

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2227

Chapter 536, Laws of 2009

(partial veto)

61st Legislature
2009 Regular Session

EVERGREEN JOBS ACT

EFFECTIVE DATE: 07/26/09

Passed by the House April 21, 2009
Yeas 76 Nays 22

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 16, 2009
Yeas 34 Nays 14

BRAD OWEN

President of the Senate

Approved May 18, 2009, 3:44 p.m., with
the exception of Sections 1, 3, 5, 6, 7,
13, 14 and 16 which are vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is
**ENGROSSED SECOND SUBSTITUTE HOUSE
BILL 2227** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 20, 2009

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2227

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Education Appropriations (originally sponsored by Representatives Probst, Orwall, Santos, Nelson, Sullivan, Lias, Williams, Carlyle, Maxwell, Conway, Morrell, White, Goodman, Jacks, Kenney, and Seaquist)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to green jobs; amending RCW 43.330.010; adding new
2 sections to chapter 43.330 RCW; adding a new section to chapter 28C.18
3 RCW; adding new sections to chapter 28B.50 RCW; adding a new section to
4 chapter 50.12 RCW; adding a new section to chapter 49.04 RCW; creating
5 new sections; and repealing RCW 43.330.310.

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

7 ****NEW SECTION. Sec. 1. FINDINGS. The legislature finds that the***
8 ***2009 American recovery and reinvestment act includes new investments in***
9 ***research and development for green industries, renewable energy***
10 ***production, and incentives for installation and use of renewable energy***
11 ***and energy efficiency retrofits. The legislature further finds that***
12 ***state level initiatives include additional incentives for installation***
13 ***of renewable energy and energy efficiency retrofits. These initiatives***
14 ***include new incentives for production of renewable energy that will***
15 ***encourage the state to use renewable energy as well as become a major***
16 ***supplier of renewable energy to the world.***

17 ***The legislature believes that these investments and initiatives***
18 ***will significantly increase demand for production of renewable energy***
19 ***and installation of energy efficiency retrofits. The legislature***

1 recognizes that these demands will cultivate job opportunities for
2 Washington state residents during economic downturns as such
3 investments are particularly valuable during those times. The
4 legislature also finds that the state's residents and economy may be
5 unable to take full advantage of these opportunities if there is a
6 shortage of workers with the skills needed for jobs in renewable energy
7 and energy efficiency.

8 Further, the legislature finds that the current state and federal
9 economic climate lends itself to the acceleration of the greening of
10 the Washington economy, and presents an opportunity for Washington to
11 take its place as a leader in the green economy of the future. The
12 legislature recognizes that in order to most efficiently and
13 effectively capture and use existing and new funding streams and ensure
14 that Washington does in fact become a leader in the green economy, the
15 use of stimulus funds must be monitored to ensure that local
16 organizations participating in the programs receive the state support
17 they need.

18 Therefore, the legislature intends that Washington state accelerate
19 the greening of its economy by creating a highly skilled green jobs
20 workforce by emphasizing green jobs skills within existing education
21 and training funds through the evergreen jobs initiative. The
22 legislature intends to establish the evergreen jobs initiative to
23 ensure that the state's workforce is prepared for the new green
24 economy; the state attracts investment and job creation in the green
25 economy; the state is a net exporter of green industry products and
26 services, with special attention to renewable energy technology and
27 components; and Washington is a national and world leader in the green
28 economy.

29 To achieve these ends, the evergreen jobs initiative will create a
30 comprehensive and responsive framework to assist Washington in
31 receiving at least a per capita share of federal stimulus funds and to
32 ensure that state and local agencies and organizations receive the
33 institutional support they need to capture and effectively use those
34 funds.

**Sec. 1 was vetoed. See message at end of chapter.*

35 NEW SECTION. **Sec. 2.** EVERGREEN JOBS INITIATIVE. The Washington
36 state evergreen jobs initiative is established as a comprehensive green
37 economy jobs growth initiative with the goals of:

1 (1) Creating fifteen thousand new green economy jobs by 2020, with
2 a target of thirty percent of those jobs going to veterans, members of
3 the national guard, and low-income and disadvantaged populations;

4 (2) Capturing and deploying federal funds in a focused, effective,
5 and coordinated manner;

6 (3) Preparing the state's workforce to take full advantage of green
7 economy job opportunities and to meet the recruitment and training
8 needs of industry and small businesses;

9 (4) Attracting private sector investment that will create new and
10 expand existing jobs, with an emphasis on services and products that
11 have a high economic or environmental impact and can be exported
12 domestically and internationally;

13 (5) Making Washington state a net exporter of green industry
14 products and services, with special attention to renewable energy
15 technology and components;

16 (6) Empowering local agencies and organizations to recruit green
17 economy businesses and jobs into the state by providing state support
18 and assistance;

19 (7) Capitalizing on existing partnership agreements in the
20 Washington works plan and the Washington workforce compact; and

21 (8) Operating in concert with the fourteen guiding principles
22 identified by the department in its Washington state's green economy
23 strategic framework.

24 ***NEW SECTION. Sec. 3. EVERGREEN JOBS LEADERSHIP TEAM. The**
25 **department and the workforce board must create the evergreen jobs**
26 **leadership team, consisting of, at a minimum, the workforce board, the**
27 **economic development commission, the state board for community and**
28 **technical colleges, the employment security department, the Washington**
29 **state apprenticeship training council, the office of the superintendent**
30 **of public instruction, labor, business, at least one representative of**
31 **a local workforce development council, and other agencies or**
32 **organizations as may be necessary. This leadership team may be an**
33 **extension of an existing working group. The leadership team shall be**
34 **chaired by a currently employed full-time equivalent person within the**
35 **office of financial management designated by the governor as the single**
36 **point of accountability for all energy and climate change initiatives**
37 **within state agencies.**

**Sec. 3 was vetoed. See message at end of chapter.*

1 NEW SECTION. **Sec. 4.** EVERGREEN JOBS LEADERSHIP TEAM DUTIES. (1)

2 The department and the workforce board, in consultation with the
3 leadership team, must:

4 (a) Coordinate efforts across the state to ensure that federal
5 training and education funds are captured and deployed in a focused and
6 effective manner in order to support green economy projects and
7 accomplish the goals of the evergreen jobs initiative;

8 (b) Accelerate and coordinate efforts by state and local
9 organizations to identify, apply for, and secure all sources of funds,
10 particularly those created by the 2009 American recovery and
11 reinvestment act, and to ensure that distributions of funding to local
12 organizations are allocated in a manner that is time-efficient and
13 user-friendly for the local organizations. Local organizations
14 eligible to receive support include but are not limited to:

15 (i) Associate development organizations;

16 (ii) Workforce development councils;

17 (iii) Public utility districts; and

18 (iv) Community action agencies;

19 (c) Support green economy projects at both the state and local
20 level by developing a process and a framework to provide, at a minimum:

21 (i) Administrative and technical assistance;

22 (ii) Assistance with and expediting of permit processes; and

23 (iii) Priority consideration of opportunities leading to exportable
24 green economy goods and services, including renewable energy
25 technology;

26 (d) Coordinate local and state implementation of projects using
27 federal funds to ensure implementation is time-efficient and user-
28 friendly for local organizations;

29 (e) Emphasize through both support and outreach efforts, projects
30 that:

31 (i) Have a strong and lasting economic or environmental impact;

32 (ii) Lead to a domestically or internationally exportable good or
33 service, including renewable energy technology;

34 (iii) Create training programs leading to a credential,
35 certificate, or degree in a green economy field;

36 (iv) Strengthen the state's competitiveness in a particular sector
37 or cluster of the green economy;

1 (v) Create employment opportunities for veterans, members of the
2 national guard, and low-income and disadvantaged populations;

3 (vi) Comply with prevailing wage provisions of chapter 39.12 RCW;

4 (vii) Ensure at least fifteen percent of labor hours are performed
5 by apprentices;

6 (f) Identify emerging technologies and innovations that are likely
7 to contribute to advancements in the green economy, including the
8 activities in designated innovation partnership zones established in
9 RCW 43.330.270;

10 (g) Identify statewide performance metrics for projects receiving
11 agency assistance. Such metrics may include:

12 (i) The number of new green jobs created each year, their wage
13 levels, and, to the extent determinable, the percentage of new green
14 jobs filled by veterans, members of the national guard, and low-income
15 and disadvantaged populations;

16 (ii) The total amount of new federal funding secured, the
17 respective amounts allocated to the state and local levels, and the
18 timeliness of deployment of new funding by state agencies to the local
19 level;

20 (iii) The timeliness of state deployment of funds and support to
21 local organizations; and

22 (iv) If available, the completion rates, time to completion, and
23 training-related placement rates for green economy postsecondary
24 training programs;

25 (h) Identify strategies to allocate existing and new funding
26 streams for green economy workforce training programs and education to
27 emphasize those leading to a credential, certificate, or degree in a
28 green economy field;

29 (i) Identify and implement strategies to allocate existing and new
30 funding streams for workforce development councils and associate
31 development organizations to increase their effectiveness and
32 efficiency and increase local capacity to respond rapidly and
33 comprehensively to opportunities to attract green jobs to local
34 communities;

35 (j) Develop targeting criteria for existing investments that are
36 consistent with the economic development commission's economic
37 development strategy and the goals of this section and sections 8, 9,
38 and 12 of this act; and

1 (k) Make and support outreach efforts so that residents of
2 Washington, particularly members of target populations, become aware of
3 educational and employment opportunities identified and funded through
4 the evergreen jobs act.

5 (2) The department and the workforce board, in consultation with
6 the leadership team, must provide semiannual performance reports to the
7 governor and appropriate committees of the legislature on:

8 (a) Actual statewide performance based on the performance measures
9 identified in subsection (1)(g) of this section;

10 (b) How the state is emphasizing and supporting projects that lead
11 to a domestically or internationally exportable good or service,
12 including renewable energy technology;

13 (c) A list of projects supported, created, or funded in furtherance
14 of the goals of the evergreen jobs initiative and the actions taken by
15 state and local organizations, including the effectiveness of state
16 agency support provided to local organizations as directed in
17 subsection (1)(b) and (c) of this section;

18 (d) Recommendations for new or expanded financial incentives and
19 comprehensive strategies to:

20 (i) Recruit, retain, and expand green economy industries and small
21 businesses; and

22 (ii) Stimulate research and development of green technology and
23 innovation, which may include designating innovation partnership zones
24 linked to the green economy;

25 (e) Any information that associate development organizations and
26 workforce development councils choose to provide to appropriate
27 legislative committees regarding the effectiveness, timeliness, and
28 coordination of support provided by state agencies under this section
29 and sections 8, 9, and 12 of this act; and

30 (f) Any recommended statutory changes necessary to increase the
31 effectiveness of the evergreen jobs initiative and state responsiveness
32 to local agencies and organizations.

33 (3) The definitions, designations, and results of the employment
34 security department's broader labor market research under RCW
35 43.330.010 shall inform the planning and strategic direction of the
36 department, the state workforce training and education coordinating
37 board, the state board for community and technical colleges, and the
38 higher education coordinating board.

1 *Sec. 5. RCW 43.330.010 and 2007 c 322 s 2 are each amended to read
2 as follows:

3 DEFINITIONS. Unless the context clearly requires otherwise, the
4 definitions in this section apply throughout this chapter.

5 (1) "Associate development organization" means a local economic
6 development nonprofit corporation that is broadly representative of
7 community interests.

8 (2) "Department" means the department of community, trade, and
9 economic development.

10 (3) "Director" means the director of the department of community,
11 trade, and economic development.

12 (4) "Financial institution" means a bank, trust company, mutual
13 savings bank, savings and loan association, or credit union authorized
14 to do business in this state under state or federal law.

15 (5) "Microenterprise development organization" means a community
16 development corporation, a nonprofit development organization, a
17 nonprofit social services organization or other locally operated
18 nonprofit entity that provides services to low-income entrepreneurs.

19 (6) "Statewide microenterprise association" means a nonprofit
20 entity with microenterprise development organizations as members that
21 serves as an intermediary between the department of community, trade,
22 and economic development and local microenterprise development
23 organizations.

24 (7) "Apprentice" means an apprentice enrolled in an apprenticeship
25 training program approved by the Washington state apprenticeship
26 council.

27 (8) "High-demand occupation" means an occupation with a substantial
28 number of current or projected employment opportunities.

29 (9) "Labor hours" means the total hours of workers receiving an
30 hourly wage who are directly employed on the site of the project. This
31 includes hours performed by workers employed by the contractor and all
32 subcontractors working on the project but does not include hours worked
33 by foremen, superintendents, and owners.

34 (10) "Leadership team" means the leadership team created by the
35 department in section 3 of this act.

36 (11) "State board" means the state board for community and
37 technical colleges created in RCW 28B.50.050.

38 (12) "Target populations" means:

- 1 (a) Entry-level or incumbent workers who are in, or are preparing
2 for, middle or high-wage, high-demand occupations in the green economy;
3 (b) Dislocated workers in declining industries who may be retrained
4 for middle or high-wage occupations in the green economy;
5 (c) Eligible veterans or national guard members;
6 (d) Disadvantaged populations; or
7 (e) Anyone eligible to participate in the state opportunity grant
8 program under RCW 28B.50.271.

9 (13) "Workforce board" means the workforce training and education
10 coordinating board created in RCW 28C.18.020.

*Sec. 5 was vetoed. See message at end of chapter.

11 *NEW SECTION. Sec. 6. EVERGREEN JOBS LOGO. The leadership team
12 must develop a logo or sign to indicate a particular project is funded
13 in whole or in part by Washington's evergreen jobs act or other
14 economic recovery efforts. The department and the state board must
15 also adopt rules requiring organizations and each project site
16 receiving funds through the department under section 7 of this act or
17 through the state board under section 10 of this act to prominently
18 display such logo or sign on site and in all written materials and
19 communications.

*Sec. 6 was vetoed. See message at end of chapter.

20 *NEW SECTION. Sec. 7. SKILL AND QUALIFICATIONS IDENTIFICATION.
21 (1) The leadership team, in consultation with the department, the state
22 board, the Washington state apprenticeship and training council, and
23 the office of the superintendent of public instruction, shall identify
24 the necessary skills and qualifications required to perform the energy
25 audits and energy efficiency services authorized under chapter . . . ,
26 Laws of 2009 (Engrossed Second Substitute Senate Bill No. 5649) and
27 satisfy the goals of chapter . . . , Laws of 2009 (Substitute Senate
28 Bill No. 5921).

29 (2) The leadership team, in consultation with the department, the
30 state board, and the workforce board, shall direct the delivery of
31 education and training resource moneys, provided in the omnibus
32 appropriations act, to establish workforce training and apprenticeship
33 programs to meet the demand for workers trained in energy audit and
34 energy efficiency services and to serve the programs established in
35 chapter . . . , Laws of 2009 (Engrossed Second Substitute Senate Bill

1 No. 5649). Moneys must be used to fund training programs that satisfy
2 the strategic plan developed under chapter . . . , Laws of 2009
3 (Substitute Senate Bill No. 5921).

4 (a) Training resource moneys may be provided to energy audit and
5 energy efficiency services educational programs for the following
6 purposes:

7 (i) To develop and deploy curricula and training programs in
8 accordance with this section;

9 (ii) To expand existing high school, community and technical
10 college, journey-level skills improvement and apprenticeship training
11 programs, and community-based training programs providing energy audit
12 and energy efficiency services training;

13 (iii) To implement new training programs developed under the terms
14 of this section;

15 (iv) To supplement internship, preapprenticeship, and
16 apprenticeship programs using curricula developed under this section;

17 (v) To recruit people into these training programs; and

18 (vi) For other training activities identified by the department to
19 supplement and expand the skills of the existing workforce.

20 (b) The department must, in consultation with the workforce board
21 and the leadership team, prioritize educational programs that:

22 (i) Provide convincing evidence that they are able to provide the
23 requisite skills education and training expeditiously; or

24 (ii) Provide skills education and training services to underserved
25 and disadvantaged communities in the state, in accordance with this
26 section. This may include, but is not limited to, at-risk youth
27 seeking employment pathways out of poverty and into economic self-
28 sufficiency. The department and workforce board shall consult with the
29 employment security department to create a strategy to ensure that the
30 workers who receive training under these programs are provided with the
31 type of employment opportunities contemplated by this chapter.

**Sec. 7 was vetoed. See message at end of chapter.*

32 NEW SECTION. Sec. 8. A new section is added to chapter 28C.18 RCW
33 to read as follows:

34 GREEN INDUSTRY SKILL PANELS. (1) The legislature directs the board
35 to create and pilot green industry skill panels. These panels shall
36 consist of business representatives from industry sectors related to
37 clean energy, labor unions representing workers in those industries or

1 labor affiliates administering state-approved, joint apprenticeship
2 programs or labor-management partnership programs that train workers
3 for these industries, state and local veterans agencies, employer
4 associations, educational institutions, and local workforce development
5 councils within the region that the panels propose to operate, and
6 other key stakeholders as determined by the applicant. Any of these
7 stakeholder organizations are eligible to receive grants under this
8 section and serve as the intermediary that convenes and leads the
9 panel. Panel applicants must provide labor market and industry
10 analysis that demonstrates high demand, or demand of strategic
11 importance to the development of the state's clean energy economy as
12 identified in this section, for middle or high-wage occupations, or
13 occupations that are part of career pathways to the same, within the
14 relevant industry sector. The panel shall, in consultation with the
15 department and the leadership team:

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

19 (b) Recommend strategies to meet the recruitment and training needs
20 of the industry and small businesses; and

21 (c) Recommend strategies to leverage and align other public and
22 private funding sources.

23 (2) The board may prioritize workforce training programs that lead
24 to a credential, certificate, or degree in green economy jobs. For
25 purposes of this section, green economy jobs include those in the
26 primary industries of a green economy, including clean energy, high-
27 efficiency building, green transportation, and environmental
28 protection. Prioritization efforts may include but are not limited to:

29 (a) Prioritization of the use of high employer-demand funding for
30 workforce training programs in green economy jobs; (b) increased
31 outreach efforts to public utilities, education, labor, government, and
32 private industry to develop tailored, green job training programs; and
33 (c) increased outreach efforts to target populations. Outreach efforts
34 may be conducted in partnership with local workforce development
35 councils.

36 (3) The definitions in RCW 43.330.010 apply to this section.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 28B.50 RCW
2 to read as follows:

3 CURRICULUM DEVELOPMENT AND FUNDING. (1) The state board shall work
4 with the leadership team, the Washington state apprenticeship and
5 training council, and the office of the superintendent of public
6 instruction to jointly develop, by June 30, 2010, curricula and
7 training programs, to include on-the-job training, classroom training,
8 and safety and health training, for the development of the skills and
9 qualifications identified by the department of community, trade, and
10 economic development under section 7 of this act.

11 (2) The board shall target a portion of any federal stimulus
12 funding received to ensure commensurate capacity for high employer-
13 demand programs of study developed under this section. To that end,
14 the state board must coordinate with the department, the leadership
15 team, the workforce board, or another appropriate state agency in the
16 application for and receipt of any funding that may be made available
17 through the federal youthbuild program, workforce investment act, job
18 corps, or other relevant federal programs.

19 (3) The board shall provide an interim report to the appropriate
20 committees of the legislature by December 1, 2011, and a final report
21 by December 1, 2013, detailing the effectiveness of, and any
22 recommendations for improving, the worker training curricula and
23 programs established in this section.

24 (4) Existing curricula and training programs or programs provided
25 by community and technical colleges in the state developed under this
26 section must be recognized as programs of study under RCW 28B.50.273.

27 (5) Subject to available funding, the board may grant enrollment
28 priority to persons who qualify for a waiver under RCW 28B.15.522 and
29 who enroll in curricula and training programs provided by community or
30 technical colleges in the state that have been developed in accordance
31 with this section.

32 (6) The college board may prioritize workforce training programs
33 that lead to a credential, certificate, or degree in green economy
34 jobs. For purposes of this section, green economy jobs include those
35 in the primary industries of a green economy including clean energy,
36 high-efficiency building, green transportation, and environmental
37 protection. Prioritization efforts may include but are not limited to:

38 (a) Prioritization of the use of high employer-demand funding for

1 workforce training programs in green economy jobs, if the programs meet
2 minimum criteria for identification as a high-demand program of study
3 as defined by the state board for community and technical colleges,
4 however any additional community and technical college high-demand
5 funding authorized for the 2009-2011 fiscal biennium and thereafter may
6 be subject to prioritization; (b) increased outreach efforts to public
7 utilities, education, labor, government, and private industry to
8 develop tailored, green job training programs; and (c) increased
9 outreach efforts to target populations. Outreach efforts shall be
10 conducted in partnership with local workforce development councils.

11 (7) The definitions in RCW 43.330.010 apply to this section and
12 section 10 of this act.

13 NEW SECTION. **Sec. 10.** A new section is added to chapter 28B.50
14 RCW to read as follows:

15 EVERGREEN JOBS TRAINING ACCOUNT. The evergreen jobs training
16 account is created in the state treasury. Funds deposited to the
17 account may include gifts, grants, or endowments from public or private
18 sources, in trust or otherwise. Moneys from the account must be used
19 to supplement the state opportunity grant program established under RCW
20 28B.50.271. All receipts from appropriations directed to the account
21 must be deposited into the account. Expenditures from the account may
22 be used only for the activities identified in this section. The state
23 board, in consultation with the department and the leadership team, may
24 authorize expenditures from the account but must distribute grants from
25 the account on a competitive basis. Grant funds from the evergreen
26 jobs training account should be used when other public or private funds
27 are insufficient or unavailable.

28 (1) These grant funds may be used for, but are not limited to uses
29 for:

30 (a) Curriculum development;

31 (b) Transitional jobs strategies for dislocated workers in
32 declining industries who may be retrained for high-wage occupations in
33 green industries;

34 (c) Workforce education to target populations;

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

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

3 (2) These grant funds may not be used for student assistance and
4 support services available through the state opportunity grant program
5 under RCW 28B.50.271.

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

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

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

14 (4) In awarding grants from the evergreen jobs training account,
15 the state board shall give priority to applicants that demonstrate the
16 ability to:

17 (a) Use labor market and industry analysis developed by the
18 employment security department and green industry skill panels in the
19 design and delivery of the relevant education and training program, and
20 otherwise use strategies developed by green industry skill panels;

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

24 (c) Work collaboratively with other relevant stakeholders in the
25 regional economy;

26 (d) Link adult basic and remedial education, where necessary, with
27 occupation skills training;

28 (e) Involve employers and, where applicable, labor unions in the
29 determination of relevant skills and competencies and, where relevant,
30 the validation of career pathways; and

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

35 NEW SECTION. **Sec. 11.** A new section is added to chapter 50.12 RCW
36 to read as follows:

1 LABOR MARKET RESEARCH. The employment security department, in
2 consultation with the department, the workforce board, and the
3 leadership team must take the following actions:

4 (1) Conduct and update labor market research on a biennial basis to
5 analyze the current public and private labor market and projected job
6 growth in the green economy, the current and projected recruitment and
7 skill requirement of public and private green economy employers, the
8 wage and benefits ranges of jobs within green economy industries, and
9 the education and training requirements of entry-level and incumbent
10 workers in those industries;

11 (2) Propose which industries will be considered high-demand green
12 industries, based on current and projected job creation and their
13 strategic importance to the development of the state's green economy;
14 and

15 (3) Define which family-sustaining wage and benefits ranges within
16 green economy industries will be considered middle or high-wage
17 occupations and occupations that are part of career pathways to the
18 same.

19 NEW SECTION. **Sec. 12.** A new section is added to chapter 49.04 RCW
20 to read as follows:

21 APPRENTICESHIP PROGRAMS. (1) The council must evaluate the
22 potential of existing apprenticeship and training programs that would
23 produce workers with the skills needed to conduct energy audits and
24 provide energy efficiency services and deliver its findings to the
25 department of community, trade, and economic development, the
26 leadership team, and the appropriate committees of the legislature as
27 soon as possible, but no later than January 18, 2010.

28 (2) The council may prioritize workforce training programs that
29 lead to apprenticeship programs in green economy jobs. For purposes of
30 this section, green economy jobs include those in the primary
31 industries of a green economy, including clean energy, the forestry
32 industry, high-efficiency building, green transportation, and
33 environmental protection. Prioritization efforts may include but are
34 not limited to: (a) Prioritization of the use of high employer-demand
35 funding for workforce training programs in green economy jobs; (b)
36 increased outreach efforts to public utilities, education, labor,
37 government, and private industry to develop tailored, green job

1 training programs; and (c) increased outreach efforts to target
2 populations. Outreach efforts shall be conducted in partnership with
3 local workforce development councils.

4 (3) The definitions in RCW 43.330.010 apply to this section.

5 ***NEW SECTION. Sec. 13. PRECLUSION.** *Nothing in this act may be*
6 *construed as a requirement for any agency to gain approval from another*
7 *before allocating funding to the local level. Nothing in this act may*
8 *be construed as precluding nonstate agencies from directly applying for*
9 *and securing funds from the federal government. Nothing in this act*
10 *may be construed as allowing agencies to require additional reporting*
11 *or approval processes from local organizations or to impose unfunded*
12 *mandates on local organizations.*

**Sec. 13 was vetoed. See message at end of chapter.*

13 ***NEW SECTION. Sec. 14. REPEALER.** *RCW 43.330.310 (Comprehensive*
14 *green economy jobs growth initiative--Establishment--Green industries*
15 *jobs training account--Creation) and 2008 c 14 s 9 are each repealed.*

**Sec. 14 was vetoed. See message at end of chapter.*

16 **NEW SECTION. Sec. 15. SHORT TITLE.** This act may be known and
17 cited as the evergreen jobs act.

18 ***NEW SECTION. Sec. 16. Sections 2 through 4, 6, and 7 of this act**
19 **are each added to chapter 43.330 RCW.**

**Sec. 16 was vetoed. See message at end of chapter.*

20 **NEW SECTION. Sec. 17.** Captions used in this act are not any part
21 of the law.

Passed by the House April 21, 2009.

Passed by the Senate April 16, 2009.

Approved by the Governor May 18, 2009, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 20, 2009.

Note: Governor's explanation of partial veto is as follows:

"I have approved, except for Sections 1, 3, 5, 6, 7, 13, 14 and 16,
Grossed Second Substitute House Bill 2227 entitled:

"AN ACT Relating to green jobs."

The Evergreen Jobs Act is another important step toward Washington's
leadership in the emerging green economy.

The bill provides for improved information about employer needs and
builds on the Employment Security Department's great effort around
defining and forecasting green jobs. The bill promotes the
development of green job training programs and more effective
utilization of apprenticeships in filling green job employment
demands. Finally, the bill creates the Evergreen Jobs Training

Account which lays the foundation for future investments in workers and skills in this key segment of the economy.

In addition to these important steps forward, the bill includes some administrative provisions and other requirements that were not funded in the final budget. As a result, the intent sections in Section 1; the leadership team, duties, and related definitions in Sections 3, 5 and 6; requirements around training development that are not consistent with federal timelines in Section 7; and some technical provisions in Sections 13, 14 and 16 are vetoed.

Although the reporting requirements of Section 4 are not being vetoed, they have raised concerns about data availability, duplication of effort, and staff burden. Section 4 is retained with the understanding that the sponsor, the Department, and others will work together to identify appropriate measures and reporting.

Having vetoed the specific requirements around procedures, task forces, and reports, it must be noted that the goal of a more unified strategy for green jobs and some necessary, immediate steps forward are retained from this bill. Although some of the mechanisms in the bill are removed by veto, the state commitment to developing world class curricula and promoting green jobs remains vital and the sections of the Evergreen Jobs Act that are retained are a significant contribution to that effort.

For these reasons, I have vetoed Sections 1, 3, 5, 6, 7, 13, 14 and 16 of Engrossed Second Substitute House Bill 2227.

With the exception of Sections 1, 3, 5, 6, 7, 13, 14, and 16 Engrossed Second Substitute House Bill 2227 is approved."