HOUSE CS FOR CS FOR SENATE BILL NO. 142(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/2/95
Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

"An Act establishing the Alaska Human Resource Investment Council and transferring certain functions of other entities to the council; abolishing the Employment Security Advisory Council; establishing a planning mechanism for employment training and other human resource investment needs; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. LEGISLATIVE PURPOSE. The purposes of this Act are to

(1) establish the Alaska Human Resource Investment Council to develop and oversee the implementation of a comprehensive state human resource investment system;

(2) promote an efficient, effective, and integrated system of employment education and training programs and services so that all Alaskans have the skills and opportunities necessary to earn a living wage and to meet the future business needs of the state.
* Sec. 2. AS 14.35.020(b) is amended to read:

(b) When required by any of the Acts described in AS 14.35.010 the board shall

(1) prepare, submit, and supervise the administration of the plans for vocational education and vocational rehabilitation;

(2) select a state director of vocational education;

(3) establish the minimum qualifications for teachers, supervisors, or directors;

(4) determine the prorated basis on which money shall be available for the salary and necessary travel expenses of the state director of vocational education;

(5) consider the advice of the Alaska Human Resource Investment Council established by AS 44.19.620 regarding employment training needs and advise that council in the development of vocational education programs.

* Sec. 3. AS 14.42.015(a) is amended to read:

(a) There is in the Department of Education the Alaska Commission on Postsecondary Education consisting of

(1) two members of the Board of Regents of the University of Alaska designated by the members of that body;

(2) one person representing private higher education in the state selected jointly by the Boards of Trustees of Alaska Pacific University and Sheldon Jackson College from among their membership;

(3) one person representing the Department of Education selected by the state Board of Education;

(4) four persons broadly and equitably representative of the general public appointed by the governor;

(5) one member of the Alaska Human Resource Investment Council established by AS 44.19.620 [STATE ADVISORY COUNCIL ON VOCATIONAL EDUCATION] designated by the members of that body;

(6) one person from the members of the local community college advisory councils appointed by the governor;

(7) two members from the legislature, one of whom shall be appointed
by the president of the senate and one by the speaker of the house of representatives;

(8) one person appointed in accordance with (e) of this section who is
a full-time student as defined in AS 14.43.160;

(9) one administrator appointed by the governor from a proprietary
institution of postsecondary education that has an authorization to operate in the state
issued under AS 14.48.

* Sec. 4. AS 39.50.200(b) is amended by adding a new paragraph to read:


* Sec. 5. AS 44.19 is amended by adding new sections to read:

ARTICLE 12. ALASKA HUMAN RESOURCE INVESTMENT COUNCIL.

Sec. 44.19.620. ALASKA HUMAN RESOURCE INVESTMENT COUNCIL.

(a) The Alaska Human Resource Investment Council is established in the Office of
the Governor. The council consists of the following voting members, not to exceed
26:

(1) the lieutenant governor or the lieutenant governor's designee;

(2) the commissioners of commerce and economic development,
community and regional affairs, education, health and social services, and labor, or
each respective commissioner's designee;

(3) one representative from the University of Alaska;

(4) four additional representatives of education, with one from local
public education, one from secondary vocational education, one from a postsecondary
vocational education institution, and one from adult basic education;

(5) four representatives of business and industry, with at least one
representative from the private industry councils appointed under 29 U.S.C. 1512 and
subject to reconstitution under 29 U.S.C. 1515;

(6) four representatives of organized labor that the governor shall
appoint from lists of nominees submitted by recognized state labor organizations; the
governor may reject a list submitted under this paragraph and request that another list
be submitted;

(7) at least one representative from an organization representing
employment and training needs of Alaska Natives;
(8) at least one representative of a community-based service organization;

(9) at least one representative who has personal or professional experience with developmental disabilities; and

(10) at least one and up to four additional members of the private sector to ensure a private sector majority and regional and local representation on the council.

(b) Additional nonvoting members may be appointed to the council from government or nongovernment entities.

Sec. 44.19.621. APPOINTMENT AND TERM OF MEMBERS. (a) Members of the Alaska Human Resource Investment Council other than those listed in AS 44.19.620(a)(1) and (2) are appointed by the governor and serve at the pleasure of the governor.

(b) The voting members of the council other than those listed in AS 44.19.620(a)(1) and (2) serve for staggered four-year terms and may serve until a successor is appointed. An appointment to fill a vacancy shall be made in the same manner as the original appointment and for the balance of the unexpired term.

(c) The governor shall ensure that individuals appointed to the council have sufficient expertise to effectively carry out the duties of the council. Expertise of the council includes, where appropriate, knowledge of the long-term needs of individuals preparing to enter the work force; the needs of local, state, and regional labor markets; and the methods for evaluating the effectiveness of vocational training programs in serving varying populations.

Sec. 44.19.622. COMPENSATION. Members of the Alaska Human Resource Investment Council listed in or appointed under AS 44.19.620(a) serve without compensation but are entitled to per diem and travel expenses authorized by law for boards and commissions under AS 39.20.180. Nonvoting members of the council appointed under AS 44.19.620(b) serve without compensation and are not entitled to per diem and travel expenses.

Sec. 44.19.623. OFFICERS. The Alaska Human Resource Investment Council shall elect a chair from among the members listed in or appointed under
AS 44.19.620(a) who are from the private sector. They shall also elect a vice-chair. The chair and vice-chair serve in their positions at the pleasure of the council.

Sec. 44.19.624. MEETINGS, QUORUM, AND COMMITTEES. (a) The Alaska Human Resource Investment Council shall meet at the call of the chair to conduct its business. A majority of the members listed in or appointed to the council under AS 44.19.620(a) constitutes a quorum.

(b) The council may establish standing and special committees or subcommittees, not necessarily consisting of council members, to advise and assist the council in carrying out its functions assigned by federal or state statute.

Sec. 44.19.625. COUNCIL AS STATE PLANNING ENTITY. The Alaska Human Resource Investment Council shall act as the lead state planning and coordinating entity for state human resource programs administered under

(1) 29 U.S.C. 1501 - 1792b (Job Training Partnership Act);
(2) 20 U.S.C. 2301 - 2471 (Carl D. Perkins Vocational and Applied Technology Education Act);
(3) 20 U.S.C. 1201 - 1213d (Adult Education Act);
(4) 29 U.S.C. 49 - 49l-1 (Wagner - Peyser Act);
(5) 42 U.S.C. 681 - 687 (Job Opportunities and Basic Skills Training Program) for needy families with children under the Social Security Act;
(6) the employment program established under 7 U.S.C. 2015(d)(4) (Food Stamp Act of 1977);
(7) all federal programs designated as successors to the programs listed in (1) - (6) of this section; and
(8) all state laws involving employment training, vocational education, workforce development, and community service.

Sec. 44.19.626. FUNCTIONS OF THE COUNCIL. (a) As the lead state planning and coordinating entity, the Alaska Human Resource Investment Council has responsibility, to the extent authorized by federal and state law, for planning and coordinating federal, state, and local efforts in human resource programs in this state related to employment training.

(b) The council shall
(1) facilitate the development of statewide policy for a coordinated and
effective employment training and education system in this state;
(2) identify the human resource investment needs in the state and
develop a plan to meet those needs;
(3) review the provision of services and the use of money and resources
by the human resource programs listed in AS 44.19.625;
(4) assume the duties and functions of the state councils described
under the laws relating to the federal human resource programs listed in AS 44.19.625;
(5) advise the governor and state and local agencies on the development
of state and local standards and measures relating to applicable human resource
programs;
(6) submit, to the governor and the legislature, a biennial strategic plan
to accomplish the goals developed to meet human resource investment needs;
(7) monitor for the implementation and evaluate the effectiveness of the
strategic plan developed by the council; and
(8) adopt regulations under AS 44.62 (Administrative Procedure Act)
to carry out the purposes of AS 44.19.620 - 44.19.627.
(c) The council may receive money designated for human resource programs
and may disburse money, including grants, to human resource projects in accordance
with AS 37.07 (Executive Budget Act). The council may enter into partnership
agreements through appropriate administrative agencies with private industry training
entities within the state in order to facilitate the coordination of training opportunities.
Sec. 44.19.627. ADMINISTRATION. (a) The Office of the Governor shall
provide professional, technical, and administrative staff for the Alaska Human
Resource Investment Council.
(b) Subject to legislative appropriations, and in accordance with AS 37.07
(Executive Budget Act), the council's budget is funded from programs for which the
council is the lead state planning and coordinating entity under AS 44.19.625.
* Sec. 6. AS 44.47.752 is amended to read:
Sec. 44.47.752 ADMINISTRATION. (a) The Alaska Human Resource
Investment [STATE JOB TRAINING COORDINATING] Council established in
AS 44.19.620 [UNDER 29 U.S.C. 1532] shall oversee the incentive program. The service delivery areas established under 29 U.S.C. 1511 and subject to redesignation under 29 U.S.C. 1515 shall be used in the administration of the incentive program. The private industry councils appointed under 29 U.S.C. 1512 and subject to reconstitution under 29 U.S.C. 1515 shall serve as the private industry councils for the incentive program.

(b) The [COORDINATING] council shall divide appropriations for the incentive program equally among the private industry councils. If a private industry council lacks sufficient money to fund a proposal, the private industry council may apply to the [COORDINATING] council for additional funding. The [COORDINATING] council may approve reallocation of money from one service delivery area to another to fund a particular proposal if it finds that the reallocation will best serve the purposes of the program.

(c) The [COORDINATING] council shall adopt regulations under AS 44.62 (Administrative Procedure Act) to implement AS 44.47.750 - 44.47.772.

* Sec. 7. AS 44.47.762(b) is amended to read:

(b) The [COORDINATING] council shall adopt regulations concerning retention of records.

* Sec. 8. AS 44.47.762(c) is amended to read:

(c) The [COORDINATING] council shall report annually to the legislature concerning the incentive program no later than February 1.

* Sec. 9. AS 44.47.772(1) is amended to read:


* Sec. 10. AS 47.25.310(b) is amended to read:

(b) When determining whether a person has sufficient work history for purposes of qualifying for benefits as the unemployed principal wage earner in a family that includes a dependent child, the department shall consider as quarters of qualifying work up to four calendar quarters in the proper time period in which the person (1) attended on a full-time basis an elementary school, a secondary school, or
a federally approved vocational or technical training course that is designed to prepare
the person for gainful employment; or (2) participated in an education or training
Act [(P.L. 97-300)]) or a training and employment program operated or funded by the
Alaska Human Resource Investment Council established by AS 44.19.620 [STATE
JOB TRAINING COORDINATING COUNCIL IN THE DEPARTMENT OF
COMMUNITY AND REGIONAL AFFAIRS] through a grant from the Department
of Labor. A person may substitute quarters of education or training for quarters of
work only once in the person's lifetime to establish eligibility under AS 47.25.310 -
47.25.420.

* Sec. 11. AS 47.25.421(c) is amended to read:

c) The department may carry out the program directly or through
arrangements or under contracts with administrative entities involved with 29 U.S.C.
1501 - 1792b ( [THE] Job Training Partnership Act [(P.L. 97-300]), as amended, with
state and local education agencies, and with other public agencies or private
organizations, including community-based organizations acceptable under federal
regulations. The department shall contract for services under the program when
feasible and in the state's interest. The department may adopt regulations to govern
the operation of the program components that are operated under contract by other
entities. Whether the department operates the program directly or through contract,
the department shall coordinate the program with programs operated in the state under
the Job Training Partnership Act and with other relevant employment, training, and
education programs available in the state, including programs operated by Indian or
Native organizations that receive grants from the federal government to operate their
programs under 42 U.S.C. 682(i) and programs operated or funded by the Alaska
Human Resource Investment Council established by AS 44.19.620 [STATE JOB
TRAINING COORDINATING COUNCIL IN THE DEPARTMENT OF
COMMUNITY AND REGIONAL AFFAIRS] through a grant from the Department
of Labor. The department shall consult with the Department of Education, the
Department of Labor, and the Department of Community and Regional Affairs to
promote coordination of the planning and delivery of services under the program with
programs operated by those departments.

* Sec. 12. Section 7(a), ch. 95, SLA 1989, is amended to read:

(a) The department may award a grant to the council [STATE JOB TRAINING COORDINATING COUNCIL] to

(1) administer a state training and employment program; and

(2) award pilot project grants to qualified entities.

* Sec. 13. Section 7(b), ch. 95, SLA 1989, is amended to read:

(b) If a grant is awarded to the council [STATE JOB TRAINING COORDINATING COUNCIL], the department shall annually provide to the council a priority list of targeted projects or services, based on unemployment statistics, unemployment insurance claims, occupational and industrial projections, availability of other training and employment programs, and other relevant data. The department shall also provide annually to the council a priority list of criteria for eligibility to maximize services to those people most in need of training under this Act. In developing the priority list for targeted projects and services, the department shall solicit comments from the Department of Community and Regional Affairs, Department of Education, Department of Commerce and Economic Development, University of Alaska, organized labor, the council, and the administrative entities of the substate service delivery areas established for the council.

* Sec. 14. Section 8(c), ch. 95, SLA 1989, is amended to read:

(c) [THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS SHALL PROVIDE ADMINISTRATIVE SUPPORT TO THE COUNCIL TO ADMINISTER THE PROGRAM.] To provide administration of the program, the council may use the administrative entities of the substate service delivery areas established for the council.

* Sec. 15. Section 9(1), ch. 95, SLA 1989, is amended to read:


* Sec. 16. AS 23.20.025, 23.20.520(9); AS 39.05.060(a)(3); and AS 39.50.200(b)(9) are
repealed.

* Sec. 17. TRANSITION. On a quarterly basis during a transition period beginning on the effective date of this section and ending January 1, 1996, the boards and councils that oversee the federal and state programs to be assumed by the Alaska Human Resource Investment Council established by this Act shall hold joint meetings, to be attended by one or more representatives from each of those boards and councils. The purpose of these meetings is to facilitate the transfer of functions to the Alaska Human Resource Investment Council and to conclude the business of each of the other boards and councils. Staff support during the transition period established in this section shall be provided by at least one member of the staff of the Office of the Governor and by assignment of staff from each of the executive branch departments that currently provide staff support for the respective other boards and councils.

* Sec. 18. INITIAL APPOINTMENTS TO COUNCIL. (a) The terms of persons initially appointed to the Alaska Human Resource Investment Council under AS 44.19.620(a)(3) - (10), enacted by sec. 5 of this Act, shall be set as follows so as to establish the staggering of terms required by AS 44.19.621(b), enacted by sec. 5 of this Act:

(1) at least five members shall be appointed for a term of four years;
(2) at least four members shall be appointed for a term of three years;
(3) at least four members shall be appointed for a term of two years; and
(4) at least four members shall be appointed for a term of one year.

(b) The terms of members initially appointed under AS 44.19.620(a)(4), (5), and (6), enacted by sec. 5 of this Act, shall be set so that the terms of no two members expire in the same year.

(c) If more than one member is appointed under AS 44.19.620(a)(7), (8), (9), or (10), enacted by sec. 5 of this Act, the terms of the members appointed under each of those provisions shall be set so that the terms of no two members expire in the same year.

* Sec. 19. REPORT TO GOVERNOR ON CONSOLIDATION OF PROGRAMS. (a) The Alaska Human Resource Investment Council shall research and prepare a report for presentation to the governor by July 1, 1996, concerning investment in and development of human resources in the state.

(b) The report must include recommendations on any additional state government
entities whose authority and duties may be transferred to the council by Executive Order, Administrative Order, or legislation.

(c) The report must include recommendations concerning the consolidation of all applicable federal, state, and local human resource programs for employment training, so that those programs may be administered by one entity. The report must include recommendations on which programs should be included in a consolidation, and what role each state agency should have in the administration of human resource programs after consolidation. In making its recommendations, the council shall consider administrative efficiency, from the point of view of both state government and the recipient, and the quality of services.

* Sec. 20. REPORT TO GOVERNOR ON PRIVATE INDUSTRY COUNCILS. The Alaska Human Resource Investment Council shall prepare and submit to the governor by July 1, 1996, a report making recommendations to the governor on how best to take advantage of the private industry council structure established in accordance with 29 U.S.C. 1501 - 1792b (Job Training Partnership Act). The report must include the strengths, weaknesses, and potential of the private industry councils appointed under 29 U.S.C. 1512 as they pertain to the local oversight and administration of the applicable human resource investment programs. Additional duties and programs that shall be considered in the report include the potential relationship of private industry councils to certain federal grants, job corps recruitment, veterans' vocational training, and guaranteed student loans for Title IV of the Higher Education Act of 1965, as amended.

* Sec. 21. Section 17 of this Act takes effect immediately under AS 01.10.070(c).

* Sec. 22. Sections 1 - 15 and 18 - 20 of this Act take effect July 1, 1995.

* Sec. 23. Section 16 of this Act takes effect January 1, 1996.