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**SUBSTITUTE SENATE BILL 5454**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Trade, Technology & Economic Development  
(originally sponsored by Senators Fraser, Skratek, Barr, Haugen, Pelz,  
Prentice, Owen, Niemi, von Reichbauer, Quigley and M. Rasmussen)

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 amending RCW 43.131.369, 43.131.370, and 43.220.900; adding a new

1 chapter to Title 43 RCW; creating new sections; providing an effective  
2 date; and declaring an emergency.

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

4 **PART I ENVIRONMENTAL RESTORATION JOBS**

5 NEW SECTION. **Sec. 101.** LEGISLATIVE FINDINGS. (1) The legislature  
6 finds that the economy of Washington state depends on the health and  
7 sustainable management and development of its natural resources. These  
8 resources include the waters and associated habitats of Puget Sound,  
9 which has been designated an estuary of national significance under the  
10 federal clean water act. The resources of Washington's estuaries,  
11 waterways, and watersheds provide a livelihood for thousands of  
12 citizens of Washington state and millions of dollars of income and tax  
13 revenues every year from fisheries, shellfisheries, recreation,  
14 tourism, and other water-dependent industries.

15 (2) The legislature further finds that the livelihoods and revenues  
16 produced by Puget Sound and Washington's other estuaries, waterways,  
17 and watersheds are threatened by continuing water quality and habitat  
18 degradation, and that immediate investments in clean water  
19 infrastructure and habitat restoration and enhancement are required to  
20 prevent the burdening of future generations with cleanup costs, poorly  
21 functioning ecosystems, and the collapse of economically important  
22 industries that rely on a healthy environment.

23 (3) The preeminent national model for cooperative watershed-based  
24 management and prevention of pollution, and habitat alteration and  
25 destruction is the Puget Sound water quality management plan adopted by  
26 the state in 1986.

27 Further use of this model state-wide could result in substantial  
28 improvement in the state's water quality and restoration and  
29 enhancement of its estuaries, waterways, and watersheds.

30 However, inadequate financial resources and incentives, especially  
31 in economically distressed areas, have impeded implementation of the  
32 Puget Sound water quality management plan and the legislature must  
33 address this inadequacy if it is to effectively address watershed-based  
34 management on a state-wide basis. In particular, an insufficiency in  
35 financial resources for local governments has resulted in investments  
36 in clean water too low to ensure the long-term economic and

1 environmental health in Puget Sound, and watersheds throughout the  
2 state. This is especially true in impact areas.

3 NEW SECTION. **Sec. 102.** PURPOSE AND INTENT. (1) It is the  
4 intent of this chapter to provide adequate financial resources to local  
5 governments and other entities to: (a) Achieve full implementation of  
6 the Puget Sound water quality management plan and other watershed-based  
7 management strategies and plans; (b) ameliorate degradation to  
8 watersheds caused by forest practices; and (c) keep and create  
9 environmentally sound, family wage, and stable employment in Washington  
10 state.

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

12 (a) Implement clean water, forest, and habitat restoration projects  
13 that will produce measurable improvements in water and habitat quality,  
14 prevent further degradation of water and habitat quality, that rate  
15 highly when existing environmental ranking systems are applied, and  
16 that provide economic stability.

17 (b) Facilitate the coordination and consistency of federal, state,  
18 tribal, and local water and habitat protection and enhancement programs  
19 in the state's watersheds.

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

22 (d) Provide immediate funding to create jobs and training for  
23 environmental restoration and enhancement jobs for unemployed workers  
24 and displaced workers in impact areas.

25 (3) For purposes of this chapter "impact areas" means: (a)  
26 Distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty  
27 areas in those counties not covered under (a) of this subsection that  
28 are timber impact areas as defined in RCW 43.31.601; (c) urban  
29 subcounty areas as defined in RCW 43.165.010(3)(c); and (d) areas that  
30 the state agencies administering funds under section 103 of this act  
31 determine are likely to experience dislocations in the near future from  
32 downturns in natural resource-based industries, defense-based  
33 industries, or aerospace-based industries.

34 NEW SECTION. **Sec. 103.** ENVIRONMENTAL AND FOREST RESTORATION  
35 ACCOUNT. (1) The environmental and forest restoration account is  
36 established in the state treasury. Money in the account may only be  
37 spent after appropriation by the legislature. One-third of the funds

1 in the account shall be allocated for the purposes of watershed  
2 restoration and enhancement projects in forested areas, one-third of  
3 the funds shall be allocated for the purposes of watershed restoration  
4 and enhancement projects within the Puget Sound basin including its  
5 marine waters, and one-third shall be allocated for watershed  
6 restoration and enhancement projects outside the Puget Sound basin.  
7 Any public body, agency of state government, tribal entity, or  
8 nonprofit corporation is eligible for funds under this chapter.

9 (2) There is created the environmental enhancement and job creation  
10 task force consisting of the commissioner of public lands, the director  
11 of the parks and recreation commission, the director of the department  
12 of wildlife, the director of the department of fisheries, the director  
13 of the department of ecology, the director of the department of trade  
14 and economic development, the director of the department of community  
15 development, the commissioner of employment security, the governor, and  
16 the executive director of the Puget Sound water quality authority, or  
17 their designees. Members shall serve without additional pay and  
18 participation and the work of the committee shall be deemed performance  
19 of their employment. The governor shall designate the chair of the  
20 task force. The governor shall provide staff and administrative  
21 support to the task force and solicit the participation of agency  
22 personnel to assist the task force.

23 (3) The task force shall be responsible for reviewing requests for  
24 use of environmental and forest restoration account funds and making  
25 distributions from the account. Any public body, agency of state  
26 government, tribal entity, or nonprofit corporation may apply for funds  
27 to be used consistent with this section and sections 102, 104, and 105  
28 of this act. The task force shall award funds for projects and  
29 training programs it approves and may allocate the funds to state  
30 agencies for disbursement and contract administration.

31 (4) The environmental and forest restoration account shall consist  
32 of tax receipts as provided by law, principal and interest from the  
33 repayment of loans granted under this chapter, federal and other money  
34 received by the state for deposit in the account, and other money  
35 appropriated to the account by the legislature.

36 (5) At least ten percent of the funds distributed from the  
37 environmental and forest restoration account annually shall be  
38 allocated to the Washington conservation corps established under  
39 chapter 43.220 RCW to employ eligible youth on projects consistent with

1 this chapter and to fund administrative support services required by  
2 the senior environmental corps established under chapter 43.63A RCW.

3 (6) At least five percent of the funds distributed from the  
4 environmental and forest restoration account annually shall be used for  
5 contracts with nonprofit corporations to fund or finance projects,  
6 including those that increase private sector investments in pollution  
7 prevention activities and equipment, and that are consistent with the  
8 provisions of this section and section 104 of this act.

9 (7) No more than five percent of the funds distributed from the  
10 environmental and forest restoration account shall be expended for  
11 administrative purposes by any state agency or project administration.

12 (8) No project may receive more than five percent of the funds  
13 distributed from the environmental and forest restoration account in a  
14 given year.

15 (9) Each project funded from the environmental and forest  
16 restoration account shall be matched by a contribution of local funds  
17 or resources to the project.

18 (10) The task force, the Puget Sound water quality authority, the  
19 department of natural resources, and the department of ecology shall  
20 each be responsible for soliciting private and federal resources to  
21 carry out the purposes of this chapter and their responsibilities under  
22 this chapter.

23 NEW SECTION. **Sec. 104.** GRANTS OR LOANS FOR ENVIRONMENTAL AND  
24 FOREST RESTORATION PROJECTS--CRITERIA. (1) Within the limitations of  
25 section 103 of this act, the task force shall award funds from the  
26 environmental and forest restoration account on a competitive basis.  
27 The task force shall evaluate and rate environmental enhancement and  
28 restoration project proposals using the following criteria:

29 (a) The ability of the proponents of the project to quantify their  
30 projected improvements in water quality, habitat quality, or both;

31 (b) The cost-effectiveness of the project as measured by past costs  
32 and environmental benefits for similar projects;

33 (c) The inclusion of the project as a high priority in a local  
34 government storm water management plan, watershed action plan, or  
35 capital facility plan;

36 (d) The number of jobs to be created by the project for:

37 (i) Displaced or unemployed workers;

38 (ii) Unemployed youth;

1 (iii) Residents of impact areas;

2 (e) The projects use of the employment security department's or a  
3 private industry council's job training and placement services;

4 (f) The project's use of environmental businesses to train in  
5 environmental technologies, cosponsor projects and employ or jointly  
6 employ project participants;

7 (g) The ease with which the project can be administered from the  
8 community the project serves.

9 (2) Training programs funded by the environmental and forest  
10 restoration account shall be evaluated and rated using the following  
11 criteria:

12 (a) The number of:

13 (i) Displaced or unemployed workers;

14 (ii) Unemployed youth;

15 (iii) Residents of impact areas to be trained by the project;

16 (b) The cost-effectiveness of the training as measured by past  
17 training efforts;

18 (c) The use of environmental businesses to assist in training;

19 (d) The prospect that the training will result in high-skill, long-  
20 term jobs.

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

23 (a) Projects in impact areas that employ dislocated workers and  
24 unemployed youth;

25 (b) Training programs;

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

30 (d) Conservation district projects that provide water quality and  
31 habitat improvements;

32 (e) Indian tribe projects that provide water quality and habitat  
33 improvements; or

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

36 NEW SECTION. Sec. 105. ELIGIBILITY. (1) Eligibility for training  
37 or employment in projects funded through the environmental and forest  
38 restoration account shall, to the extent practicable, be for workers

1 who are currently unemployed. Projects funded for forest watershed  
2 restoration shall be for workers whose employment was terminated in the  
3 Washington forest products industry within the previous four years.

4 (2) An individual shall be eligible for applicable employment  
5 security benefits while participating in training related to this  
6 chapter. Eligibility shall be confirmed by the commissioner of  
7 employment security by submitting a commissioner-approved training  
8 waiver.

9 Any person eligible for unemployment benefits who is employed or  
10 trained as a result of this chapter shall have their benefit year  
11 extended for a time equivalent to the duration of the employment or  
12 training. The commissioner shall adopt rules as necessary to implement  
13 this subsection.

14 (3) Employees hired under the environmental and forest restoration  
15 account program shall not be considered state employees for the  
16 purposes of existing provisions of law with respect to hours of work,  
17 sick leave, vacation, and civil service. Employees under the program  
18 shall receive medical and dental benefits and holiday vacation benefits  
19 equivalent to those received by state employees.

20 (4) Compensation for employees under the program shall be no less  
21 than twice the state or federal minimum wage, whichever is higher,  
22 except for those projects funded under section 103(5) of this act.

23 (5) Employment under the program shall not result in the  
24 displacement or partial displacement, such as the reduction of hours of  
25 nonovertime work, wages, or other employment benefits, of currently  
26 employed workers, including but not limited to state civil service  
27 employees, or of currently or normally contracted services.

28 (6) The employment security department shall refer eligible workers  
29 to employers hiring under the environmental and forest restoration  
30 account programs. Workers shall receive opportunities for vocational  
31 training, job placement, and remedial education.

32 **PART II MISCELLANEOUS**

33 **Sec. 201.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to  
34 read as follows:

35 The Puget Sound water quality authority and its powers and duties  
36 shall be terminated on June 30, (~~1995~~) 1999, as provided in RCW  
37 43.131.370.

1        NEW SECTION.        **Sec. 202.**        On or before June 30, 1998, the  
2 legislative budget committee shall prepare a report to the legislature  
3 evaluating the implementation of the environmental restoration jobs act  
4 of 1993, chapter . . . , Laws of 1993 (this act).

5        **Sec. 203.**        RCW 43.131.370 and 1990 c 115 s 12 are each amended to  
6 read as follows:

7        The following acts or parts of acts, as now existing or hereafter  
8 amended, are each repealed, effective June 30, ((1996)) 2000:

9        (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;

10        (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;

11        (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115,  
12 Laws of 1990 and RCW 90.70.011;

13        (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;

14        (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;

15        (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36,  
16 Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;

17        (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115,  
18 Laws of 1990 and RCW 90.70.055;

19        (8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11,  
20 Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;

21        (9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115,  
22 Laws of 1990 and RCW 90.70.070;

23        (10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115,  
24 Laws of 1990 and RCW 90.70.080; and

25        (11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

26        NEW SECTION.        **Sec. 204.**        Sections 101 through 105 and 202 of this  
27 act shall constitute a new chapter in Title 43 RCW.

28        NEW SECTION.        **Sec. 205.**        This act shall be known as the  
29 environmental restoration jobs act of 1993.

30        **Sec. 206.**        RCW 43.220.900 and 1987 c 367 s 5 are each amended to  
31 read as follows:

32        The Washington conservation corps shall cease to exist and chapter  
33 43.220 RCW shall expire on July 1, ((1995, unless extended by law for  
34 an additional fixed period of time)) 2000.

1        NEW SECTION.    **Sec. 207.** Section captions and part headings as used  
2 in this act constitute no part of the law.

3        NEW SECTION.    **Sec. 208.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7        NEW SECTION.    **Sec. 209.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and shall take  
10 effect July 1, 1993.

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