
ENGROSSED SUBSTITUTE SENATE BILL 5454

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Trade, Technology & Economic Development
(originally sponsored by Senators Fraser, Skratek, Barr, Haugen, Pelz,
Prentice, Owen, Niemi, von Reichbauer, Quigley and M. Rasmussen)

Read first time 03/03/93.

1 AN ACT Relating to investing in the creation of jobs to restore and
2 enhance Washington's estuaries, waterways, forests, and watersheds;
3 amending RCW 43.131.369, 43.131.370, and 43.220.900; adding a new
4 chapter to Title 43 RCW; creating new sections; providing an effective
5 date; and declaring an emergency.

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

7 **PART I ENVIRONMENTAL RESTORATION JOBS**

8 NEW SECTION. **Sec. 101.** LEGISLATIVE FINDINGS. (1) The legislature
9 finds that the economy of Washington state depends on the health and
10 sustainable management and development of its natural resources. These
11 resources include the waters and associated habitats of Puget Sound,
12 which has been designated an estuary of national significance under the
13 federal clean water act. The resources of Washington's estuaries,
14 waterways, and watersheds provide a livelihood for thousands of
15 citizens of Washington state and millions of dollars of income and tax
16 revenues every year from fisheries, shellfisheries, recreation,
17 tourism, and other water-dependent industries.

1 (2) The legislature further finds that the livelihoods and revenues
2 produced by Puget Sound and Washington's other estuaries, waterways,
3 and watersheds are threatened by continuing water quality and habitat
4 degradation, and that immediate investments in clean water
5 infrastructure and habitat restoration and enhancement are required to
6 prevent the burdening of future generations with cleanup costs, poorly
7 functioning ecosystems, and the collapse of economically important
8 industries that rely on a healthy environment.

9 (3) The preeminent national model for cooperative watershed-based
10 management and prevention of pollution, and habitat alteration and
11 destruction is the Puget Sound water quality management plan adopted by
12 the state in 1986.

13 Further use of this model state-wide could result in substantial
14 improvement in the state's water quality and restoration and
15 enhancement of its estuaries, waterways, and watersheds.

16 However, inadequate financial resources and incentives, especially
17 in economically distressed areas, have impeded implementation of the
18 Puget Sound water quality management plan and the legislature must
19 address this inadequacy if it is to effectively address watershed-based
20 management on a state-wide basis. In particular, an insufficiency in
21 financial resources for local governments has resulted in investments
22 in clean water too low to ensure the long-term economic and
23 environmental health in Puget Sound, and watersheds throughout the
24 state. This is especially true in impact areas.

25 NEW SECTION. **Sec. 102.** PURPOSE AND INTENT. (1) It is the
26 intent of this chapter to provide adequate financial resources to local
27 governments and other entities to: (a) Achieve full implementation of
28 the Puget Sound water quality management plan and other watershed-based
29 management strategies and plans; (b) ameliorate degradation to
30 watersheds; and (c) keep and create environmentally sound, family wage,
31 and stable employment in Washington state.

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

33 (a) Implement clean water, forest, and habitat restoration projects
34 that will produce measurable improvements in water and habitat quality,
35 prevent further degradation of water and habitat quality, that rate
36 highly when existing environmental ranking systems are applied, and
37 that provide economic stability.

1 (b) Facilitate the coordination and consistency of federal, state,
2 tribal, and local water and habitat protection and enhancement programs
3 in the state's watersheds.

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

6 (d) Provide immediate funding to create jobs and training for
7 environmental restoration and enhancement jobs for unemployed workers
8 and displaced workers in impact areas.

9 (3) For purposes of this chapter "impact areas" means: (a)
10 Distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty
11 areas in those counties not covered under (a) of this subsection that
12 are timber impact areas as defined in RCW 43.31.601; (c) urban
13 subcounty areas as defined in RCW 43.165.010(3)(c); and (d) areas that
14 the state agencies administering funds under section 103 of this act
15 determine are likely to experience dislocations in the near future from
16 downturns in natural resource-based industries, defense-based
17 industries, or aerospace-based industries.

18 NEW SECTION. **Sec. 103.** ENVIRONMENTAL AND FOREST RESTORATION
19 ACCOUNT. (1) The environmental and forest restoration account is
20 established in the state treasury. Money in the account may only be
21 spent after appropriation by the legislature. One-third of the funds
22 in the account shall be allocated for the purposes of watershed
23 restoration and enhancement projects in forested areas, one-third of
24 the funds shall be allocated for the purposes of watershed restoration
25 and enhancement projects within the Puget Sound basin including its
26 marine waters, and one-third shall be allocated for watershed
27 restoration and enhancement projects outside the Puget Sound basin.
28 Any public body, agency of state government, tribal entity, or
29 nonprofit corporation is eligible for funds under this chapter.

30 (2) There is created the environmental enhancement and job creation
31 task force consisting of the commissioner of public lands, the director
32 of the parks and recreation commission, the director of the department
33 of wildlife, the director of the department of fisheries, the director
34 of the department of ecology, the director of the department of trade
35 and economic development, the executive director of the work force
36 training and education coordinating board, the director of the
37 department of community development, the commissioner of employment
38 security, the governor, and the executive director of the Puget Sound

1 water quality authority, or their designees. Members shall serve
2 without additional pay and participation and the work of the committee
3 shall be deemed performance of their employment. The governor shall
4 designate the chair of the task force. The governor shall provide
5 staff and administrative support to the task force and solicit the
6 participation of agency personnel to assist the task force.

7 (3) The task force shall be responsible for reviewing requests for
8 use of environmental and forest restoration account funds and making
9 distributions from the account. Any public body, agency of state
10 government, tribal entity, or nonprofit corporation may apply for funds
11 to be used consistent with this section and sections 102, 104, and 105
12 of this act. The task force shall award funds for projects and
13 training programs it approves and may allocate the funds to state
14 agencies for disbursement and contract administration.

15 (4) The environmental and forest restoration account shall consist
16 of tax receipts as provided by law, principal and interest from the
17 repayment of loans granted under this chapter, federal and other money
18 received by the state for deposit in the account, and other money
19 appropriated to the account by the legislature.

20 (5) At least ten percent of the funds distributed from the
21 environmental and forest restoration account annually shall be
22 allocated to the Washington conservation corps established under
23 chapter 43.220 RCW to employ eligible youth on projects consistent with
24 this chapter and to fund administrative support services required by
25 the senior environmental corps established under chapter 43.63A RCW.

26 (6) At least five percent of the funds distributed from the
27 environmental and forest restoration account annually shall be used for
28 contracts with nonprofit corporations to fund or finance projects,
29 including those that increase private sector investments in pollution
30 prevention activities and equipment, and that are consistent with the
31 provisions of this section and section 104 of this act.

32 (7) No more than five percent of the funds distributed from the
33 environmental and forest restoration account shall be expended for
34 administrative purposes by any state agency or project administration.

35 (8) No project may receive more than five percent of the funds
36 distributed from the environmental and forest restoration account in a
37 given year.

1 (9) Each project funded from the environmental and forest
2 restoration account shall be matched by a contribution of local funds
3 or resources to the project.

4 (10) The task force, the Puget Sound water quality authority, the
5 department of natural resources, and the department of ecology shall
6 each be responsible for soliciting private and federal resources to
7 carry out the purposes of this chapter and their responsibilities under
8 this chapter.

9 NEW SECTION. **Sec. 104.** GRANTS OR LOANS FOR ENVIRONMENTAL AND
10 FOREST RESTORATION PROJECTS--CRITERIA. (1) Within the limitations of
11 section 103 of this act, the task force shall award funds from the
12 environmental and forest restoration account on a competitive basis.
13 The task force shall evaluate and rate environmental enhancement and
14 restoration project proposals using the following criteria:

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

17 (b) The cost-effectiveness of the project as measured by past costs
18 and environmental benefits for similar projects;

19 (c) The inclusion of the project as a high priority in a local
20 government storm water management plan, watershed action plan, or
21 capital facility plan;

22 (d) The number of jobs to be created by the project for:

23 (i) Displaced or unemployed workers;

24 (ii) Unemployed youth;

25 (iii) Residents of impact areas;

26 (e) The projects use of the employment security department's or a
27 private industry council's job training and placement services;

28 (f) The project's use of environmental businesses to train in
29 environmental technologies, cosponsor projects and employ or jointly
30 employ project participants;

31 (g) The ease with which the project can be administered from the
32 community the project serves.

33 (2) Training programs funded by the environmental and forest
34 restoration account shall be evaluated and rated using the following
35 criteria:

36 (a) The number of:

37 (i) Displaced or unemployed workers;

38 (ii) Unemployed youth;

- 1 (iii) Residents of impact areas to be trained by the project;
2 (b) The cost-effectiveness of the training as measured by past
3 training efforts;
4 (c) The use of environmental businesses to assist in training;
5 (d) The prospect that the training will result in high-skill, long-
6 term jobs.

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

9 (a) Projects in impact areas that employ dislocated workers and
10 unemployed youth;

11 (b) Training programs;

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

16 (d) Conservation district projects that provide water quality and
17 habitat improvements;

18 (e) Indian tribe projects that provide water quality and habitat
19 improvements; or

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

22 NEW SECTION. Sec. 105. ELIGIBILITY. (1) Eligibility for training
23 or employment in projects funded through the environmental and forest
24 restoration account shall, to the extent practicable, be for workers
25 who are currently unemployed. Projects funded for forest watershed
26 restoration shall be for workers whose employment was terminated in the
27 Washington forest products industry within the previous four years.

28 (2) An individual shall be eligible for applicable employment
29 security benefits while participating in training related to this
30 chapter. Eligibility shall be confirmed by the commissioner of
31 employment security by submitting a commissioner-approved training
32 waiver.

33 Any person eligible for unemployment benefits who is employed or
34 trained as a result of this chapter shall have their benefit year
35 extended for a time equivalent to the duration of the employment or
36 training. The commissioner shall adopt rules as necessary to implement
37 this subsection.

1 (3) Employees hired under the environmental and forest restoration
2 account program shall not be considered state employees for the
3 purposes of existing provisions of law with respect to hours of work,
4 sick leave, vacation, and civil service. Employees under the program
5 shall receive medical and dental benefits and holiday vacation benefits
6 equivalent to those received by state employees.

7 (4) Compensation for employees under the program shall be no less
8 than twice the state or federal minimum wage, whichever is higher,
9 except for those projects funded under section 103(5) of this act.

10 (5) Employment under the program shall not result in the
11 displacement or partial displacement, such as the reduction of hours of
12 nonovertime work, wages, or other employment benefits, of currently
13 employed workers, including but not limited to state civil service
14 employees, or of currently or normally contracted services.

15 (6) The employment security department shall refer eligible workers
16 to employers hiring under the environmental and forest restoration
17 account programs. Workers shall receive opportunities for vocational
18 training, job placement, and remedial education.

19 **PART II MISCELLANEOUS**

20 **Sec. 201.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to
21 read as follows:

22 The Puget Sound water quality authority and its powers and duties
23 shall be terminated on June 30, (~~1995~~) 1999, as provided in RCW
24 43.131.370.

25 NEW SECTION. **Sec. 202.** On or before June 30, 1998, the
26 legislative budget committee shall prepare a report to the legislature
27 evaluating the implementation of the environmental restoration jobs act
28 of 1993, chapter . . . , Laws of 1993 (this act).

29 **Sec. 203.** RCW 43.131.370 and 1990 c 115 s 12 are each amended to
30 read as follows:

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

33 (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;

34 (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;

1 (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115,
2 Laws of 1990 and RCW 90.70.011;

3 (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;

4 (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;

5 (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36,
6 Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;

7 (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115,
8 Laws of 1990 and RCW 90.70.055;

9 (8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11,
10 Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;

11 (9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115,
12 Laws of 1990 and RCW 90.70.070;

13 (10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115,
14 Laws of 1990 and RCW 90.70.080; and

15 (11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

16 NEW SECTION. **Sec. 204.** Sections 101 through 105 and 202 of this
17 act shall constitute a new chapter in Title 43 RCW.

18 NEW SECTION. **Sec. 205.** This act shall be known as the
19 environmental restoration jobs act of 1993.

20 **Sec. 206.** RCW 43.220.900 and 1987 c 367 s 5 are each amended to
21 read as follows:

22 The Washington conservation corps shall cease to exist and chapter
23 43.220 RCW shall expire on July 1, (~~(1995, unless extended by law for~~
24 ~~an additional fixed period of time)) 2000.~~

25 NEW SECTION. **Sec. 207.** Section captions and part headings as used
26 in this act constitute no part of the law.

27 NEW SECTION. **Sec. 208.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 209.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect July 1, 1993.

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