
HOUSE BILL 1765

State of Washington

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1997 Regular Session

By 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

Read first time 02/07/97. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to the jobs for the environment program; adding a
2 new chapter to Title 43 RCW; recodifying RCW 43.21J.800; repealing RCW
3 43.21J.005, 43.21J.010, 43.21J.020, 43.21J.030, 43.21J.040, 43.21J.050,
4 43.21J.060, 43.21J.070, 43.21J.900, 43.21J.901, 43.21J.902, 43.21J.903,
5 and 43.21J.904; providing an effective date; and declaring an
6 emergency.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds the long-term
9 health of the economy of Washington state depends on healthy natural
10 resources.

11 (2) The legislature further finds the livelihoods, revenues, and
12 other benefits derived from Washington's natural resources are
13 threatened by continuing degradation of water quality and habitat, and
14 that investment is required to prevent the collapse of economically
15 important industries that rely on a healthy environment, and improve
16 poorly functioning ecosystems.

17 (3) The legislature further finds fisheries and timber-dependent
18 communities can provide the skills and people and affected natural

1 resource workers could greatly benefit from family wages and benefits
2 employment associated with implementing priority projects.

3 (4) The legislature therefore declares, and it is the intent and
4 purpose of this chapter, to make immediate and continuing investment to
5 restore and conserve the health of the state's watersheds, to foster
6 voluntary watershed partnerships within and near fisheries and timber-
7 dependent communities, and to train and employ affected natural
8 resource workers at family wages with benefits who continue to be
9 affected by economic dislocation, to minimize the need to list species
10 as threatened or endangered and promote the recovery of those species
11 that remain listed.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Affected natural resource worker" means those workers eligible
15 to receive wages and benefits through the jobs for the environment
16 program, including:

17 (a) New certified dislocated natural resource workers;

18 (b) Dislocated workers from fisheries and timber-dependent
19 communities; and

20 (c) Workers employed under the previous jobs for the environment
21 program.

22 (2) "Agreement" means any jobs for the environment grant,
23 procurement, contract, or other legally binding document.

24 (3) "Conservation" means activities that support the sustainability
25 of critical watershed functions including such activities as field
26 assessment of conditions prior to initiating restoration work and
27 stream typing field and mapping functions.

28 (4) "Impact areas" means rural natural resources impact areas as
29 defined in RCW 43.31.601 and areas in which at-risk fish stocks
30 coincide.

31 (5) "Account" means the jobs for the environment restoration
32 account that provides funding to implement the provisions of this
33 chapter to restore and conserve watersheds within Washington state.

34 (6) For the purposes of determining eligibility as a direct
35 applicant to the jobs for the environment program, "private for-profit"
36 is defined as small business, under RCW 19.85.020, which is any
37 business entity including sole proprietorship, corporation,
38 partnership, or other legal entity, that is owned and operated

1 independently from all other businesses that has the purpose of making
2 a profit and has fifty or fewer employees. Any for-profit small
3 business is eligible to receive funds as a subcontractor to a locally
4 funded project, regardless of the business size.

5 (7) "Qualified watershed partnership" means an entity consisting of
6 key partners in a watershed such as private, federal, state, local, or
7 tribal entities with sufficient authority or resources to carry out a
8 long-term restoration and conservation plan in the area of operation
9 they have identified.

10 NEW SECTION. Sec. 3. (1) The jobs for the environment restoration
11 account is established in the state treasury. Money in the account may
12 be spent only after appropriation by the legislature and in a manner
13 consistent with this chapter.

14 (2) Entities eligible to apply for funds include private
15 nonprofits, small private for-profits, and local, state, and tribal
16 governments.

17 (3) Restoration and conservation agreements entered into by the
18 state under this chapter are part of a long-term restoration and
19 conservation planning effort that includes an acceptable multiyear
20 capital investment strategy for restoration and conservation
21 identifying financial participation from key public and private
22 partners. The plan provides for a local match consisting of funds or
23 in-kind support of at least twenty percent in the first year, and
24 thereafter increasing by five percent each year investment is sought,
25 until achieving a fifty-fifty state-local match.

26 (4) Funds are awarded on a competitive basis. Funds must be used
27 for watershed and conservation projects and programs as jointly
28 identified by the department of natural resources and the department of
29 fish and wildlife.

30 (5) Up to eight percent may be expended for administrative and
31 technical assistance purposes. However, funds expended by the
32 Washington conservation corps are subject solely to limitations set
33 forth in RCW 43.220.230.

34 (6) Except for essential administrative, supervisory, and technical
35 assistance purposes, funds in the account may not be used for hiring
36 permanent state employees.

37 (7) Funds are not awarded for:

38 (a) Administrative rule making;

- 1 (b) Community outreach;
- 2 (c) Acquisition of real property;
- 3 (d) Mitigation work required under state or federal permits;
- 4 (e) Incentives or bonuses to salaried employees; or
- 5 (f) Marketing studies or research.
- 6 (8) Nonprofit organizations may receive up to five percent of the
- 7 agreement award for start-up costs upon submission of their completed
- 8 scope of work if the nonprofit meets the other reasonable requirements
- 9 of the department of natural resources and state law.

10 NEW SECTION. **Sec. 4.** The department of natural resources shall
11 evaluate and recommend proposals for funding from the account using, at
12 a minimum, the following criteria:

13 (1) The ability of the proponents of the project to quantify their
14 projected improvements in water or habitat quality and quantity;

15 (2) The inclusion of the project as a priority in a federal, state,
16 tribal, or local plan, until a completed watershed restoration and
17 conservation plan has been prepared;

18 (3) The number and duration of jobs with family wages and benefits
19 to be created or retained for affected natural resource workers by the
20 project; projects that achieve stable, long-term, one-year or longer
21 jobs that avoid redislocating natural resource workers from the jobs
22 for the environment program are to be given added consideration over
23 those that do not;

24 (4) The extent to which the project will help avoid further
25 listings of threatened or endangered species and providing for recovery
26 of those already listed;

27 (5) The participation as a cosponsor or employer by tribes or
28 private for-profits to provide funds, equipment time, materials, or
29 technical expertise, including training to match state or federal
30 funds. The jobs for the environment program will strongly promote
31 training that is offered through a state-approved apprenticeship
32 program, whenever practicable, in the area.

33 NEW SECTION. **Sec. 5.** An individual is considered to be in
34 training with the approval of the commissioner of employment security
35 as defined in RCW 50.20.043, and is eligible for applicable
36 unemployment insurance benefits while participating in and making
37 satisfactory progress in training related to this chapter.

1 (1) For recruitment purposes, the department of natural resources
2 will give notification of potential new jobs to local employment
3 security offices, local labor organizations, and central labor councils
4 in the area of funding. The list includes the number, location, and
5 types of jobs expected to be provided by each project. The employment
6 security department may recruit additional dislocated workers for these
7 jobs, when needed, by:

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

12 (b) Notifying other unemployed workers;

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

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

16 (2) The employment security department may refer eligible workers
17 to employers hiring under the jobs for the environment programs.
18 Recipients of funds must consider the list of eligible workers
19 developed by the employment security department before conducting
20 interviews or making hiring decisions for dislocated workers entering
21 the program. Workers may receive opportunities for vocational
22 training, job placement, and remedial education.

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

27 (4) Persons receiving funds from the account are not considered
28 state employees for the purposes of existing provisions of law with
29 respect to hours of work, sick leave, vacation, and civil service but
30 may receive health benefits. Persons receiving funds from the account
31 who are hired by a state agency may receive medical and dental benefits
32 under chapter 41.05 RCW and industrial insurance coverage under Title
33 51 RCW, but are exempt from the provisions under chapter 41.06 RCW.

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

1 (6) For the purpose of providing the protection of the unemployment
2 compensation system to individuals at the conclusion of training or
3 employment obtained as a result of this chapter, a special base year
4 and benefit year are established.

5 (a) Only individuals who have entered training or employment
6 provided by the account, and whose employment or training under the
7 account was not considered covered under chapter 50.04 RCW, are allowed
8 the special benefit provisions of this chapter.

9 (b) An application for initial determination made under this
10 chapter must be filed in writing with the employment security
11 department within twenty-six weeks following the week in which the
12 individual commenced employment or training obtained as a result of
13 this chapter. Notice from the individual, from the employing entity,
14 or notice of hire from employment security department administrative
15 records satisfies this requirement.

16 (c) For the purpose of this chapter, a special base year is
17 established for an individual consisting of the first four of the last
18 five completed calendar quarters, or if a benefit year is not
19 established using the first four of the last five completed calendar
20 quarters as the base year, the last four completed calendar quarters
21 immediately prior to the first day of the calendar week in which the
22 individual began employment or training provided by the account.

23 (d) A special individual benefit year is established consisting of
24 the entire period of training or employment provided by the account and
25 a fifty-two consecutive week period commencing with the first day of
26 the calendar week in which the individual last participated in the
27 employment or training. No special benefit year may have a duration in
28 excess of three hundred twelve calendar days. This special benefit
29 year is not established unless the criteria contained in RCW 50.04.030
30 has been met, except that an individual meeting the requirements of
31 this chapter and who has an unexpired benefit year established which
32 would overlap the special benefit year may elect to establish a special
33 benefit year under this chapter, notwithstanding the provisions in RCW
34 50.04.030 relating to establishment of a subsequent benefit year, and
35 RCW 50.40.010 relating to waiver of rights. This unexpired benefit
36 year is terminated at the beginning of the special benefit year if the
37 individual elects to establish a special benefit year under this
38 chapter.

1 (e) The individual's weekly benefit amount and maximum amount
2 payable during the special benefit year are governed by the provisions
3 contained in RCW 50.20.120. The individual's basic and continuing
4 right to benefits are governed by the general laws and rules relating
5 to the payment of unemployment compensation benefits to the extent that
6 they are not in conflict with this chapter.

7 (f) The fact that wages, hours, or weeks worked during the special
8 base year may have been used in computation of a prior valid claim for
9 unemployment compensation may not affect a claim for benefits made
10 under this chapter. However, wages, hours, and weeks worked used in
11 computing entitlement on a claim filed under this chapter are not
12 available or used for establishing entitlement or amount of benefits in
13 any succeeding benefit year.

14 (g) Benefits paid to an individual filing under this section are
15 not charged to the experience rating account of any contribution paying
16 employer.

17 (7) The department of labor and industries is directed to expedite
18 through administrative approval of the jobs for the environment
19 program's current wages as the prevailing wages under chapter 39.12 RCW
20 for watershed restoration workers employed under this chapter.

21 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each
22 repealed:

- 23 (1) RCW 43.21J.005 and 1993 c 516 s 1;
- 24 (2) RCW 43.21J.010 and 1995 c 226 s 26 & 1993 c 516 s 2;
- 25 (3) RCW 43.21J.020 and 1993 c 516 s 3;
- 26 (4) RCW 43.21J.030 and 1994 c 264 s 17 & 1993 c 516 s 5;
- 27 (5) RCW 43.21J.040 and 1993 c 516 s 4;
- 28 (6) RCW 43.21J.050 and 1993 c 516 s 8;
- 29 (7) RCW 43.21J.060 and 1993 c 516 s 9;
- 30 (8) RCW 43.21J.070 and 1993 c 516 s 10;
- 31 (9) RCW 43.21J.900 and 1993 c 516 s 15;
- 32 (10) RCW 43.21J.901 and 1993 c 516 s 16;
- 33 (11) RCW 43.21J.902 and 1993 c 516 s 17;
- 34 (12) RCW 43.21J.903 and 1993 c 516 s 19; and
- 35 (13) RCW 43.21J.904 and 1993 c 516 s 20.

36 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute
37 a new chapter in Title 43 RCW.

1 NEW SECTION. **Sec. 8.** RCW 43.21J.800 is recodified as a section in
2 the new chapter created in section 7 of this act.

3 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 July 1, 1997.

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