

2SHB 2227 - H AMD 195

By Representative Probst

ADOPTED AS AMENDED 03/09/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the 2009
4 American recovery and reinvestment act includes new investments in
5 research and development for green industries, renewable energy
6 production, and incentives for installation and use of renewable energy
7 and energy efficiency retrofits. The legislature further finds that
8 state level initiatives include additional incentives for installation
9 of renewable energy and energy efficiency retrofits. These initiatives
10 also include new incentives for production of renewable energy, so that
11 the state is not only using renewable energy, but also becoming a major
12 supplier of renewable energy to the world.

13 The legislature believes that these inputs will significantly
14 increase demand for installation and production of renewable energy and
15 energy efficiency retrofits. The legislature recognizes that this
16 demand will cultivate job opportunities for Washington state residents
17 during economic downturns when such opportunities are particularly
18 valuable. However, the state's residents and economy may be unable to
19 take full advantage of these opportunities if there is a shortage of
20 workers with the skills needed for production and installation jobs in
21 renewable energy and energy efficiency.

22 Therefore, the legislature intends that Washington state excel in
23 the green economy by creating a highly skilled green jobs workforce.
24 Furthermore, the legislature intends to establish an even stronger
25 focus on skills for green jobs within existing education and training
26 funds, and to direct any funds received from the 2009 American recovery
27 and reinvestment act to an evergreen jobs initiative.

28 The legislature intends to establish the evergreen jobs initiative
29 to ensure: That the state's workforce is prepared for the new green
30 economy; that the state attracts investment and job creation in the

1 green economy; that the state is a net exporter of green industry
2 products and services, with special attention to renewable energy
3 technology and components; and that Washington is a national and world
4 leader in the green economy.

5 **Sec. 2.** RCW 43.330.310 and 2008 c 14 s 9 are each amended to read
6 as follows:

7 ~~(1) ((The legislature establishes a comprehensive green economy~~
8 ~~jobs growth initiative based on the goal of, by 2020, increasing the~~
9 ~~number of green economy jobs to twenty five thousand from the eight~~
10 ~~thousand four hundred green economy jobs the state had in 2004.~~

11 (2)) The Washington state evergreen jobs initiative is established
12 with the following primary goals:

13 (a) To create fifteen thousand new green economy jobs by 2020;

14 (b) To target thirty percent of these new jobs to veterans, members
15 of the national guard, and low-income and disadvantaged populations;

16 (c) To create a coordinated effort across state agencies to draw
17 down federal funds and deploy them in a focused, effective, and
18 coordinated manner;

19 (d) To prepare the state's workforce to take full advantage of
20 green economy job opportunities;

21 (e) To attract private sector investment that will result in job
22 creation and expansion;

23 (f) To make the state a net exporter of green industry products and
24 services, with special attention to renewable energy technology and
25 components;

26 (g) To empower green job recruitment and training by local
27 workforce development councils and associate development organizations
28 by providing rapidly accessible funding and strong support from state
29 agencies; and

30 (h) To capitalize upon partnership agreements already established
31 in the governor's Washington works plan and the Washington workforce
32 compact.

33 (2) The department and the workforce training and education
34 coordinating board shall work with a working group including the state
35 board for community and technical colleges, the employment security
36 department, business, organized labor, workforce development councils,
37 associate development organizations, and higher education to:

1 (a) Develop and maintain a regularly updated and prioritized list
2 of projects across the state that will create green jobs and have long-
3 term economic and environmental impact;

4 (i) To ensure that projects with high economic or environmental
5 impact are strongly supported, the department, workforce training and
6 education coordinating board, and the working group must develop a
7 process and specific criteria for soliciting and evaluating evergreen
8 jobs act priority projects, which may be proposed by organizations
9 including associate development organizations and workforce development
10 councils statewide. The evaluation criteria must include, but not be
11 limited to, whether the project will:

12 (A) Create short-term jobs;

13 (B) Create long-term jobs;

14 (C) Position the state to become a major exporter of renewable
15 energy technology and components;

16 (D) Strengthen the state's competitiveness in a targeted niche
17 within the green economy; and

18 (E) Create lasting environmental benefits;

19 (ii) Projects that demonstrate the following characteristics shall
20 be awarded additional points in the evaluation process:

21 (A) Compliance with the prevailing wage provisions of chapter 39.12
22 RCW or with area standard wages for public works as determined by the
23 department of labor and industries;

24 (B) Employment opportunities for veterans, members of the national
25 guard, and low-income and disadvantaged populations; and

26 (C) Quality and training standards that ensure that fifteen percent
27 of the labor hours will be performed by apprentices.

28 (b) Accelerate and coordinate efforts to identify and secure any
29 and all potential sources of funding, with a particular emphasis on
30 funds available from the federal government under the 2009 American
31 recovery and reinvestment act, to support evergreen jobs act priority
32 projects and accomplish the additional goals of this initiative;

33 (c) Use the list of evergreen jobs act priority projects to inform
34 and coordinate applications for federal funding, and to coordinate
35 funding and implementation for local projects from multiple state
36 agencies. This requirement for consultation and coordination among
37 state agencies shall not be construed as a requirement for any agency

1 to gain approval from another before allocating funding to the local
2 level;

3 (d) Coordinate, streamline, and accelerate project support so that
4 local associate development organizations and workforce development
5 councils will be empowered to comprehensively and rapidly respond to
6 job creation and workforce training opportunities. Each associate
7 development organization and workforce development council shall report
8 to the legislature annually regarding the effectiveness and timeliness
9 of support provided by state agencies under this section and sections
10 3 through 5 of this act;

11 (e) Ensure that public utility district and community action agency
12 weatherization projects similarly receive coordinated, streamlined, and
13 accelerated state support, including a steady supply of appropriately
14 skilled workers;

15 (f) Consult with the Washington State University energy extension
16 program, when necessary, to determine which energy efficiency and
17 renewable energy improvement technologies are appropriate;

18 (g) Develop, track, and report performance metrics, including but
19 not limited to:

20 (i) The number of new green jobs created each year;

21 (ii) The number of new green jobs created for veterans, members of
22 the national guard, and low-income and disadvantaged populations;

23 (iii) Wage levels of jobs created;

24 (iv) The total amount of new federal funding secured and the
25 respective amounts allocated to the state and local levels; and

26 (v) The timeliness of deployment of funding by state agencies to
27 the local level;

28 (h) Focus on additional local projects or additional high employer-
29 demand fields as necessary and report performance in these fields in
30 the same manner described in (g) of this subsection;

31 (i) Provide a progress report to appropriate committees of the
32 legislature on December 1, 2009, that includes:

33 (i) Methods to encourage the creation and expansion of businesses
34 and jobs in the state's green economy;

35 (ii) Actions and accomplishments in securing funds from the federal
36 government and other external sources;

37 (iii) Recommended performance metrics;

38 (iv) Actual performance outcomes to date; and

1 (v) A list of evergreen jobs act priority projects and actions
2 taken to date on each;

3 (j) Provide quarterly performance reports thereafter to appropriate
4 committees of the legislature that include, at a minimum, the following
5 information:

6 (i) Performance metrics and actual performance outcomes to date;

7 (ii) The updated list of evergreen jobs act priority projects and
8 actions taken to date on each;

9 (iii) A summary of actions taken to empower local organizations as
10 required in (d) and (e) of this subsection; and

11 (iv) Reports from local associate development organizations and
12 workforce development councils on the effectiveness and timeliness of
13 state support for their efforts.

14 (3) The workforce training and education coordinating board, in
15 consultation with the department, shall develop a plan or a series of
16 plans to prioritize existing and new funding streams related to
17 workforce training programs and education that lead to a credential,
18 certificate, or degree in green economy jobs and increase capacity for
19 associate development organizations and workforce development councils
20 to respond to priority projects in the future.

21 (4) The department and workforce training and education
22 coordinating board shall identify strategies to allocate and direct
23 existing and new funding streams to workforce development councils and
24 associate development organizations in a coordinated and efficient
25 manner, to reduce local staff time needed to draw down funds, and to
26 increase local capacity to respond rapidly and comprehensively to
27 opportunities to attract green jobs to local communities.

28 (5) The department, in consultation with the employment security
29 department, the state workforce training and education coordinating
30 board, the state board (~~of~~~~for~~) for community and technical
31 colleges, and the higher education coordinating board, shall develop a
32 defined list of terms, consistent with current workforce and economic
33 development terms, associated with green economy industries and jobs.

34 ~~((3)(a))~~ (6) The employment security department, in consultation
35 with the department, the state workforce training and education
36 coordinating board, the state board for community and technical
37 colleges, the higher education coordinating board, Washington State
38 University small business development center, and the Washington State

1 University extension energy program, shall conduct labor market
2 research to analyze the current labor market and projected job growth
3 in the green economy, the current and projected recruitment and skill
4 requirement of green economy industry employers, the wage and benefits
5 ranges of jobs within green economy industries, and the education and
6 training requirements of entry-level and incumbent workers in those
7 industries.

8 ~~((b) The University of Washington business and economic
9 development center shall: Analyze the current opportunities for and
10 participation in the green economy by minority and women-owned business
11 enterprises in Washington; identify existing barriers to their
12 successful participation in the green economy; and develop strategies
13 with specific policy recommendations to improve their successful
14 participation in the green economy. The research may be informed by
15 the research of the Puget Sound regional council prosperity
16 partnership, as well as other entities. The University of Washington
17 business and economic development center shall report to the
18 appropriate committees of the house of representatives and the senate
19 on their research, analysis, and recommendations by December 1, 2008.~~

20 ~~(4))~~ (7) Based on the findings from subsection ~~((3))~~ (6) of this
21 section, the employment security department, in consultation with the
22 department and taking into account the requirements and goals of
23 chapter 14, Laws of 2008 and other state clean energy and energy
24 efficiency policies, shall propose which industries will be considered
25 high-demand green industries, based on current and projected job
26 creation and their strategic importance to the development of the
27 state's green economy. The employment security department and the
28 department shall take into account which jobs within green economy
29 industries will be considered middle or high-wage occupations and
30 occupations that are part of career pathways to the same, based on
31 family-sustaining wage and benefits ranges. These designations, and
32 the results of the employment security department's broader labor
33 market research, shall inform the planning and strategic direction of
34 the department, the state workforce training and education coordinating
35 board, the state board for community and technical colleges, and the
36 higher education coordinating board.

37 ~~((5))~~ (8) The department shall identify emerging technologies and

1 innovations that are likely to contribute to advancements in the green
2 economy, including the activities in designated innovation partnership
3 zones established in RCW 43.330.270.

4 ~~((+6))~~ (9) The department, consistent with the priorities
5 established by the state economic development commission, shall:

6 (a) Develop targeting criteria for existing investments, and make
7 recommendations for new or expanded financial incentives and
8 comprehensive strategies, to recruit, retain, and expand green economy
9 industries and small businesses; and

10 (b) Make recommendations for new or expanded financial incentives
11 and comprehensive strategies to stimulate research and development of
12 green technology and innovation, including designating innovation
13 partnership zones linked to the green economy.

14 ~~((+7))~~ (10) For the purposes of this section, "target populations"
15 means (a) entry-level or incumbent workers ~~((in high-demand green
16 industries))~~ who are in, or are preparing for, middle or high-wage
17 high-demand occupations in the green economy; (b) dislocated workers in
18 declining industries who may be retrained for middle or high-wage
19 occupations in ~~((high-demand green industries))~~ the green economy; (c)
20 ~~((dislocated agriculture, timber, or energy sector workers who may be
21 retrained for high-wage occupations in high-demand green industries;~~
22 ~~(d))~~ eligible veterans or national guard members; ~~((+e))~~ (d)
23 disadvantaged populations; or ~~((+f))~~ (e) anyone eligible to
24 participate in the state opportunity grant program under RCW
25 28B.50.271.

26 ~~((+8))~~ (11) The legislature directs the state workforce training
27 and education coordinating board to create and pilot green industry
28 skill panels. These panels shall consist of business representatives
29 from industry sectors related to clean energy, labor unions
30 representing workers in those industries or labor affiliates
31 administering state-approved, joint apprenticeship programs or labor-
32 management partnership programs that train workers for these
33 industries, state and local veterans agencies, employer associations,
34 educational institutions, and local workforce development councils
35 within the region that the panels propose to operate, and other key
36 stakeholders as determined by the applicant. Any of these stakeholder
37 organizations are eligible to receive grants under this section and
38 serve as the intermediary that convenes and leads the panel. Panel

1 applicants must provide labor market and industry analysis that
2 demonstrates high demand, or demand of strategic importance to the
3 development of the state's clean energy economy as identified in this
4 section, for middle or high-wage occupations, or occupations that are
5 part of career pathways to the same, within the relevant industry
6 sector. The panel shall:

7 (a) Conduct labor market and industry analyses, in consultation
8 with the employment security department, and drawing on the findings of
9 its research when available;

10 (b) Plan strategies to meet the recruitment and training needs of
11 the industry and small businesses; and

12 (c) Leverage and align other public and private funding sources.

13 ~~((+9))~~ (12) The ~~((green industries))~~ evergreen jobs ~~((training))~~
14 account is created in the state treasury. Funds deposited to the
15 account may include gifts, grants, or endowments from public or private
16 sources, in trust or otherwise. Moneys from the account must be
17 utilized to supplement the state opportunity grant program established
18 under RCW 28B.50.271. All receipts from appropriations directed to the
19 account must be deposited into the account. Expenditures from the
20 account may be used only for the activities identified in this
21 subsection. The state board for community and technical colleges, in
22 consultation with the state workforce training and education
23 coordinating board, informed by the research of the employment security
24 department and the strategies developed in this section, may authorize
25 expenditures from the account. The state board for community and
26 technical colleges must distribute grants from the account on a
27 competitive basis.

28 (a)(i) Allowable uses of these grant funds, which should be used
29 when other public or private funds are insufficient or unavailable, may
30 include:

31 (A) Curriculum development;

32 (B) Transitional jobs strategies for dislocated workers in
33 declining industries who may be retrained for middle or high-wage
34 occupations in green industries;

35 (C) Workforce education to target populations; ~~((and))~~

36 (D) Adult basic and remedial education as necessary linked to
37 occupation skills training; and

1 (E) Coordinated outreach efforts by institutions of higher
2 education and workforce development councils.

3 (ii) Allowable uses of these grant funds do not include student
4 assistance and support services available through the state opportunity
5 grant program under RCW 28B.50.271.

6 (b) Applicants eligible to receive these grants may be any
7 organization or a partnership of organizations that has demonstrated
8 expertise in:

9 (i) Implementing effective education and training programs that
10 meet industry demand; and

11 (ii) Recruiting and supporting, to successful completion of those
12 training programs carried out under these grants, the target
13 populations of workers.

14 (c) In awarding grants from the (~~green industries~~) evergreen jobs
15 (~~training~~) account, the state board for community and technical
16 colleges shall give priority to applicants that demonstrate the ability
17 to:

18 (i) Use labor market and industry analysis developed by the
19 employment security department and green industry skill panels in the
20 design and delivery of the relevant education and training program, and
21 otherwise utilize strategies developed by green industry (~~skills~~
22 ~~skill~~) skill panels;

23 (ii) Leverage and align existing public programs and resources and
24 private resources toward the goal of recruiting, supporting, educating,
25 and training target populations of workers;

26 (iii) Work collaboratively with other relevant stakeholders in the
27 regional economy;

28 (iv) Link adult basic and remedial education, where necessary, with
29 occupation skills training;

30 (v) Involve employers and, where applicable, labor unions in the
31 determination of relevant skills and competencies and, where relevant,
32 the validation of career pathways; and

33 (vi) Ensure that supportive services, where necessary, are
34 integrated with education and training and are delivered by
35 organizations with direct access to and experience with the targeted
36 population of workers.

37 (13) The definitions in this subsection apply throughout this

1 section and sections 3 through 5 of this act unless the context clearly
2 requires otherwise.

3 (a) "Apprentice" means an apprentice enrolled in an apprenticeship
4 training program approved by the Washington state apprenticeship
5 council.

6 (b) "High-demand occupation" means an occupation with a substantial
7 number of current or projected employment opportunities.

8 (c) "Labor hours" means the total hours of workers receiving an
9 hourly wage who are directly employed on the site of the project.
10 "Labor hours" includes hours performed by workers employed by the
11 contractor and all subcontractors working on the project. "Labor
12 hours" does not include hours worked by foremen, superintendents, and
13 owners.

14 NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW
15 to read as follows:

16 (1) The college board shall prioritize workforce training programs
17 that lead to a credential, certificate, or degree in green economy jobs
18 as established in chapter 14, Laws of 2008. For purposes of this
19 section, green economy jobs include those in the primary industries of
20 a green economy including clean energy, high-efficiency building, green
21 transportation, and environmental protection. Prioritization efforts
22 shall include but not be limited to: (a) Prioritization of the use of
23 high employer-demand funding for workforce training programs in green
24 economy jobs. Any additional community and technical college high-
25 demand funding authorized for the 2009-2011 fiscal biennium and
26 thereafter is subject to prioritization; (b) increased outreach efforts
27 to public utilities, education, labor and government, and private
28 industry to develop tailored, green-job training programs; and (c)
29 increased outreach efforts to target populations. Outreach efforts
30 shall be conducted in partnership with local workforce development
31 councils.

32 (2) For purposes of this section, "target populations" means
33 veterans, members of the national guard, and low-income and
34 disadvantaged populations.

35 (3) The definitions in RCW 43.330.310(13) apply to this section.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 28C.18 RCW
2 to read as follows:

3 (1) The board shall prioritize workforce training programs that
4 lead to a credential, certificate, or degree in green economy jobs as
5 established in chapter 14, Laws of 2008. For purposes of this section,
6 green economy jobs include those in the primary industries of a green
7 economy, including clean energy, high-efficiency building, green
8 transportation, and environmental protection. Prioritization efforts
9 shall include but not be limited to: (a) Prioritization of the use of
10 high employer-demand funding for workforce training programs in green
11 economy jobs; (b) increased outreach efforts to public utilities,
12 education, labor and government, and private industry to develop
13 tailored, green-job training programs; and (c) increased outreach
14 efforts to target populations. Outreach efforts shall be conducted in
15 partnership with local workforce development councils.

16 (2) For purposes of this section, "target populations" means
17 veterans, members of the national guard, and low-income and
18 disadvantaged populations.

19 (3) The definitions in RCW 43.330.310(13) apply to this section.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 49.04 RCW
21 to read as follows:

22 (1) The council shall prioritize workforce training programs that
23 lead to apprenticeship programs in green economy jobs as established in
24 chapter 14, Laws of 2008. For purposes of this section, green economy
25 jobs include those in the primary industries of a green economy,
26 including clean energy, high-efficiency building, green transportation,
27 and environmental protection. Prioritization efforts shall include but
28 not be limited to: (a) Prioritization of the use of high employer-
29 demand funding for workforce training programs in green economy jobs;
30 (b) increased outreach efforts to public utilities, education, labor
31 and government, and private industry to develop tailored, green-job
32 training programs; and (c) increased outreach efforts to target
33 populations. Outreach efforts shall be conducted in partnership with
34 local workforce development councils.

35 (2) For purposes of this section, "target populations" means
36 veterans, members of the national guard, and low-income and
37 disadvantaged populations.

1 (3) The definitions in RCW 43.330.310(13) apply to this section.

2 NEW SECTION. **Sec. 6.** This act may be known and cited as the
3 evergreen jobs act."

4 Correct the title.

EFFECT: (1) Clarifies legislative intent that funds received from the 2009 American Recovery and Reinvestment Act be directed to the Evergreen Jobs Initiative.

(2) Adds to Initiative goals an effort across state agencies to draw down federal funds and deploy them in a focused, effective, coordinated manner.

(3) Directs that the Department of Community, Trade, and Economic Development (DCTED) and the Workforce Training and Education Coordinating Board (WTB) work with a working group of specified state and local agencies, business, and labor to:

(a) Develop and maintain an updated, prioritized list of projects statewide that will create green jobs and have long-term economic and environmental impact. Specifies uses of the list.

(b) Develop a process and criteria to ensure that projects with high economic or environmental impact are strongly supported as "Evergreen Jobs Act Priority Projects." Specifies some of the evaluation criteria to be included, and directs additional points to be awarded for projects that meet three specified standards.

(c) Develop, track, and report performance metrics, some of which are named.

(d) Focus on additional local projects or high employer-demand fields as necessary and similarly report performance metrics.

(e) Submit a progress report on December 1, 2009, to the Legislature, and subsequent quarterly reports containing specified information.

(4) Eliminates a completed task by the University of Washington.

(5) Clarifies consistently that "target populations" are veterans, members of the National Guard, and low-income and disadvantaged populations. Specifies that outreach to target populations be conducted in partnership with local workforce development councils.

(6) Removes definition of "green economy." Adds definitions of "apprentice" and "labor hours." Changes terminology throughout from "green energy" to "renewable energy" and from "green buildings" to "high-efficiency buildings."

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