington conservation corps shall be
3 subject solely to the limitations set forth in RCW 43.220.230.

4 (7) No project may receive more than five percent of the funds
5 distributed from the environmental and forest restoration account in a
6 given year.

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

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

18 (a) The ability of the proponents of the project to quantify their
19 projected improvements in water quality, habitat quality, or both;

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

25 (c) The ranking of the project by conservation districts as a high
26 priority for water quality and habitat improvements;

27 (d) The inclusion of the project as a high priority in a federal,
28 state, tribal, or local government plan;

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

32 (f) The project's use of environmental businesses to provide
33 training, cosponsor projects, and employ or jointly employ project
34 participants;

35 (g) The ease with which the project can be administered from the
36 community the project serves; and

1 (h) The extent to which the project will augment existing efforts
2 by organizations and governmental entities involved in environmental
3 and forest restoration in the community.

4 (2) The task force shall evaluate and rate proposals for training
5 programs using the following criteria:

6 (a) The number of dislocated forest products workers, high-risk
7 youth, and residents of impact areas to be trained by the project;

8 (b) The extent to which the training program addresses long range,
9 high priority environmental and forest restoration needs;

10 (c) The cost-effectiveness of the training as measured by similar
11 past training programs;

12 (d) The use of environmental businesses to assist in training; and

13 (e) The prospect that the training will result in high-skill, long-
14 term, and good wage jobs.

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

17 (a) Projects in impact areas that employ dislocated forest products
18 workers and high-risk youth;

19 (b) Training programs;

20 (c) Projects that are highly ranked in and implement adopted and
21 approved watershed action plans, such as those developed pursuant to
22 Puget Sound water quality authority rules adopted for local planning
23 and management of nonpoint source pollution;

24 (d) Conservation district projects that provide water quality and
25 habitat improvements;

26 (e) Indian tribe projects that provide water quality and habitat
27 improvements; or

28 (f) Projects that implement actions approved by a shellfish
29 protection district under chapter 100, Laws of 1992.

30 (4) Funds shall not be awarded for the following activities:

31 (a) Administrative rule making;

32 (b) Planning; or

33 (c) Public education.

34 NEW SECTION. **Sec. 5.** ENVIRONMENTAL ENHANCEMENT AND JOB CREATION
35 TASK FORCE. (1) There is created the environmental enhancement and job
36 creation task force within the office of the governor. The purpose of
37 the task force is to provide a coordinated and comprehensive approach
38 to implementation of chapter . . . , Laws of 1993 (this act). The task

1 force shall consist of the commissioner of public lands, the director
2 of the department of wildlife, the director of the department of
3 fisheries, the director of the department of ecology, the timber team
4 coordinator, the executive director of the work force training and
5 education coordinating board, and the executive director of the Puget
6 sound water quality authority, or their designees. The task force may
7 seek the advice of the following agencies and organizations: The
8 department of community development, the department of trade and
9 economic development, the conservation commission, the employment
10 security department, appropriate federal agencies and special
11 districts, the Washington state association of counties, the
12 association of Washington cities, labor organizations, business
13 organizations, timber-dependent communities, environmental
14 organizations, and Indian tribes. The governor shall appoint the task
15 force chair. Members of the task force shall serve without additional
16 pay. Participation in the work of the committee by agency members
17 shall be considered in performance of their employment. The governor
18 shall designate staff and administrative support to the task force and
19 shall solicit the participation of agency personnel to assist the task
20 force.

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

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

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

31 (c) Considering unemployment profile data provided by the
32 employment security department;

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

38 (e) Submitting to the appropriate standing committees of the
39 legislature a biennial report summarizing the jobs and the

1 environmental benefits created by the projects funded under this
2 chapter.

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

5 (a) To solicit and evaluate proposals from state and local
6 agencies, private nonprofit organizations, and tribes for environmental
7 and forest restoration projects;

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

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

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

20 NEW SECTION. Sec. 7. UNANTICIPATED FEDERAL FUNDS. When an agency
21 submits an unanticipated federal receipt under RCW 43.79.270, the
22 governor shall consider placing these funds into the environmental and
23 forest restoration account or requiring that the funds be used in a
24 manner consistent with the criteria established in section 4 of this
25 act.

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

30 (2) To the greatest extent practicable, the following groups of
31 individuals shall be given preference for training or employment in
32 projects funded through the environmental and forest restoration
33 account:

34 (a) Dislocated forest products workers who are receiving
35 unemployment benefits or have exhausted unemployment benefits; and

36 (b) High-risk youth.

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

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

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

13 (b) Notifying other unemployed workers;

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

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

17 (5) The employment security department shall refer eligible workers
18 to employers hiring under the environmental and forest restoration
19 account programs. Recipients of funds shall consider the list of
20 eligible workers developed by the employment security department before
21 conducting interviews or making hiring decisions. Workers shall
22 receive opportunities for vocational training, job placement, and
23 remedial education.

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

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

37 (8) Compensation for employees, except for Washington conservation
38 and service corps enrollees, hired under the program established by
39 this chapter shall be based on market rates in accordance with the

1 required skill and complexity of the jobs created. Remuneration paid
2 to employees under this chapter shall be considered covered employment
3 for purposes of chapter 50.04 RCW.

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

9 NEW SECTION. **Sec. 9.** An individual shall be considered to be in
10 training with the approval of the commissioner as defined in RCW
11 50.20.043, and be eligible for applicable unemployment insurance
12 benefits while participating in and making satisfactory progress in
13 training related to this chapter.

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

18 (1) Only individuals who have entered training or employment
19 provided by the environmental and forest restoration account, and whose
20 employment or training under such account was not considered covered
21 under chapter 50.04 RCW, shall be allowed the special benefit
22 provisions of this chapter.

23 (2) An application for initial determination made under this
24 chapter must be filed in writing with the employment security
25 department within twenty-six weeks following the week in which the
26 individual commenced employment or training obtained as a result of
27 this chapter. Notice from the individual, from the employing entity,
28 or notice of hire from employment security department administrative
29 records shall satisfy this requirement.

30 (3) For the purpose of this chapter, a special base year is
31 established for an individual consisting of the first four of the last
32 five completed calendar quarters, or if a benefit year is not
33 established using the first four of the last five completed calendar
34 quarters as the base year, the last four completed calendar quarters
35 immediately prior to the first day of the calendar week in which the
36 individual began employment or training provided by the environmental
37 and forest restoration account.

1 (4) A special individual benefit year is established consisting of
2 the entire period of training or employment provided by the
3 environmental and forest restoration account and a fifty-two
4 consecutive week period commencing with the first day of the calendar
5 week in which the individual last participated in such employment or
6 training. No special benefit year shall have a duration in excess of
7 three hundred twelve calendar weeks. Such special benefit year will
8 not be established unless the criteria contained in RCW 50.04.030 has
9 been met, except that an individual meeting the requirements of this
10 chapter and who has an unexpired benefit year established which would
11 overlap the special benefit year may elect to establish a special
12 benefit year under this chapter, notwithstanding the provisions in RCW
13 50.04.030 relating to establishment of a subsequent benefit year, and
14 RCW 50.40.010 relating to waiver of rights. Such unexpired benefit
15 year shall be terminated with the beginning of the special benefit year
16 if the individual elects to establish a special benefit year under this
17 chapter.

18 (5) The individual's weekly benefit amount and maximum amount
19 payable during the special benefit year shall be governed by the
20 provisions contained in RCW 50.20.120. The individual's basic and
21 continuing right to benefits shall be governed by the general laws and
22 rules relating to the payment of unemployment compensation benefits to
23 the extent that they are not in conflict with the provisions of this
24 chapter.

25 (6) The fact that wages, hours, or weeks worked during the special
26 base year may have been used in computation of a prior valid claim for
27 unemployment compensation shall not affect a claim for benefits made
28 under the provisions of this chapter. However, wages, hours, and weeks
29 worked used in computing entitlement on a claim filed under this
30 chapter shall not be available or used for establishing entitlement or
31 amount of benefits in any succeeding benefit year.

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

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

1 **Sec. 12.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to
2 read as follows:

3 The Puget Sound water quality authority and its powers and duties
4 shall be terminated on June 30, (~~(1995)~~) 1999, as provided in RCW
5 43.131.370.

6 **Sec. 13.** RCW 43.131.370 and 1990 c 115 s 12 are each amended to
7 read as follows:

8 The following acts or parts of acts, as now existing or hereafter
9 amended, are each repealed, effective June 30, (~~(1996)~~) 2000:

- 10 (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;
- 11 (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;
- 12 (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115,
13 Laws of 1990 and RCW 90.70.011;
- 14 (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;
- 15 (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;
- 16 (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36,
17 Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;
- 18 (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115,
19 Laws of 1990 and RCW 90.70.055;
- 20 (8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11,
21 Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;
- 22 (9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115,
23 Laws of 1990 and RCW 90.70.070;
- 24 (10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115,
25 Laws of 1990 and RCW 90.70.080; and
- 26 (11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

27 **Sec. 14.** RCW 43.220.900 and 1987 c 367 s 5 are each amended to
28 read as follows:

29 The Washington conservation corps shall cease to exist and chapter
30 43.220 RCW shall expire on July 1, (~~(1995, unless extended by law for~~
31 ~~an additional fixed period of time)~~) 2000.

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

1 NEW SECTION. **Sec. 16.** CAPTIONS AND PART HEADINGS. Section
2 captions and part headings as used in this act constitute no part of
3 the law.

4 NEW SECTION. **Sec. 17.** SEVERABILITY. If any provision of this act
5 or its application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

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

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

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

24 **ESHB 1785** - S COMM AMD
25 By Committee on Trade, Technology & Economic Development

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27 On page 1, line 2 of the title, after "watersheds;" strike the
28 remainder of the title and insert "amending RCW 43.131.369, 43.131.370,
29 and 43.220.900; adding a new chapter to Title 43 RCW; creating new
30 sections; providing an effective date; and declaring an emergency."

--- END ---