

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1785

53rd Legislature
1993 Regular Session

Passed by the House April 25, 1993
Yeas 81 Nays 17

**Speaker of the
House of Representatives**

Passed by the Senate April 25, 1993
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1785** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1785

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1993 Regular Session

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Locke, J. Kohl, Rust, Jacobsen, Wineberry, Shin, Dunshee, Holm, Pruitt, Jones, Finkbeiner, King, Basich, Quall, Orr, Johanson, Leonard and Anderson)

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 adding new sections to chapter 43.131 RCW; adding a new chapter to
4 Title 43 RCW; creating new sections; repealing RCW 43.220.900;
5 providing an effective date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** LEGISLATIVE FINDINGS. (1) The legislature
8 finds that the long-term health of the economy of Washington state
9 depends on the sustainable management of its natural resources.
10 Washington's forests, estuaries, waterways, and watersheds provide a
11 livelihood for thousands of citizens of Washington state and millions
12 of dollars of income and tax revenues every year from forests,
13 fisheries, shellfisheries, recreation, tourism, and other water-
14 dependent industries.

15 (2) The legislature further finds that the livelihoods and revenues
16 produced by Washington's forests, estuaries, waterways, and watersheds
17 would be enhanced by immediate investments in clean water
18 infrastructure and habitat restoration.

1 (3) The legislature further finds that an insufficiency in
2 financial resources, especially in timber-dependent communities, has
3 resulted in investments in clean water and habitat restoration too low
4 to ensure the long-term economic and environmental health of
5 Washington's forests, estuaries, waterways, and watersheds.

6 (4) The legislature further finds that unemployed workers and
7 Washington's economically distressed communities, especially timber-
8 dependent areas, can benefit from opportunities for employment in
9 environmental restoration projects.

10 (5) The legislature therefore declares that immediate investments
11 in a variety of environmental restoration projects, based on sound
12 principles of watershed management and environmental and forest
13 restoration, are necessary to rehabilitate damaged watersheds and to
14 assist dislocated workers and the unemployed gain job skills necessary
15 for long-term employment.

16 NEW SECTION. Sec. 2. PURPOSE AND INTENT--DEFINITIONS. (1) It is
17 the intent of this chapter to provide financial resources to make
18 substantial progress toward: (a) Implementing the Puget Sound water
19 quality management plan and other watershed-based management strategies
20 and plans; (b) ameliorating degradation to watersheds; and (c) keeping
21 and creating stable, environmentally sound, good wage employment in
22 Washington state. The legislature intends that employment under this
23 chapter is not to result in the displacement or partial displacement,
24 whether by the reduction of hours of nonovertime work, wages, or other
25 employment benefits, of currently employed workers, including but not
26 limited to state civil service employees, or of currently or normally
27 contracted services.

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

29 (a) Implement clean water, forest, and habitat restoration projects
30 that will produce measurable improvements in water and habitat quality,
31 that rate highly when existing environmental ranking systems are
32 applied, and that provide economic stability.

33 (b) Facilitate the coordination and consistency of federal, state,
34 tribal, local, and private water and habitat protection and enhancement
35 programs in the state's watersheds.

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

1 (d) Provide immediate funding to create jobs and training for
2 environmental restoration and enhancement jobs for unemployed workers
3 and displaced workers in impact areas, especially timber-dependent
4 communities.

5 (3) For purposes of this chapter "impact areas" means: (a)
6 Distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty
7 areas in those counties not covered under (a) of this subsection that
8 are timber impact areas as defined in RCW 43.31.601; (c) urban
9 subcounty areas as defined in RCW 43.165.010(3)(c); and (d) areas that
10 the task force determines are likely to experience dislocations in the
11 near future from downturns in natural resource-based industries.

12 (4) For purposes of this chapter, "high-risk youth" means youth
13 eligible for Washington conservation corps programs under chapter
14 43.220 RCW or Washington service corps programs under chapter 50.65
15 RCW.

16 (5) For purposes of this chapter, "dislocated forest products
17 worker" has the meaning set forth in RCW 50.70.010.

18 (6) For purposes of this chapter, "task force" means the
19 environmental enhancement and job creation task force created under
20 section 5 of this act.

21 NEW SECTION. **Sec. 3.** ENVIRONMENTAL AND FOREST RESTORATION
22 ACCOUNT. (1) The environmental and forest restoration account is
23 established in the state treasury. Money in the account may be spent
24 only after appropriation by the legislature and in a manner consistent
25 with this chapter. Private nonprofit organizations and state, local,
26 and tribal entities are eligible for funds under this chapter. Money
27 in the account may be used to make grants, loans, or interagency
28 contracts as needed to implement environmental and forest restoration
29 projects.

30 (2) For fiscal years 1994 through 1998, at least fifty percent of
31 the funds in the environmental and forest restoration account shall be
32 used for environmental restoration and enhancement projects in rural
33 communities impacted by the decline in timber harvest levels as defined
34 in chapter 50.70 RCW and that employ displaced timber workers. These
35 projects may include watershed restoration such as removing or
36 upgrading roads to reduce erosion and sedimentation, and improvements
37 in forest habitat such as thinning and pruning. Beginning July 1,
38 1998, at least fifty percent of the funds in the environmental and

1 forest restoration account shall be used for environmental restoration
2 and enhancement projects in counties with unemployment rates above the
3 state average.

4 (3) The environmental and forest restoration account shall consist
5 of funds appropriated by law, principal and interest from the repayment
6 of loans granted under this chapter, and federal and other money
7 received by the state for deposit in the account.

8 (4) At least ten percent of the funds distributed from the
9 environmental and forest restoration account annually shall be
10 allocated to the Washington conservation corps established under
11 chapter 43.220 RCW to employ high-risk youth on projects consistent
12 with this chapter and to fund administrative support services required
13 by the senior environmental corps established under chapter 43.63A RCW.

14 (5) At least five percent of the funds distributed from the
15 environmental and forest restoration account annually shall be used for
16 contracts with nonprofit corporations to fund or finance projects,
17 including those that increase private sector investments in pollution
18 prevention activities and equipment and that are consistent with the
19 provisions of this section and section 4 of this act.

20 (6) No more than five percent of the annual revenues to the
21 environmental and forest restoration account may be expended for
22 administrative purposes by any state agency or project administration;
23 however, funds expended by the Washington conservation corps shall be
24 subject solely to the limitations set forth in RCW 43.220.230.

25 (7) Except for essential administrative and supervisory purposes,
26 funds in the environmental and forest restoration account may not be
27 used for hiring permanent state employees.

28 NEW SECTION. **Sec. 4.** GRANTS OR LOANS FOR ENVIRONMENTAL AND FOREST
29 RESTORATION PROJECTS--CRITERIA. (1) Subject to the limitations of
30 section 3 of this act, the task force shall award funds from the
31 environmental and forest restoration account on a competitive basis.
32 The task force shall evaluate and rate environmental enhancement and
33 restoration project proposals using the following criteria:

34 (a) The ability of the project to produce measurable improvements
35 in water and habitat quality;

36 (b) The cost-effectiveness of the project based on: (i) Projected
37 costs and benefits of the project; (ii) past costs and environmental
38 benefits of similar projects; and (iii) the ability of the project to

1 achieve cost efficiencies through its design to meet multiple policy
2 objectives;

3 (c) The inclusion of the project as a high priority in a federal,
4 state, tribal, or local government plan relating to environmental or
5 forest restoration, including but not limited to a local watershed
6 action plan, storm water management plan, capital facility plan, growth
7 management plan, or a flood control plan; or the ranking of the project
8 by conservation districts as a high priority for water quality and
9 habitat improvements;

10 (d) The number of jobs to be created by the project for dislocated
11 forest products workers, high-risk youth, and residents of impact
12 areas;

13 (e) Participation in the project by environmental businesses to
14 provide training, cosponsor projects, and employ or jointly employ
15 project participants;

16 (f) The ease with which the project can be administered from the
17 community the project serves;

18 (g) The extent to which the project will either augment existing
19 efforts by organizations and governmental entities involved in
20 environmental and forest restoration in the community or receive
21 matching funds, resources, or in-kind contributions; and

22 (h) The capacity of the project to produce jobs and job-related
23 training that will pay market rate wages and impart marketable skills
24 to workers hired under this chapter.

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

27 (a) Projects that are highly ranked in and implement adopted or
28 approved watershed action plans, such as those developed pursuant to
29 Puget Sound water quality authority rules adopted for local planning
30 and management of nonpoint source pollution;

31 (b) Conservation district projects that provide water quality and
32 habitat improvements;

33 (c) Indian tribe projects that provide water quality and habitat
34 improvements; or

35 (d) Projects that implement actions approved by a shellfish
36 protection district under chapter 100, Laws of 1992.

37 (3) Funds shall not be awarded for the following activities:

38 (a) Administrative rule making;

39 (b) Planning; or

1 (c) Public education.

2 NEW SECTION. **Sec. 5.** ENVIRONMENTAL ENHANCEMENT AND JOB CREATION
3 TASK FORCE. (1) There is created the environmental enhancement and job
4 creation task force within the office of the governor. The purpose of
5 the task force is to provide a coordinated and comprehensive approach
6 to implementation of chapter . . . , Laws of 1993 (this act). The task
7 force shall consist of the commissioner of public lands, the director
8 of the department of wildlife, the director of the department of
9 fisheries, the director of the department of ecology, the director of
10 the parks and recreation commission, the timber team coordinator, the
11 executive director of the work force training and education
12 coordinating board, and the executive director of the Puget sound water
13 quality authority, or their designees. The task force may seek the
14 advice of the following agencies and organizations: The department of
15 community development, the department of trade and economic
16 development, the conservation commission, the employment security
17 department, the interagency committee for outdoor recreation,
18 appropriate federal agencies, appropriate special districts, the
19 Washington state association of counties, the association of Washington
20 cities, labor organizations, business organizations, timber-dependent
21 communities, environmental organizations, and Indian tribes. The
22 governor shall appoint the task force chair. Members of the task force
23 shall serve without additional pay. Participation in the work of the
24 committee by agency members shall be considered in performance of their
25 employment. The governor shall designate staff and administrative
26 support to the task force and shall solicit the participation of agency
27 personnel to assist the task force.

28 (2) The task force shall have the following responsibilities:

29 (a) Soliciting and evaluating, in accordance with the criteria set
30 forth in section 4 of this act, requests for funds from the
31 environmental and forest restoration account and making distributions
32 from the account. The task force shall award funds for projects and
33 training programs it approves and may allocate the funds to state
34 agencies for disbursement and contract administration;

35 (b) Coordinating a process to assist state agencies and local
36 governments to implement effective environmental and forest restoration
37 projects funded under this chapter;

1 (c) Considering unemployment profile data provided by the
2 employment security department;

3 (d) No later than December 31, 1993, providing recommendations to
4 the appropriate standing committees of the legislature for improving
5 the administration of grants for projects or training programs funded
6 under this chapter that prevent habitat and environmental degradation
7 or provide for its restoration;

8 (e) Submitting to the appropriate standing committees of the
9 legislature a biennial report summarizing the jobs and the
10 environmental benefits created by the projects funded under this
11 chapter.

12 (3) Beginning July 1, 1994, the task force shall have the following
13 responsibilities:

14 (a) To solicit and evaluate proposals from state and local
15 agencies, private nonprofit organizations, and tribes for environmental
16 and forest restoration projects;

17 (b) To rank the proposals based on criteria developed by the task
18 force in accordance with section 4 of this act; and

19 (c) To determine funding allocations for projects to be funded from
20 the account created in section 3 of this act and for projects or
21 programs as designated in the omnibus operating and capital
22 appropriations acts.

23 NEW SECTION. **Sec. 6.** FIRST YEAR PROJECT FUNDING. The legislature
24 recognizes the need for immediate job creation and environmental and
25 forest restoration, especially in timber-dependent communities. For
26 fiscal year 1994, funding to implement the purposes of this chapter
27 shall be provided through individual agency appropriations as specified
28 in the omnibus operating and capital appropriations acts.

29 NEW SECTION. **Sec. 7.** UNANTICIPATED FEDERAL FUNDS. When an agency
30 submits an unanticipated federal receipt under RCW 43.79.270, the
31 governor shall consider placing these funds into the environmental and
32 forest restoration account or requiring that the funds be used in a
33 manner consistent with the criteria established in section 4 of this
34 act.

35 NEW SECTION. **Sec. 8.** RECRUITMENT AND EMPLOYMENT. (1) Eligibility
36 for training or employment in projects funded through the environmental

1 and forest restoration account shall, to the extent practicable, be for
2 workers who are currently unemployed.

3 (2) To the greatest extent practicable, the following groups of
4 individuals shall be given preference for training or employment in
5 projects funded through the environmental and forest restoration
6 account:

7 (a) Dislocated workers who are receiving unemployment benefits or
8 have exhausted unemployment benefits; and

9 (b) High-risk youth.

10 (3) Projects funded for forest restoration shall be for workers
11 whose employment was terminated in the Washington forest products
12 industry within the previous four years.

13 (4) The task force shall submit a list to private industry councils
14 and the employment security department of projects receiving funds
15 under the provisions of this chapter. The list shall include the
16 number, location, and types of jobs expected to be provided by each
17 project. The employment security department shall recruit workers for
18 these jobs by:

19 (a) Notifying dislocated forest workers who meet the definitions in
20 chapter 50.70 RCW, who are receiving unemployment benefits or who have
21 exhausted unemployment benefits, of their eligibility for the programs;

22 (b) Notifying other unemployed workers;

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

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

26 (5) The employment security department shall refer eligible workers
27 to employers hiring under the environmental and forest restoration
28 account programs. Recipients of funds shall consider the list of
29 eligible workers developed by the employment security department before
30 conducting interviews or making hiring decisions. Recipients of funds
31 shall ensure that workers are aware of whatever opportunities for
32 vocational training, job placement, and remedial education are
33 available from the employment security department.

34 (6) An individual is eligible for applicable employment security
35 benefits while participating in training related to this chapter.
36 Eligibility shall be confirmed by the commissioner of employment
37 security by submitting a commissioner-approved training waiver.

38 (7) Persons receiving funds from the environmental and forest
39 restoration account shall not be considered state employees for the

1 purposes of existing provisions of law with respect to hours of work,
2 sick leave, vacation, and civil service but shall receive health
3 benefits. Persons receiving funds from this account who are hired by
4 a state agency, except for Washington conservation and service corps
5 enrollees, shall receive medical and dental benefits as provided under
6 chapter 41.05 RCW and industrial insurance coverage under Title 51 RCW,
7 but are exempt from the provisions of chapter 41.06 RCW.

8 (8) Compensation for employees, except for Washington conservation
9 and service corps enrollees, hired under the program established by
10 this chapter shall be based on market rates in accordance with the
11 required skill and complexity of the jobs created. Remuneration paid
12 to employees under this chapter shall be considered covered employment
13 for purposes of chapter 50.04 RCW.

14 (9) Employment under this program shall not result in the
15 displacement or partial displacement, whether by the reduction of hours
16 of nonovertime work, wages, or other employment benefits, of currently
17 employed workers, including but not limited to state civil service
18 employees, or of currently or normally contracted services.

19 NEW SECTION. **Sec. 9.** An individual shall be considered to be in
20 training with the approval of the commissioner as defined in RCW
21 50.20.043, and be eligible for applicable unemployment insurance
22 benefits while participating in and making satisfactory progress in
23 training related to this chapter.

24 NEW SECTION. **Sec. 10.** For the purpose of providing the protection
25 of the unemployment compensation system to individuals at the
26 conclusion of training or employment obtained as a result of this
27 chapter, a special base year and benefit year are established.

28 (1) Only individuals who have entered training or employment
29 provided by the environmental and forest restoration account, and whose
30 employment or training under such account was not considered covered
31 under chapter 50.04 RCW, shall be allowed the special benefit
32 provisions of this chapter.

33 (2) An application for initial determination made under this
34 chapter must be filed in writing with the employment security
35 department within twenty-six weeks following the week in which the
36 individual commenced employment or training obtained as a result of
37 this chapter. Notice from the individual, from the employing entity,

1 or notice of hire from employment security department administrative
2 records shall satisfy this requirement.

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

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

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

35 (6) The fact that wages, hours, or weeks worked during the special
36 base year may have been used in computation of a prior valid claim for
37 unemployment compensation shall not affect a claim for benefits made
38 under the provisions of this chapter. However, wages, hours, and weeks
39 worked used in computing entitlement on a claim filed under this

1 chapter shall not be available or used for establishing entitlement or
2 amount of benefits in any succeeding benefit year.

3 (7) Benefits paid to an individual filing under the provisions of
4 this section shall not be charged to the experience rating account of
5 any contribution paying employer.

6 NEW SECTION. **Sec. 11.** On or before June 30, 1998, the legislative
7 budget committee shall prepare a report to the legislature evaluating
8 the implementation of the environmental restoration jobs act of 1993,
9 chapter . . , Laws of 1993 (this act).

10 NEW SECTION. **Sec. 12.** RCW 43.220.900 and 1987 c 367 s 5 & 1983
11 1st ex.s. c 40 s 22 are each repealed.

12 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.131
13 RCW to read as follows:

14 The Washington conservation corps and its powers and duties shall
15 be terminated on June 30, 1999, as provided in section 14 of this act.

16 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.131
17 RCW to read as follows:

18 The following acts or parts of acts, as now existing or hereafter
19 amended, are each repealed, effective June 30, 2000:

- 20 (1) RCW 43.220.010 and 1983 1st ex.s. c 40 s 2;
- 21 (2) RCW 43.220.020 and 1988 c 36 s 23 & 1983 1st ex.s. c 40 s 1;
- 22 (3) RCW 43.220.030 and 1987 c 367 s 1 & 1983 1st ex.s. c 40 s 3;
- 23 (4) RCW 43.220.040 and 1987 c 367 s 2 & 1983 1st ex.s. c 40 s 4;
- 24 (5) RCW 43.220.050 and 1983 1st ex.s. c 40 s 5;
- 25 (6) RCW 43.220.060 and 1987 c 505 s 44 & 1983 1st ex.s. c 40 s 6;
- 26 (7) RCW 43.220.070 and 1990 c 71 s 2, 1988 c 78 s 1, & 1986 c 266
27 s 48;
- 28 (8) RCW 43.220.080 and 1983 1st ex.s. c 40 s 8;
- 29 (9) RCW 43.220.090 and 1983 1st ex.s. c 40 s 9;
- 30 (10) RCW 43.220.120 and 1988 c 36 s 24 & 1983 1st ex.s. c 40 s 12;
- 31 (11) RCW 43.220.130 and 1983 1st ex.s. c 40 s 13;
- 32 (12) RCW 43.220.140 and 1983 1st ex.s. c 40 s 14;
- 33 (13) RCW 43.220.150 and 1983 1st ex.s. c 40 s 15;
- 34 (14) RCW 43.220.160 and 1983 1st ex.s. c 40 s 16;
- 35 (15) RCW 43.220.170 and 1983 1st ex.s. c 40 s 17;

- 1 (16) RCW 43.220.180 and 1983 1st ex.s. c 40 s 18;
- 2 (17) RCW 43.220.190 and 1987 c 367 s 3 & 1983 1st ex.s. c 40 s 20;
- 3 (18) RCW 43.220.210 and 1987 c 367 s 4 & 1985 c 230 s 1;
- 4 (19) RCW 43.220.220 and 1985 c 230 s 2;
- 5 (20) RCW 43.220.230 and 1990 c 71 s 3 & 1985 c 230 s 3;
- 6 (21) RCW 43.220.240 and 1985 c 230 s 4; and
- 7 (22) RCW 43.220.250 and 1985 c 230 s 5.

8 NEW SECTION. **Sec. 15.** SHORT TITLE. This act shall be known as
9 the environmental restoration jobs act of 1993.

10 NEW SECTION. **Sec. 16.** CAPTIONS AND PART HEADINGS. Section
11 captions and part headings as used in this act constitute no part of
12 the law.

13 NEW SECTION. **Sec. 17.** SEVERABILITY. If any provision of this act
14 or its application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 18.** Sections 1 through 11 of this act shall
18 constitute a new chapter in Title 43 RCW.

19 NEW SECTION. **Sec. 19.** If any part of this act is found to be in
20 conflict with federal requirements that are a prescribed condition to
21 the allocation of federal funds to the state or the eligibility of
22 employers in this state for federal unemployment tax credits, the
23 conflicting part of this act is hereby declared to be inoperative
24 solely to the extent of the conflict, and such finding or determination
25 shall not affect the operation of the remainder of this act. The rules
26 under this act shall meet federal requirements that are a necessary
27 condition to the receipt of federal funds by the state or the granting
28 of federal unemployment tax credits to employers in this state.

29 NEW SECTION. **Sec. 20.** EFFECTIVE DATE. This act is necessary for
30 the immediate preservation of the public peace, health, or safety, or

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

--- END ---