

# HOUSE BILL REPORT

## HB 1765

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### As Reported By House Committee On:

Trade & Economic Development

**Title:** An act relating to the jobs for the environment program.

**Brief Description:** Creating the jobs for the environment program.

**Sponsors:** Representatives Doumit, Buck, Kessler, Hatfield, Butler, Grant, Morris, Regala, Sheldon, D. Schmidt, Linville, Benson, H. Sommers, Dunshee, Cole, Mielke, Fisher, Conway, Tokuda, Quall, Thompson, Scott, Keiser, Mason, Blalock, Poulsen, O'Brien, Constantine, Costa, Gombosky, Murray, Ogden, Cody and Lantz.

### Brief History:

#### Committee Activity:

Trade & Economic Development: 2/24/97, 2/27/97 [DPS].

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## HOUSE COMMITTEE ON TRADE & ECONOMIC DEVELOPMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Van Luven, Chairman; Dunn, Vice Chairman; Veloria, Ranking Minority Member; Sheldon, Assistant Ranking Minority Member; Alexander; Ballasiotes; Mason; McDonald and Morris.

**Staff:** Kenny Pittman (786-7392).

**Background:** The Legislature created the Environmental Restoration Jobs Act in 1993. The purpose of the program is to award funds for scientifically sound water restoration projects and to provide family wage jobs and training to displaced natural resource workers. The job training prepares workers for other opportunities for employment in watershed restoration. The environmental enhancement and job creation task force is responsible for the administration of the program. The task force is responsible for ranking the proposals and determining funding allocations.

The Joint Legislative Audit and Review Committee must prepare an evaluation of the implementation of the Environmental Restoration Jobs Act and report its findings to the Legislature by June 30, 1998.

**Summary of Substitute Bill:** The Jobs for the Environment Program is created. The purpose of the program is to restore and conserve watersheds within the state and

to provide family wage jobs and training opportunities for (1) newly certified dislocated natural resource workers; (2) dislocated workers from fisheries- and timber-dependent communities; and (3) workers employed under the previous Jobs for the Environment Program.

The jobs for the environment restoration account is established in the state treasury. Money in the account may only be spent after appropriation by the Legislature. Eligibility for funding is limited to private nonprofits, small private for-profits, and local, state, and tribal governments.

Funds may only be expended for agreements entered into by the state that are part of a long-term restoration or conservation planning effort. Local matching funds or in-kind contributions or services, of at least 20 percent nonstate sources the first year (increasing to 50 percent nonstate sources in 5 percent increments per year thereafter), are required.

Funds are awarded on a competitive basis for watershed and conservation projects and programs which have been identified by the Department of Natural Resources and the Department of Fish and Wildlife with input from the task force. The task force is issued guidelines for the recommendation of projects or programs (1) up to 25 percent for projects within impact areas as determined by the task force; (2) up to 50 percent for projects in areas where a qualified watershed partnership exists or will likely exist; (3) up to 13 percent for local projects that carry out area-wide planning; and (4) up to 12 percent for administrative and technical assistance purposes. Start up costs of 10 percent are authorized for nonprofit organizations.

Funds cannot be used for administrative rulemaking, community outreach, real property acquisition, mitigation of work requiring state or federal permits, incentives or bonuses to salaried employees, or marketing studies or research.

The Jobs for the Environment Task Force is created within the Department of Natural Resources (DNR). Terms of the members are staggered. The Commissioner of Public Lands appoints the chair and public members; the Governor appoints the governmental members. All members serve without pay, except public members are reimbursed for travel costs. The DNR provides staff and administrative support to the task force.

The task force is responsible for reviewing and selecting projects and programs; soliciting and evaluating requests for funds from the account; recommending projects, agreements and training programs to the Commissioner of Public Lands; assisting state and local agencies in program and implementation; and submitting a biennial report to the Legislature.

The DNR administers the program and may enter into agreements and partnerships. The Department of Fish and Wildlife and the Department of Ecology must provide technical assistance as needed.

The task force is required to notify local Employment Security Department (ESD) offices, local labor organizations, and central labor councils on potential new job openings. The ESD recruits dislocated and otherwise unemployed workers, develops a pool of unemployed workers, and establishes application procedures for workers. The ESD refers eligible workers to employers hiring under the program. Employers are required to first consider these workers before any interview or hiring decisions are made.

Employees receiving funds from the account are not state employees subject to public employment, civil service, or pension rules, but may receive medical and dental benefits, and industrial insurance coverage if they are hired by a state agency. Employment in the program may not displace state civil service employees or normally contracted services.

Individuals are provided the protection of the unemployment compensation system at the conclusion of training or employment. A special base year and benefit year are established for workers in the program: (1) special base year is based on the first four of the last five complete calendar quarters or the last four complete calendar quarters prior to employment or training under the program; and (2) special benefit year is the entire period of training or employment provided by the program and a 52 consecutive week period beginning with the first day of the calendar week in which the person last participated in employment or training.

The Department of Labor and Industries must expedite administrative approval of program wages as prevailing wages for watershed restoration workers.

The Environmental Restoration Jobs Act program is repealed. The evaluation and report requirements to the Legislature are retained.

**Substitute Bill Compared to Original Bill:** The substitute bill revises the term affected natural resource worker– to include other workers from fisheries or timber-dependent communities that have at least a two-year work history in a timber dependent community. The Jobs in the Environment Task Force is created. The task force is responsible for project selection and funding.

The ESD must audit each employer at the beginning of each project and every three months during the project and certifies that dislocated fishers and forest workers are being used to the greatest extent possible.

The DNR will include the number of displaced fishers and forest workers employed by each project in its report due on or before June 30, 2000.

**Appropriation:** None.

**Fiscal Note:** Requested on February 11, 1997.

**Effective Date of Substitute Bill:** The bill takes effect on July 1, 1997.

**Testimony For:** The Jobs for the Environment Program is cost-effective and needs to be extended. The state is facing a possible listing of salmon as an endangered species in the next 2-year period. This program is needed to provide incentives for watershed and habitat restoration projects that will help save many of the salmon runs. The results are clean water, restoration of the salmon runs, and jobs for the community. These projects are a partnership that involves labor, government, and the private sector. We support the Jobs for the Environment Program, but there needs to be technical changes and the task force needs to be restored.

**Testimony Against:** None.

**Testified:** Representative Doumit, prime sponsor (pro); Representative Buck, sponsor (pro); Representative Kessler, sponsor (pro); Diane Ellison, Ellison Timber Project (pro); Jim Walls (pro); Harold Abbe, Association of Washington Pulp and Paper Workers (pro); Art Stern, Department of Natural Resources (pro with concerns to original bill); Cyreis Schmidt, Washington Department of Fish and Wildlife (pro with concerns to original bill); Katherine Lynch, Seattle Public Utilities (pro with concerns to original bill); Nick Gayeski, Washington Trout (pro with concerns to original bill); Susan Turner, Rayioner (pro); Dave Rush, Tom Ross and R. Erickson (pro); Bruce Wishart, People for Puget Sound (pro with concerns to original bill); and Ron Schultz, National Audubon Society (pro).