

# SENATE BILL REPORT

## SB 5621

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As Passed Senate, March 6, 2023

**Title:** An act relating to protecting workers displaced as a result of finfish aquaculture facility closures.

**Brief Description:** Protecting workers displaced due to finfish aquaculture facility closure.

**Sponsors:** Senators Muzzall, Robinson, Keiser, Lovelett, Rolfes, Schoesler, Short, Wagoner and Warnick.

**Brief History:**

**Committee Activity:** Labor & Commerce: 2/09/23, 2/13/23 [DP].

**Floor Activity:** Passed Senate: 3/6/23, 49-0.

**Brief Summary of Bill**

- Adds to the definition of dislocated worker, for the purposes of unemployment insurance, any individual who has separated from employment as a result of the denial of a commercial finfish net pen aquaculture lease renewal application, or the issuance of an order by the Commissioner of Public Lands on November 17, 2022.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Majority Report:** Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; King, Ranking Member; Braun, MacEwen, Robinson, Schoesler and Stanford.

**Staff:** Susan Jones (786-7404)

**Background:** An unemployed individual is eligible to receive unemployment insurance benefits (UI benefits) if the individual:

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- worked at least 680 hours in the base year;
- was separated from employment through no fault of the claimant's or quit work for good cause; and
- is able to work, available to work, and is actively searching for suitable work.

The Employment Security Department (ESD) administers Washington State's unemployment insurance program.

If an individual is in an ESD approved training and is satisfactorily progressing in the training program, the individual will not be denied benefits because of the requirements to be available for work, actively searching for work, or refusing to accept suitable work. An individual who the ESD Commissioner determines to be a dislocated worker and who is satisfactorily progressing in a training program approved by the Commissioner will be considered to be in training with the approval of the Commissioner.

Certain training benefits and resources are available to dislocated workers. Training benefits are available for a dislocated worker who is eligible for or has exhausted entitlement to unemployment compensation benefits after assessment of the individual's labor market, occupation, or skills, is determined to need job-related training to find suitable employment in the individual's labor market. The assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets and high-demand occupations identified in local labor market areas by the local workforce development councils in cooperation with ESD and its labor market information division.

The following general provisions do not apply to dislocated workers after the assessment:

- the individual must enroll in the approved training program by 120 days after the date of the notification and submit an individual training plan and enroll in the approved training program prior to the end of the individual's benefit year;
- the individual must be enrolled in training approved on a full-time basis as determined by the educational institution; and
- individuals who receive certain training benefits are not eligible for training benefits, or five years from the last receipt of training benefits.

Dislocated worker means any individual who has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, has separated from a declining occupation, or has separated from employment as a result of the 2018 law related to reducing nonnative finfish from marine finfish aquaculture facilities, and is eligible for or has exhausted entitlement to unemployment compensation benefits.

On November 17, 2022, the Commissioner of Public Lands issued an order that the Department of Natural Resources leadership and staff develop necessary change to agency rules, policies, and procedures to prohibit commercial finfish net pen aquaculture on state-owned aquatic lands.

**Summary of Bill:** The definition of dislocated worker, for the purposes of unemployment insurance, includes any individual who has separated from employment as a result of the denial of a commercial finfish net pen aquaculture lease renewal application or the issuance of order number 202211 by the Commissioner of Public Lands on November 17, 2022.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This lease issue came as a shock to many workers. This was a well maintained facility. Some of the workers were second generation workers. This bill applies to just shy of 40 workers. For many workers, this is the only work they have known for their adult life. There is precedence for this bill from 2018.

**Persons Testifying:** PRO: Senator Ron Muzzall, Prime Sponsor; Troy Nichols, Cooke Aquaculture Pacific, Inc..

**Persons Signed In To Testify But Not Testifying:** No one.