

HB 281 HD3



**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 17, 2009

To: The Honorable Mike Gabbard, Chair,
and Members of the Senate Committee on Energy and Environment

The Honorable Jill N. Tokuda, Chair,
and Members of the Senate Committee on Higher Education

Date: Thursday, March 19, 2009
Time: 3:30 p.m.
Place: Conference Room 225, State Capitol

From: Darwin Ching, Director
Department of Labor and Industrial Relations

**Comments Regarding
H.B. 281, HD 3, Relating to Environment**

I. OVERVIEW OF PROPOSED LEGISLATION

H.B. 281, HD 3, proposes to appropriate federal economic stimulus funds to two state agencies as follows:

- (1) Department of Business and Economic Development for developing a policy framework to create a highly skilled and well-trained "green collar" workforce that meets needs of emerging "green" economic sector; and
- (2) Research Corporation of University of Hawaii to create an emergency environmental workforce for persons unemployed as a result of the economic downturn to eradicate invasive species and carry out other on-going environmental programs.

II. CURRENT LAW

The American Recovery and Reinvestment Act of 2009 (ARRA), enacted on February 16, 2009, distributes federal economic stimulus funds to state, county, and various

agencies for different purposes. Competitive grant applications under ARRA that relate to workforce training in green jobs will establish eligibility criteria for applicants, define allowable uses of ARRA funds, and identify service strategies required for the grants. These solicitations are not expected to be published for a few months.

III. HOUSE BILL

The Department of Labor and Industrial Relations opposes this bill.

The Department of Labor and Industrial Relations supports the development of a policy framework and partnerships within the State to meet workforce demands for an emerging green industry. For that reason, the Department has been meeting regularly with the Department of Business and Economic Development to prepare for the anticipated solicitation and supports their role as partners in framing the policy and potential application.

Prior to the solicitation being published, it is difficult to predict the federal requirements that will apply. It is possible that **the bill may conflict with some of the requirements or guidelines**. The competition in the solicitation is expected to be very keen, and any non-compliance with requirements or priorities may disqualify or weaken the application. As a result, this bill is premature and the Department requests that the bill be held.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Energy and Environment
and

Senate Committee on Higher Education
March 19, 2009 at 3:30 pm

By

John Morton

Vice President for Community Colleges, University of Hawaii
and

David Lassner

Vice President for Information Technology/CIO, University of Hawaii

HB 281, HD3 – RELATING TO ENVIRONMENT

Chairs Gabbard and Tokuda, Vice Chairs English and Sakamoto and Members of the Committees:

The University of Hawaii is supportive of the intent of this Bill to provide "green collar" training and employment opportunities for individuals who have lost their jobs as a result of current economic conditions. And we understand that the Research Corporation of the University of Hawaii (RCUH) is willing to undertake the program as modified by the testimony they will be submitting directly.

The University of Hawaii requests one very important change in any measure that moves forward to implement the program.

Section 4, Paragraph (5) calls for attorneys employed or retained by the University of Hawaii to provide legal support for this program. The University of Hawaii does not provide legal support to the RCUH, which is a separate organization represented by the Office of the Attorney General. So we respectfully request that this paragraph be stricken in its entirety.

Thank you for the opportunity to provide testimony on this measure.

The Research Corporation of the University of Hawaii



Human Resources Department

March 17, 2009
DP031705.NS2

**Testimony of the Research Corporation of the University of Hawaii
Supporting H. B. 281, HD2 RELATING TO ENVIRONMENT
Before the Senate Committees on Energy and Environment & Higher Education
Conference Room 225
March 19, 2009**

Committee Chairs Mike Gabbard and Jill Tokuda and Committee Members:

The Research Corporation of the University of Hawaii (RCUH) supports the intent of H. B. 281 with recommended changes.

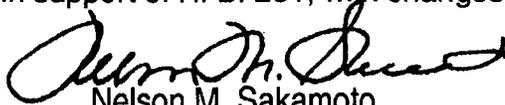
Act 004 of the Third Session of the 2001 Hawaii State Legislature established the Emergency Environmental Workforce (EEWF). The Act provided funding for the RCUH to employ Hawaii residents economically displaced by the aftermath of the September 11, 2001 terrorist attacks. The RCUH in collaboration with the Pacific Cooperative Studies Unit (PCSU) of the University of Hawaii, numerous private organizations, and government agencies (federal, state, and county) employed 225 individuals. These RCUH employees augmented existing programs combating the State's serious environmental problems relating to invasive species. The RCUH is prepared to do the same job for the State to employ Hawaii residents economically displaced by our current economic crisis.

The RCUH supports H. B. 281 with the following changes:

1. Section 3. (1) & (2) and Section 4. (4) – Delete the word “contract”. These are not “contract” employees.
2. Section 4. (5) – Delete this entire section of text. The RCUH utilizes the services of the State Attorney General's Office as its legal counsel. There will be no “employment contracts”. Replace wording with:

“These employees will be subject to the Research Corporation of the University of Hawaii's (RCUH) policies and procedures relating to employment; except for any applicable Unemployment Insurance coverage which will be the responsibility of the State of Hawaii. In addition, all procurement actions related to this program will be subject to the applicable RCUH policies.”

Thank you for considering our testimony in support of H. B. 281, with changes.


Nelson M. Sakamoto
Director of Human Resources



The Nature Conservancy of Hawai'i
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nature.org/hawaii

Testimony of The Nature Conservancy of Hawai'i
Commenting on H.B. 281 HD3 Relating to Environment
Senate Committee on Energy & Environment
Senate Committee on Higher Education
Thursday, March 19, 2009, 3:30pm, Rm. 225

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy provides the following comments on H.B. 281, HD3.

We recommend that if funding is available for an Emergency Environmental Workforce (EEWF) that a portion of that funding be used to shore up our existing environmental workforce—watershed partnerships and invasive species committees—to prevent job loss and ensure the foundation of support needed to make the new EEWF an environmental and workforce development success. Beyond ensuring a proper foundation for training and supervision, a lesson learned in 2001 with the prior EEWF is that the Legislature must provide reasonable funding for human resources support, safety equipment, tools, vehicles, and other necessities for workers and managers.

The EEWF established by the Legislature after September 11, 2001 produced job opportunities and significant conservation benefit. Many of those workers are still employed in conservation today. However, a foundation of support is needed to ensure the effectiveness of a renewed EEWF today.

The existing conservation programs that will likely be tapped to coordinate and supervise new EEWF workers are facing severe cutbacks. The Island Invasive Species Committees (ISCs) www.hawaiiinvasivespecies.org/iscs/, Watershed Partnerships (WPs) www.hawp.org, and the DLNR Natural Area Reserve System (NARS) and Forest Reserve (FR) programs <http://hawaii.gov/dlnr/dofaw> that took on and managed EEWF personnel in 2001 will experience a reduction of 50-60% in their State funding for Fiscal Year 2010.

These existing conservation management programs are supported by the DLNR's Natural Area Reserve Fund (NAR Fund). The NAR Fund is a special fund within the DLNR that receives 25% of State conveyance tax revenues. With the down economy and resulting decline in real estate transactions, conveyance tax revenues are severely diminished.

The ISCs and WPs will be laying off significant numbers of professional staff in FY10 and cutting back on the conservation services they provide for the benefit of all island residents. They will not likely be in a position to train and manage new personnel, particularly individuals who have no background in conservation field work. Highly skilled conservation workers would lose their jobs only to be replaced by unskilled labor that would not have sufficient mentoring, training or support to do good work.

The attached documents show the conveyance tax revenue reductions and resulting budget, project and staff cuts anticipated by NAR Fund programs in FY2010.

Attachments

BOARD OF TRUSTEES

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CONVEYANCE TAX TRANSFERS FOR FY 2009

Month	Total Monthly Conveyance Tax Collections to General Fund - 100%	DLNR S-09-342-C NARS Trf In - 25%	DLNR S-09-317-C Land Conservation Trf In - 10%	HCDCH T-09-930-B Rental Housing Trust Trf In - 30%	TAXATION G-00-000-C General Fund Balance Remaining - 35%
July	\$2,192,465.87	\$548,116.47	\$219,246.59	\$657,739.76	\$767,363.05
August	\$1,774,945.34	\$443,736.34	\$177,494.53	\$532,483.60	\$621,230.87
September	\$2,514,102.90	\$628,525.73	\$251,410.29	\$754,230.87	\$879,936.01
October	\$1,825,468.79	\$456,367.20	\$182,546.88	\$547,640.64	\$638,914.07
November	\$1,233,090.89	\$308,272.72	\$123,309.09	\$369,927.27	\$431,581.81
December	\$2,074,566.26	\$518,641.57	\$207,456.63	\$622,369.88	\$726,098.18
January	\$1,738,521.89	\$434,630.47	\$173,852.19	\$521,556.57	\$608,482.66
February					\$0.00
March					\$0.00
April					\$0.00
May					\$0.00
June					\$0.00
Grand Totals	\$13,353,161.94	\$3,338,290.50	\$1,335,316.20	\$4,005,948.59	\$4,673,606.65

TOTAL CONVEYANCE TAX COLLECTIONS	
FY08	\$ 38,408,022
FY07	\$ 48,328,508
FY06	\$ 56,646,115
FY05	\$ 24,318,038
FY04	\$ 18,432,214

CONVEYANCE TAX COLLECTIONS & TRANSFERS FOR FY 2008

Month	Total Monthly Conveyance Tax Collections to General Fund - 100%	DLNR S-08-342-C NARS Trf In - 25%	DLNR S-08-317-C Land Conservation Trf In - 10%	HCDCH T-08-930-B Rental Housing Trust Trf In - 50%	TAXATION G-00-000-C General Fund Balance Remaining - 15%
July	\$2,213,212.44	\$553,303.11	\$221,321.25	\$1,106,606.22	\$331,981.86
August	\$3,025,234.70	\$756,308.68	\$302,523.47	\$1,512,617.35	\$453,785.20
September	\$4,492,022.48	\$1,123,005.62	\$449,202.25	\$2,246,011.24	\$673,803.37
October	\$3,573,776.52	\$893,444.13	\$357,377.65	\$1,786,888.26	\$536,066.48
November	\$2,959,259.75	\$739,814.94	\$295,925.98	\$1,479,629.88	\$443,888.95
December	\$3,079,131.57	\$769,782.89	\$307,913.16	\$1,539,565.79	\$461,869.73
January	\$3,478,274.45	\$869,568.61	\$347,827.45	\$1,739,137.23	\$521,741.16
February	\$1,871,282.33	\$467,820.58	\$187,128.23	\$935,641.17	\$280,692.35
March	\$2,952,992.29	\$738,248.07	\$295,299.23	\$1,476,496.15	\$442,948.84
April	\$4,051,020.17	\$1,012,755.04	\$405,102.02	\$2,025,510.09	\$607,653.02
May	\$2,860,587.29	\$715,146.82	\$286,058.73	\$1,430,293.65	\$429,088.09
June	\$3,851,227.53	\$962,806.88	\$385,122.75	\$1,925,613.77	\$577,684.13
Grand Totals	\$38,408,021.52	\$9,602,005.38	\$3,840,802.17	\$19,204,010.79	\$5,761,203.18

TOTAL CONVEYANCE TAX COLLECTIONS

FY07	\$48,328,508
FY06	\$56,646,115
FY05	\$24,318,038
FY04	\$18,432,214

PROGRAM	OBJECTIVE	TOTAL # OF STAFF	STAFF SUPPORTED BY STATE FUNDS	RESULTS OF ANTICIPATED 60% REDUCTION IN STATE FUNDS IN FY10
WATERSHED PARTNERSHIPS	The Hawaii Association of Watershed Partnerships (HAWP) is comprised of nine Watershed Partnerships on six islands. Watershed Partnerships are voluntary alliances of landowners and other partners working collaboratively to protect more than 1 million acres of forested watersheds for water recharge, conservation, and other ecosystem services.	67	43	<ul style="list-style-type: none"> • Layoff 24 Staff • Reduced weed/ungulate control activity • Only maintain current fences • Gains of prior years severely eroded • Loss of species, habitat and water recharge capacity • Increased exposure to fire • Decreased outreach • Increased cost to repair environmental degradation downstream and on reefs
NATURAL AREA PARTNERSHIP PROGRAM	The Natural Area Partnership Program was established in 1991 to provide state funds on a two-for-one basis with private funds for the management of private lands that are dedicated to conservation. With over 30,000 acres enrolled, this innovative program complements the protection efforts on state lands - a partnership essential for the success of conservation in Hawai'i.	28	19	<ul style="list-style-type: none"> • Layoff 11 staff • Reduce forest mangement activity by 60% • Lose investment in staff training and expertise • Increased future costs to control identified invasive species • Feral pig damage will increase significantly causing degredation to native ecosystems, rare plants and watershed • Invasive weeds will significantly displace native ecosystems • Lose ground gained by removing ungulates from newly fenced area
NATURAL AREA RESERVES SYSTEM	The Natural Area Reserves System (NARS) was established in 1970 to preserve in perpetuity Hawaii's most unique ecosystems. There are currently 19 reserves on five islands, encompassing more than 109,000 acres. The diverse areas found in the NARS range from marine and coastal environments to lava flows, tropical rainforests, and an alpine desert. The reserves also protect major watershed areas, which are vital sources of fresh water.	39	39	<ul style="list-style-type: none"> • Layoff 8-13 staff • No ability to conduct necessary archaeological/cultural surveys or design services necessary for effective management of resources within the NARS • Reduced ability to maintain existing fences and special mgmt units, control priority weeds/ungulates, or outplant rare plants • Significantly reduced ability to coordinate volunteers and outreach • Reduced support/funding for educational/outreach programs • No ability to provide consistent presence and reduced ability to accomplish management priorities at ORMP areas: Kaena Point NAR and Ahihi Kinau NAR • Reduced ability to maintain and repair infrastructure such as fences, trails, roads, boardwalks, helipads, and management shelters.
YOUTH CONSERVATION CORPS	The Youth Conservation Corps (YCC) is a hands-on summer learning experience aimed at educating Hawaii's youth on the many conservation issues that threaten Hawaii's unique environment. Students are mentored by and work alongside some of Hawaii's premiere conservation leaders. Nearly 170 local youth participated in the 2008 summer program.	8	4	<ul style="list-style-type: none"> • Layoff 2 staff • Summer program will be reduced from 120 students to 58 • Summer program leaders will remain at 24 as they are funded by federal dollars, but for half of the managers, duties will change from mentoring youth to working as an intern for 7 weeks • Natural resources will suffer from less human assistance to mitigate for ungulates, invasives and other impacts

PROGRAM	OBJECTIVE	TOTAL # OF STAFF	STAFF SUPPORTED BY STATE FUNDS	RESULTS OF ANTICIPATED 60% REDUCTION IN STATE FUNDS IN FY10
FORESTRY/ FOREST STEWARDSHIP PROGRAM	<p>The Forest Stewardship Program (FSP), administered by the Department of Land and Natural Resources, Division of Forestry and Wildlife (DLNR-DOFAW), provides technical and financial assistance to owners of nonindustrial private forest land that are interested in conservation, restoration, and/or timber production.</p> <p>The Forestry Program manages 55 forest reserves comprising more than 640,000 acres, or 16% of Hawaii's land area. The program also provides financial incentives to agricultural landowners to convert fallow or open land to trees, shrubs, and forest habitat, conducts control and monitoring efforts in each county for existing and incipient invasive species, and coordinates T&E species management.</p>	17	12	<ul style="list-style-type: none"> • Layoff 4-6 staff • Limited ability to maintain existing fences and special management units, control priority weeds, or control ungulates • Decreased ability to mitigate known threats to federally endangered species, interruption of restoration and data collection projects • No new FSP projects. Two projects in development to be placed on hold • Limited ability to continue multi-year fence construction projects • Unmitigated degradation of existing road, trail and fencing infrastructure • Possible loss of federal funds due to lack of matching, including loss of up to 2.5 FTE state funded staff supporting these projects; more positions may be lost if federal grants are lost due to lack of funding • Erosion of existing rare plant restoration/ research projects, further loss of Hawaii's natural heritage due to extinction
INVASIVE SPECIES COMMITTEES	<p>The Invasive Species Committees (ISCs) are island-based partnerships of government agencies, NGOs, and private businesses working to protect each island from the most threatening invasive pests. The ISCs address the need for rapid response and control work on new invasive pests that have the ability to severely impact our economy, ecosystem, watersheds, human health, and quality of life. A driving objective of the ISCs is to control the most threatening pests while populations are still relatively small and it is economically feasible to control or eliminate them.</p>	64	29	<ul style="list-style-type: none"> • Layoff 19 staff • Increased future costs to control identified invasive species (e.g., estimated cost impacts from delaying miconia work on Maui range from \$22M-\$34M) • Inability to respond to new coqui reports resulting in island-wide infestations • Inability to assist with HDOA nursery surveys to prevent spread of Little Fire Ant, nettle caterpillars, and coqui frogs
HAWAII INVASIVE SPECIES COUNCIL	<p>The Hawaii Invasive Species Council (HISC) was established to provide policy level direction, coordination, and planning among state departments, federal agencies, and international and local initiatives for the control and eradication of harmful invasive species infestations throughout the State, and to prevent the introduction of other invasive species that may be potentially harmful.</p>	35	35	<ul style="list-style-type: none"> • Layoff 13 staff • Cease operation of SuperSucker, and lose 5-year investment in technology/research • Reduced capacity to conduct risk assessments for new plants • Lose ballast water management data collection • Reduced ability to conduct vessel hull inspections • Reduced capacity to respond to new pest incursions • Reduced community outreach • 50% reduction in West Nile Virus sample collection (mosquito traps, dead birds, bird sera), testing and detection

Programs Supported by the DLNR Natural Area Reserve Fund	FY09 State Funding	FY10 Expected 60% Reduction in State Funds	Staff Funded with State Funds	Expected Layoffs
HAWAII ASSOCIATION OF WATERSHED PARTNERSHIPS				
Kauai Watershed Alliance	\$294,190	\$117,676	5	5
Koolau Mountains Watershed Partnership	\$227,514	\$91,006	6	3
East Molokai Watershed Partnership	\$124,740	\$49,896	8	1
Lanai Forest & Watershed Partnership	\$75,000	\$30,000	0.5	0
W. Maui Mountains Watershed Partnership	\$217,500	\$87,000	5	4
E. Maui Watershed Partnership	\$441,900	\$176,760	5	4
Leeward Haleakala Watershed Restoration Partnership	\$343,830	\$137,532	6	4
Kohala Watershed Partnership	\$235,500	\$94,200	2	0
Three Mountain Alliance	\$448,320	\$179,328	6	3
HAWP Subtotal	\$2,408,494	\$963,398	43.5	24
NATURAL AREA PARTNERSHIP PROGRAM				
Waikamoi Preserve	\$220,000	\$88,000	4.5	4
Kapunakea Preserve	\$125,000	\$50,000	2.5	2.5
Kanepuu Preserve	\$16,667	\$6,667	0.5	0.5
Kamakou Preserve	\$218,737	\$87,495	3	0
Pelekunu Preserve	\$96,289	\$38,516	0.5	0.5
Moomomi Preserve	\$52,455	\$20,982	0.5	0
Kau Preserve	\$119,910	\$47,964	2.5	1
Puu Kukui Preserve	\$281,216	\$112,486	5	3
NAPP Subtotal	\$1,130,274	\$452,110	19	11.5
NATURAL AREA RESERVES SYSTEM				
Hawaii Island NARS			12	5
Maui Nui NARS			12	6
Oahu NARS	\$4,590,000	\$1,836,000	7	1
Kauai NARS			3	0
Statewide Administration			5	1
NARS Subtotal	\$4,590,000	\$1,836,000	39	13
YOUTH CONSERVATION CORP	\$474,588	\$189,835	4	2
FORESTRY / FOREST STEWARDSHIP				
Forest Stewardship	\$453,516	\$181,406	0.5	0
Watershed Management in Forest Reserves	\$1,000,000	\$400,000	1	0
Conservation Reserve Enhancement Program	\$300,000	\$120,000	1	0
DLNR Invasive Species Program Operations	\$244,898	\$97,959	4	0
T&E Species Management	\$400,000	\$160,000	5.5	5.5
FORESTRY / FS Subtotal	\$2,398,414	\$959,366	12	5.5
INVASIVE SPECIES COMMITTEE				
Big Island Invasive Species Committee (BIISC)	\$375,094	\$150,038	9	5
Kauai Invasive Species Committee (KISC)	\$374,249	\$149,700	6	4
Maui Invasive Species Committee (MISC)	\$430,700	\$172,280	7	4
Oahu Invasive Species Committee (OISC)	\$437,200	\$174,880	7	6
ISCs Subtotal	\$1,617,243	\$646,897	29	19
HAWAII INVASIVE SPECIES COUNCIL				
AIS / Hull Fouling	\$579,800	\$231,920	11.5	4.5
DOA / USDA	\$129,200	\$51,680	3	3
Bishop Museum	\$160,000	\$64,000	1	1
Invasive Species Research Grants	\$330,000	\$132,000	10	0
HISC Support	\$135,000	\$54,000	1.5	0.5
Weed Risk Assessment	\$97,700	\$39,080	2	1
Invasive Species Outreach	\$97,700	\$39,080	4	1
West Nile Virus Detection & Suppression	\$307,300	\$122,920	2	2
HISC Subtotal	\$1,836,700	\$734,680	35	13
GRAND TOTAL	\$14,455,713	\$5,782,285	182	88

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 19, 2009 12:12 AM
To: ENETestimony
Cc: pennysfh@hawaii.rr.com
Subject: Testimony for HB281 on 3/19/2009 3:30:00 PM

Testimony for ENE/HRE 3/19/2009 3:30:00 PM HB281

Conference room: 225
Testifier position: support
Testifier will be present: No
Submitted by: Penny Levin
Organization: Individual
Address: Wailuku, Hawai'i
Phone:
E-mail: pennysfh@hawaii.rr.com
Submitted on: 3/19/2009

Comments:

Aloha Committee members;

I am in support of this measure. The Environmental Work Force was instrumental in creating a more skilled workforce in conservation during its earlier implementation. As a result of the program, a numerous people increased their knowledge in Hawaii's fragile ecosystems, invasive species control, and other issues that impact the environment. They were able to contribute to trail and fence installation and maintenance, invasive species efforts, and numerous other projects. Some are still working in conservation today. In these difficult economic times, the health of the land is the foundation that will support the health of Hawaii's people. Our kuleana is to care for the land that cares for us.

Please support HB225.

Mahalo.

Penny Levin
Wailuku, Maui