

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 105**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES COGHILL, Muñoz**

**Introduced: 3/2/09**

**Referred: Labor and Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the state training and employment program; and providing for an**  
2 **effective date."**

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

4 **\* Section 1.** AS 23.15.580(b) is amended to read:

5 (b) The board shall

6 (1) facilitate the development of statewide policy for a coordinated and  
7 effective employment training and education system in this state;

8 (2) identify the human resource investment needs in the state and  
9 develop a plan to meet those needs;

10 (3) review the provision of services and the use of money and  
11 resources by the human resource programs listed in AS 23.15.575;

12 (4) assume the duties and functions of the state boards described under  
13 the laws relating to the federal human resource programs listed in AS 23.15.575;

14 (5) advise the governor, state and local agencies, the University of

1 Alaska, and other training entities on the development of state and local standards and  
2 measures relating to applicable human resource programs;

3 (6) submit, to the governor and the legislature, a biennial strategic plan  
4 to accomplish the goals developed to meet human resource investment needs;

5 (7) monitor for the implementation and evaluate the effectiveness of  
6 the strategic plan developed by the board;

7 (8) adopt regulations that set standards for the percentage of program  
8 expenses that may be used for administrative costs; the regulations must clearly  
9 identify and distinguish between program expenses that may be included in  
10 administrative costs and those that may not be included in administrative costs; the  
11 percentage allowed for administrative costs may not exceed the lesser of 20 percent of  
12 program expenses in the prior fiscal year or the amount permitted under the  
13 requirements of a federal program, if applicable;

14 (9) report annually to the legislature, by the 30th day of the regular  
15 legislative session, on the performance and evaluation of training programs in the state  
16 subject to review under (f) of this section;

17 (10) identify ways for agencies operating programs subject to  
18 oversight by the board to share resources, instructors, and curricula through  
19 collaboration with other public and private entities to increase training opportunities  
20 and reduce costs; [AND]

21 (11) adopt regulations under AS 44.62 (Administrative Procedure Act)  
22 to carry out the purposes of AS 23.15.550 - 23.15.585; **and**

23 **(12) perform duties assigned in AS 23.15.620 - 23.15.660 for the**  
24 **state training and employment program.**

25 \* **Sec. 2.** AS 23.15.580(f) is amended to read:

26 (f) The following training programs are subject to the provisions of (d) and (e)  
27 of this section:

28 (1) in the Department of Labor and Workforce Development or  
29 operated by the department:

30 (A) programs under 29 U.S.C. 2801 - 2945 (Workforce  
31 Investment Act of 1998), assisting communities in moving toward a self-

1 sustainable economy and providing training;

2 (B) **the** state training and employment program **under**  
 3 **AS 23.15.620 - 23.15.660** [(AS 23.15.620), PROVIDING TRAINING AND  
 4 EMPLOYMENT SERVICES FOR PEOPLE WHO ARE UNEMPLOYED OR  
 5 LIKELY TO BECOME UNEMPLOYED, FOSTERING NEW JOBS, AND  
 6 INCREASING TRAINING OPPORTUNITIES FOR WORKERS  
 7 SEVERELY AFFECTED BY FLUCTUATIONS IN THE STATE  
 8 ECONOMY OR ADVERSELY AFFECTED BY TECHNOLOGY  
 9 ADVANCES IN THE WORKPLACE];

10 (C) employment-related adult basic education;

11 (D) employment training services operated as part of the  
 12 Alaska temporary assistance program (ATAP);

13 (E) unemployment insurance grants provided under the federal  
 14 training relocation assistance program;

15 (F) Alaska works programs, assisting with the welfare-to-work  
 16 program;

17 (G) Kotzebue Technical Center;

18 (H) Alaska Vocational Technical Center;

19 (2) in the Department of Education and Early Development or operated  
 20 by the department, the non-public-school portions of the

21 (A) vocational education and technical preparation program;

22 and

23 (B) Alaska Career Information System.

24 \* **Sec. 3.** AS 23.15.620 is repealed and reenacted to read:

25 **Sec. 23.15.620. State training and employment program.** (a) A program is  
 26 created in the department to provide grants to eligible persons who provide training  
 27 and employment assistance services. The purpose of the program is to enhance the  
 28 quality of in-state job training and employment assistance and to make in-state job  
 29 training and employment assistance more easily available to employers, employees,  
 30 and future employees. To foster the success of the program, the department shall, to  
 31 the greatest extent feasible, combine the resources of the program with resources

1 available outside of the program.

2 (b) A person who provides training and employment services may apply for a  
3 grant from the program and may use the grant to augment or improve public access to  
4 the training and employment services provided, including a registered apprenticeship  
5 program under 29 U.S.C. 50.

6 \* **Sec. 4.** AS 23.15.635 is amended to read:

7 **Sec. 23.15.635. People to be served.** Within the limits of its grant, an  
8 employment assistance and training entity receiving a grant under AS 23.15.620 -  
9 23.15.660 [AS 23.15.651] shall provide services set out in AS 23.15.641  
10 [AS 23.15.640(a)] to state residents who, immediately before beginning training or  
11 receiving benefits under a grant financed by this program,

12 (1) are unemployed and

13 (A) are receiving unemployment insurance benefits; or

14 (B) have exhausted the right to unemployment insurance  
15 benefits within the past three years;

16 (2) are employed, but liable to be displaced [WITHIN THE NEXT SIX  
17 MONTHS] because of

18 (A) reductions in overall employment within a business;

19 (B) elimination of the worker's current job; or

20 (C) a change in conditions of employment requiring that, to  
21 remain employed, the employee must learn substantially different skills that  
22 the employee does not now possess; [OR]

23 (3) have worked in a position covered by AS 23.20 at any time during  
24 the last three years, and are not currently eligible for unemployment insurance benefits  
25 because

26 (A) their employment has been seasonal, temporary, part-time,  
27 or marginal;

28 (B) their qualifying wages are insufficient because of limited  
29 job opportunity; or

30 (C) they are employed but, because they are underemployed,  
31 they are in need of employment assistance and training to obtain full

1 employment;

2 **(4) are receiving unemployment insurance benefits and**

3 **(A) are not likely to obtain employment before their**  
 4 **unemployment insurance benefits are exhausted;**

5 **(B) are women;**

6 **(C) are minorities; or**

7 **(D) need to acquire new skills or update skills they already**  
 8 **have in order to obtain employment; or**

9 **(5) have been ordered to pay child support by a court order or by**  
 10 **the child support services agency.**

11 \* **Sec. 5.** AS 23.15 is amended by adding a new section to read:

12 **Sec. 23.15.636. Implementation of program.** The department and the board  
 13 shall jointly implement the program as follows:

14 (1) after review and approval by the board, the department shall adopt  
 15 regulations under AS 44.62 to implement AS 23.15.620 - 23.15.660 and to regulate  
 16 the distribution and accounting of grants awarded under the program;

17 (2) the department may use financial resources of the program to cover  
 18 some or all of the department's cost of administering the program and may also  
 19 distribute financial resources of the program through grants, the purchase of services  
 20 or other contracts, or other mechanisms authorized by state law;

21 (3) the department may enter into interagency agreements with the  
 22 University of Alaska and other state agencies for the provision of training and  
 23 employment assistance under the program;

24 (4) after annual review and approval by the board, the department shall  
 25 annually establish priorities for the provision of training and employment assistance  
 26 services under AS 23.15.641 to eligible participants under AS 23.15.643; in setting  
 27 priorities, the department shall consider unemployment statistics, unemployment  
 28 insurance claims, projections of occupational and industrial workforce demand,  
 29 availability of other training and employment assistance programs, available funding,  
 30 and other relevant information; when awarding or financing grants under the program,  
 31 the department may give preference to financing projects and services that train or

1 assist individuals in vocations, businesses, or industries identified in the resident hire  
 2 report required under AS 36.10.130 as employing a disproportionate percentage of  
 3 nonresident individuals;

4 (5) the board shall assist in the evaluation of proposals for grants and  
 5 make recommendations to the department regarding which grants should be awarded  
 6 by the program; the department may distribute financial resources of the program to  
 7 the board to pay for some or all of the board's costs, existing or anticipated, that are  
 8 related to evaluating or awarding proposed grants or grants that have been awarded.

9 \* **Sec. 6.** AS 23.15 is amended by adding new sections to read:

10 **Sec. 23.15.641. Eligibility of grantees; use of assistance received.** (a) To be  
 11 eligible for a grant to help cover the cost of providing training and employment  
 12 assistance, a person shall

13 (1) meet or exceed the requirements of AS 23.15.620 - 23.15.660 and  
 14 regulations adopted under AS 23.15.620 - 23.15.660;

15 (2) offer vocational training or employment assistance services that  
 16 meet the requirements of regulations adopted under AS 23.15.620 - 23.15.660;

17 (3) be a governmental agency, a private business, an employer, or an  
 18 organization exempt from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue  
 19 Code); and

20 (4) demonstrate to the satisfaction of the department and the board that

21 (A) the person's accounting system is organized and maintained  
 22 in accordance with generally accepted accounting principles, promotes  
 23 efficiency, ensures compliance with program requirements, and can be audited  
 24 at the department's direction with not more than a reasonable amount of effort  
 25 and expense; and

26 (B) grants awarded under the program will be used only as  
 27 allowed under AS 23.15.620 - 23.15.660.

28 (b) A recipient of a grant awarded under the program may use the grant to  
 29 provide any of the following training and employment assistance services to eligible  
 30 participants:

31 (1) industry-specific training;

1 (2) on-the-job training, including apprentice training in a registered  
2 apprenticeship program under 29 U.S.C. 50;

3 (3) institutional or classroom job-linked training;

4 (4) support services, including financial allowances and relocation  
5 expenses that the department determines are reasonably necessary to enable an eligible  
6 participant to receive training and employment assistance;

7 (5) assistance considered necessary to help an eligible participant  
8 obtain or retain a job for which training and employment assistance provided under the  
9 program has prepared the eligible participant;

10 (6) purchases of basic tools, work clothing, safety gear, or other items  
11 the eligible participant needs to obtain or retain a job for which training and  
12 employment assistance provided under the program has prepared the eligible  
13 participant;

14 (7) other costs the department determines are necessary to pay in order  
15 that an eligible participant can receive training or employment assistance or obtain or  
16 retain a job for which the training and employment assistance provided under the  
17 program has prepared the eligible participant.

18 (c) The department may allow payment for items described in (b) of this  
19 section if the department determines that alternative sources of financing have been  
20 exhausted or are unavailable to the eligible participant or that a grant from the  
21 program is otherwise required so that, when combined with other available financing,  
22 the grant will enable an eligible participant to receive training or employment  
23 assistance approved by the department.

24 **Sec. 23.15.643. Eligibility of program participants.** The department and a  
25 person awarded a grant under the program may use the grant only to provide training  
26 and employment assistance services to eligible participants. To be an eligible  
27 participant, the person may be employed or employable and shall, at the time of  
28 application for training or employment assistance under the program,

29 (1) be a resident of the state;

30 (2) have worked in a position covered by AS 23.20, or similar  
31 provisions in another state, at any time during the five years immediately preceding

1 the application; and

2 (3) need training to improve the person's prospects for obtaining or  
3 retaining employment.

4 \* **Sec. 7.** AS 23.15 is amended by adding new sections to read:

5 **Sec. 23.15.652. Program accountability.** (a) The department and a person  
6 who is awarded a grant to provide training and employment assistance services under  
7 the program shall comply with state and federal laws and maintain records, including  
8 accounting records, as required by those laws.

9 (b) The department may allocate or authorize the expenditure of not more than  
10 20 percent of the amount appropriated to the program for a fiscal year to pay for  
11 administration of the program by the department and the board.

12 (c) The department shall annually prepare and present to the board a report  
13 concerning the program and notify the legislature that the report is available.

14 **Sec. 23.15.654. Appeals.** (a) A person who applies for and is denied a grant  
15 under this chapter may, within 60 days after the date the person receives notice of the  
16 denial, file a written appeal with the board.

17 (b) The board shall decide an appeal timely filed under (a) of this section  
18 within 60 days after the date the appeal is filed, and the board's decision is final unless  
19 the party who filed the appeal initiates judicial review by filing an appeal in the  
20 superior court as provided in the Rules of Appellate Procedure. For the purpose of  
21 computing time under those rules, the time for initiating judicial review runs from the  
22 date the person who filed the appeal receives the department's final decision.

23 \* **Sec. 8.** AS 23.15.640, 23.15.645, and 23.15.651 are repealed.

24 \* **Sec. 9.** Section 6, ch. 116, SLA 1996, as amended by sec. 9, ch. 85, SLA 1998, by sec. 47,  
25 ch. 86, SLA 2002, by sec. 1, ch. 86, SLA 2004, and by sec. 1, ch. 46, SLA 2008, is repealed.

26 \* **Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).