
HOUSE BILL 2895

State of Washington

56th Legislature

2000 Regular Session

By Representatives Doumit, Buck, Regala, Hatfield, Kessler, Ericksen, Rockefeller, DeBolt, Stensen, Anderson, Eickmeyer, O'Brien, Constantine, Cody, Kenney, Edwards, Linville, Ogden, Lantz, Conway, Kagi, Haigh, Lovick, Santos and Hurst

Read first time 01/24/2000. Referred to Committee on Natural Resources.

1 AN ACT Relating to creating a program for employing affected
2 natural resource workers in habitat restoration and enhancement; adding
3 new sections to chapter 43.21J RCW; repealing RCW 43.21J.005,
4 43.21J.010, 43.21J.020, 43.21J.030, 43.21J.040, 43.21J.050, 43.21J.060,
5 43.21J.070, 43.21J.800, 43.21J.900, 43.21J.901, 43.21J.902, 43.21J.903,
6 and 43.21J.904; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the jobs for the
9 environment program has successfully provided family-wage jobs to
10 displaced natural resources workers while completing important
11 conservation projects. It is important that this program be updated
12 for continued operation in the twenty-first century. This is
13 especially true because the jobs for the environment program has been
14 operated solely through omnibus appropriations bills since its
15 inception, and requires policy guidance.

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

1 (1) "Affected natural resource worker" means those workers eligible
2 to receive wages and benefits through the watershed restoration and
3 jobs program, including:

4 (a) Workers previously employed under the jobs for the environment
5 program;

6 (b) Workers in a qualified natural resource training program, such
7 as a state-approved apprenticeship program;

8 (c) Newly certified dislocated natural resource workers; and

9 (d) Other workers from fisheries and timber-dependent communities
10 who have at least a two-year work history in a timber-dependent
11 community.

12 (2) "Agreement" means any watershed restoration and jobs program
13 grant, procurement, contract, or other legally binding document.

14 (3) "Conservation" means activities that support the sustainability
15 of critical watershed functions, including such activities as field
16 assessment of conditions prior to initiating restoration work and field
17 and mapping functions related to stream typing.

18 (4) "Impact areas" means rural natural resources impact areas as
19 defined in RCW 43.31.601.

20 (5) "Account" means the watershed restoration and jobs program
21 account created under section 3 of this act.

22 (6) For the purposes of determining eligibility as a direct
23 applicant to the watershed restoration and jobs program, "private for-
24 profit" means a small business, as defined under RCW 19.85.020. Any
25 for-profit business is eligible to receive funds as a subcontractor to
26 a locally funded project, regardless of the business size.

27 (7) "Task force" means the watershed restoration and jobs program
28 task force created under section 4 of this act.

29 (8) "Watershed restoration" means altering current conditions in
30 measurable ways to provide water quality and habitat adequate to
31 contribute to the sustainability of healthy, diverse populations of
32 fish and wildlife within a watershed.

33 NEW SECTION. **Sec. 3.** (1) The watershed restoration and jobs
34 program account is established in the state treasury. Money in the
35 account may be spent only after appropriation by the legislature and in
36 a manner consistent with this chapter.

37 (2) Funds from the account must be used to fund watershed
38 restoration and conservation projects which employ affected workers and

1 must be distributed by the task force according to the criteria
2 established under section 5 of this act.

3 (3) A maximum of fifteen percent of the funds available to the
4 watershed restoration and jobs program may be expended for
5 administrative and technical assistance purposes, including technical
6 assistance provided by the department of fish and wildlife and
7 department of ecology as provided under section 6 of this act.

8 (4) Except for essential administrative, supervisory, and technical
9 assistance purposes, funds in the account may not be used for hiring
10 permanent state employees.

11 (5) Funds may not be awarded for:

12 (a) Administrative rule making;

13 (b) Community outreach;

14 (c) Acquisition of real property;

15 (d) Mitigation work required under state or federal permits;

16 (e) Incentives or bonuses to salaried employees; or

17 (f) Marketing studies or research.

18 NEW SECTION. **Sec. 4.** The watershed restoration and jobs program
19 task force is created within the department of natural resources. The
20 purpose of the task force is to provide a coordinated and comprehensive
21 approach to the implementation of this chapter. The task force
22 consists of the following representatives or their designees:

23 (1) The commissioner of public lands;

24 (2) The director of the department of fish and wildlife;

25 (3) The director of the department of ecology;

26 (4) The director of the work force training and education
27 coordinating board;

28 (5) The governor's rural community assistance team coordinator;

29 (6) A tribal representative;

30 (7) A federal agency representative from among participating
31 federal agencies; and

32 (8) At least eight public members but no more than ten, selected at
33 large, representing community and nongovernmental interests.

34 The public members shall include at least one representative from:

35 (a) State-wide rural community economic development organizations;

36 (b) Conservation districts;

37 (c) Small business interests;

38 (d) Fishing and shellfish industry;

- 1 (e) Organized labor;
- 2 (f) The timber industry;
- 3 (g) State-wide environmental organizations; and
- 4 (h) Community-based private nonprofit organizations with a focus on
- 5 watershed restoration.

6 The representatives of the tribal, federal, and public members
7 shall serve three-year terms, except for one-third who shall serve an
8 initial term of one year, and one-third who shall serve an initial term
9 of two years. The task force may seek the advice of other agencies and
10 organizations as needed. The commissioner of public lands shall
11 appoint the chair and public members. The governor shall appoint the
12 governmental members of the task force. A task force quorum for
13 meetings consists of at least one-half of the government and at least
14 one-half plus one of the community, tribal, and public members. All
15 members shall serve without additional pay, except that public
16 representatives may have travel costs reimbursed. Participation in the
17 work of the committee by agency members is considered performance of
18 their employment. The department of natural resources shall provide
19 staff and administrative support to the task force and shall solicit
20 the participation of agency personnel to assist the task force as
21 needed.

22 NEW SECTION. **Sec. 5.** The task force shall evaluate and recommend
23 proposals for funding watershed restoration and conservation projects
24 that employ affected natural resource workers. Projects from the
25 habitat project lists created pursuant to RCW 75.46.060 that create
26 temporary jobs that provide family wages and benefits to affected
27 natural resource workers must receive priority. The task force may
28 fund other watershed restoration and conservation projects on a
29 secondary basis. Jobs that avoid redislocating natural resource
30 workers from the watershed restoration and jobs program must be given
31 added consideration over those that do not. Priority must be given to
32 the workers listed in section 2(1) (a) through (c) of this act.

33 In making funding determinations, the task force shall consider
34 whether projected improvements in water or habitat quality and quantity
35 are quantifiable. The task force shall also consider whether the
36 project is sponsored or cosponsored by tribes or private for-profits to
37 provide funds, equipment time, materials, or technical expertise,
38 including training, to match state or federal funds. The watershed

1 restoration and jobs program shall strongly promote training that is
2 offered through a state-approved natural resource apprenticeship
3 program, whenever practicable, in the area.

4 The task force shall submit to the appropriate standing committees
5 of the legislature a biennial report summarizing the benefits created
6 by the projects funded under this chapter and shall make
7 recommendations for improving the watershed restoration and jobs
8 program.

9 NEW SECTION. **Sec. 6.** (1) The department of natural resources
10 shall implement and administer the watershed restoration and jobs
11 program.

12 (2) The department of fish and wildlife shall provide technical
13 assistance and expertise in addressing fish and wildlife issues.

14 (3) The department of ecology shall provide technical assistance
15 and expertise in addressing water quality issues.

16 NEW SECTION. **Sec. 7.** (1) For recruitment purposes, the task force
17 shall give notification of potential new jobs to local employment
18 security offices, local labor organizations, and central labor councils
19 in the area of funding. The list must include the number, location,
20 and types of jobs expected to be provided by each project. The
21 employment security department may recruit additional dislocated
22 workers for these jobs, when needed, by:

23 (a) Notifying dislocated fishers and forest workers who meet the
24 definitions in chapter 50.70 RCW, who are receiving unemployment
25 benefits or who have exhausted unemployment benefits, of their
26 eligibility for the programs;

27 (b) Notifying other unemployed workers who have at least a two-year
28 work history in a timber-dependent community;

29 (c) Developing a pool of unemployed workers, including high-risk
30 youth, eligible to enroll in the program who have at least a two-year
31 work history in a timber-dependent community; and

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

33 The workers listed in (a) of this subsection must be notified
34 first.

35 (2) The employment security department shall certify and refer
36 eligible workers to employers hiring under the watershed restoration
37 and jobs program. Recipients of funds must consider the list of

1 eligible workers developed by the employment security department before
2 conducting interviews or making hiring decisions for dislocated workers
3 entering the program. Workers may receive opportunities for vocational
4 training, job placement, and remedial education. The employment
5 security department shall audit each employer at the beginning of each
6 project and every three months thereafter and certify that dislocated
7 fishers and forest workers are being utilized to the greatest extent
8 possible.

9 (3) Persons receiving funds from the account are not to be
10 considered state employees for the purposes of existing provisions of
11 law with respect to hours of work, sick leave, vacation, and civil
12 service but may receive health benefits. Persons receiving funds from
13 the account who are hired by a state agency may receive medical and
14 dental benefits under chapter 41.05 RCW and industrial insurance
15 coverage under Title 51 RCW, but are exempt from the provisions of
16 chapter 41.06 RCW.

17 (4) Employment under this program may not result in the
18 displacement or partial displacement, whether by the reduction of hours
19 of nonovertime work, wages, and benefits, or other employment benefits,
20 of currently employed workers, including but not limited to state civil
21 service employees, or of currently or normally contracted services.

22 (5) With an employer's written consent, workers who must commute
23 daily over sixty miles round trip are eligible for transportation
24 expenses incurred when using a private vehicle.

25 NEW SECTION. **Sec. 8.** An individual is considered to be in
26 training with the approval of the commissioner of employment security
27 as defined in RCW 50.20.043 and is eligible for applicable unemployment
28 insurance benefits while participating in and making satisfactory
29 progress in training related to this chapter.

30 NEW SECTION. **Sec. 9.** For the purpose of providing the protection
31 of the unemployment compensation system to individuals at the
32 conclusion of training or employment obtained as a result of this
33 chapter, a special base year and benefit year are established.

34 (1) Only individuals who have entered training or employment
35 provided by the account, and whose employment or training under the
36 account was not considered covered under chapter 50.04 RCW, are to be
37 allowed the special benefit provisions of this chapter.

1 (2) An application for initial determination made under this
2 chapter must be filed in writing with the employment security
3 department within twenty-six weeks following the week in which the
4 individual commenced employment or training obtained as a result of
5 this chapter. Notice from the individual or from the employing entity
6 or notice of hire from employment security department administrative
7 records satisfies this requirement.

8 (3) For the purpose of this chapter, a special base year is
9 established for an individual consisting of the first four of the last
10 five completed calendar quarters, or if a benefit year is not
11 established using the first four of the last five completed calendar
12 quarters as the base year, the last four completed calendar quarters
13 immediately prior to the first day of the calendar week in which the
14 individual began employment or training provided by the account.

15 (4) A special individual benefit year is established consisting of
16 the entire period of training or employment provided by the account and
17 a fifty-two consecutive week period commencing with the first day of
18 the calendar week in which the individual last participated in the
19 employment or training. No special benefit year may have a duration in
20 excess of three hundred twelve calendar days. This special benefit
21 year is not to be established unless the criteria contained in RCW
22 50.04.030 have been met, except that an individual meeting the
23 requirements of this chapter who has an unexpired benefit year
24 established which would overlap the special benefit year may elect to
25 establish a special benefit year under this chapter, notwithstanding
26 the provisions in RCW 50.04.030 relating to establishment of a
27 subsequent benefit year, and RCW 50.40.010 relating to waiver of
28 rights. This unexpired benefit year is terminated at the beginning of
29 the special benefit year if the individual elects to establish a
30 special benefit year under this chapter.

31 (5) The individual's weekly benefit amount and maximum amount
32 payable during the special benefit year are governed by the provisions
33 contained in RCW 50.20.120. The individual's basic and continuing
34 right to benefits are governed by the general laws and rules relating
35 to the payment of unemployment compensation benefits to the extent that
36 they are not in conflict with this chapter.

37 (6) The fact that wages, hours, or weeks worked during the special
38 base year may have been used in computation of a prior valid claim for
39 unemployment compensation may not affect a claim for benefits made

1 under this chapter. However, wages, hours, and weeks worked used in
2 computing entitlement on a claim filed under this chapter are not
3 available or used for establishing entitlement or amount of benefits in
4 any succeeding benefit year.

5 (7) Benefits paid to an individual filing under this section are
6 not to be charged to the experience rating account of any contribution-
7 paying employer.

8 NEW SECTION. **Sec. 10.** The department of labor and industries
9 shall expedite administrative approval of the watershed restoration and
10 jobs program's current wages as the prevailing wages under chapter
11 39.12 RCW for watershed restoration workers employed under this
12 chapter.

13 NEW SECTION. **Sec. 11.** On or before January 1, 2002, the
14 department of natural resources shall prepare a report to the
15 legislature evaluating the implementation of this chapter. The
16 following indicators of success must be reported:

17 (1) The number of dislocated fishers and forest workers employed by
18 each project;

19 (2) The number of previously dislocated workers employed and
20 trained through the watershed restoration and jobs program who have
21 found long-term employment;

22 (3) Active use by sponsors of one or more training curriculum for
23 watershed restoration workers that promote effective and consistent
24 skills needed by restoration workers;

25 (4) Whether project design guidelines have been prepared and
26 applied that are based on generally accepted standards and techniques;

27 (5) The number of funded projects underway in a timely manner;

28 (6) The number of projects started versus successfully completed
29 and effectively documented; and the completion of a credible program
30 review allowing the program to learn from individual project strengths
31 and weaknesses;

32 (7) Whether the program's local match requirements are achieving
33 the expected results of promoting strong local support;

34 (8) The effectiveness and quantity of on-the-ground
35 accomplishments, for example, miles of stream bed or riparian area
36 restored, miles of forest roads impacting water quality that are

1 decommissioned, and the effectiveness of stream bank projects to reduce
2 sedimentation; and

3 (9) Whether local watershed health indicators have been established
4 and are being adequately monitored and reported on to determine area-
5 wide progress in meeting watershed health goals.

6 NEW SECTION. **Sec. 12.** Sections 1 through 11 of this act are each
7 added to chapter 43.21J RCW.

8 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
9 each repealed:

- 10 (1) RCW 43.21J.005 (Legislative findings) and 1993 c 516 s 1;
- 11 (2) RCW 43.21J.010 (Intent--Purpose--Definitions) and 1995 c 226 s
12 26 & 1993 c 516 s 2;
- 13 (3) RCW 43.21J.020 (Environmental and forest restoration account)
14 and 1993 c 516 s 3;
- 15 (4) RCW 43.21J.030 (Environmental enhancement and job creation task
16 force) and 1998 c 245 s 60, 1994 c 264 s 17, & 1993 c 516 s 5;
- 17 (5) RCW 43.21J.040 (Environmental enhancement and restoration
18 project proposals--Evaluation--Award of funds) and 1993 c 516 s 4;
- 19 (6) RCW 43.21J.050 (Training or employment) and 1993 c 516 s 8;
- 20 (7) RCW 43.21J.060 (Unemployment compensation benefits--Training)
21 and 1993 c 516 s 9;
- 22 (8) RCW 43.21J.070 (Unemployment compensation benefits--Special
23 base year and benefit year) and 1993 c 516 s 10;
- 24 (9) RCW 43.21J.800 (Joint legislative audit and review committee
25 report) and 1996 c 288 s 36 & 1993 c 516 s 11;
- 26 (10) RCW 43.21J.900 (Short title--1993 c 516) and 1993 c 516 s 15;
- 27 (11) RCW 43.21J.901 (Section captions and part headings--1993 c
28 516) and 1993 c 516 s 16;
- 29 (12) RCW 43.21J.902 (Severability--1993 c 516) and 1993 c 516 s 17;
- 30 (13) RCW 43.21J.903 (Conflict with federal requirements--1993 c
31 516) and 1993 c 516 s 19; and
- 32 (14) RCW 43.21J.904 (Effective date--1993 c 516) and 1993 c 516 s
33 20.

34 NEW SECTION. **Sec. 14.** This act takes effect July 1, 2000.

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