

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

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

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

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

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

10 (2) promote an efficient, effective, and integrated system of employment
11 education and training programs and services so that all Alaskans have the skills and
12 opportunities necessary to earn a living wage and to meet the future business needs of the
13 state.

1 * Sec. 2. AS 14.35.020(b) is amended to read:

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

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

6 (2) select a state director of vocational education;

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

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

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

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

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

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

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

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

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

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

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

31 (7) two members from the legislature, one of whom shall be appointed

1 by the president of the senate and one by the speaker of the house of representatives;

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

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

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

8 (55) Alaska Human Resource Investment Council (AS 44.19.620).

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

10 ARTICLE 12. ALASKA HUMAN RESOURCE INVESTMENT COUNCIL.

11 Sec. 44.19.620. ALASKA HUMAN RESOURCE INVESTMENT COUNCIL.

12 (a) The Alaska Human Resource Investment Council is established in the Office of
13 the Governor. The council consists of the following voting members, not to exceed
14 26:

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

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

19 (3) one representative from the University of Alaska;

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

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

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

30 (7) at least one representative from an organization representing
31 employment and training needs of Alaska Natives;

1 (8) at least one representative of a community-based service
2 organization;

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

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

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

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

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

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

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

30 Sec. 44.19.623. OFFICERS. The Alaska Human Resource Investment Council
31 shall elect a chair from among the members listed in or appointed under

1 AS 44.19.620(a) who are from the private sector. They shall also elect a vice-chair.
2 The chair and vice-chair serve in their positions at the pleasure of the council.

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

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

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

13 (1) 29 U.S.C. 1501 - 1792b (Job Training Partnership Act);

14 (2) 20 U.S.C. 2301 - 2471 (Carl D. Perkins Vocational and Applied
15 Technology Education Act);

16 (3) 20 U.S.C. 1201 - 1213d (Adult Education Act);

17 (4) 29 U.S.C. 49 - 491-1 (Wagner - Peysers Act);

18 (5) 42 U.S.C. 681 - 687 (Job Opportunities and Basic Skills Training
19 Program) for needy families with children under the Social Security Act;

20 (6) the employment program established under 7 U.S.C. 2015(d)(4)
21 (Food Stamp Act of 1977);

22 (7) all federal programs designated as successors to the programs listed
23 in (1) - (6) of this section; and

24 (8) all state laws involving employment training, vocational education,
25 workforce development, and community service.

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

31 (b) The council shall

- 1 (1) facilitate the development of statewide policy for a coordinated and
2 effective employment training and education system in this state;
- 3 (2) identify the human resource investment needs in the state and
4 develop a plan to meet those needs;
- 5 (3) review the provision of services and the use of money and resources
6 by the human resource programs listed in AS 44.19.625;
- 7 (4) assume the duties and functions of the state councils described
8 under the laws relating to the federal human resource programs listed in AS 44.19.625;
- 9 (5) advise the governor and state and local agencies on the development
10 of state and local standards and measures relating to applicable human resource
11 programs;
- 12 (6) submit, to the governor and the legislature, a biennial strategic plan
13 to accomplish the goals developed to meet human resource investment needs;
- 14 (7) monitor for the implementation and evaluate the effectiveness of the
15 strategic plan developed by the council; and
- 16 (8) adopt regulations under AS 44.62 (Administrative Procedure Act)
17 to carry out the purposes of AS 44.19.620 - 44.19.627.

18 (c) The council may receive money designated for human resource programs
19 and may disburse money, including grants, to human resource projects in accordance
20 with AS 37.07 (Executive Budget Act). The council may enter into partnership
21 agreements through appropriate administrative agencies with private industry training
22 entities within the state in order to facilitate the coordination of training opportunities.

23 Sec. 44.19.627. ADMINISTRATION. (a) The Office of the Governor shall
24 provide professional, technical, and administrative staff for the Alaska Human
25 Resource Investment Council.

26 (b) Subject to legislative appropriations, and in accordance with AS 37.07
27 (Executive Budget Act), the council's budget is funded from programs for which the
28 council is the lead state planning and coordinating entity under AS 44.19.625.

29 * Sec. 6. AS 44.47.752 is amended to read:

30 Sec. 44.47.752 ADMINISTRATION. (a) The Alaska Human Resource
31 Investment [STATE JOB TRAINING COORDINATING] Council established in

1 AS 44.19.620 [UNDER 29 U.S.C. 1532] shall oversee the incentive program. The
2 service delivery areas established under 29 U.S.C. 1511 and subject to redesignation
3 under 29 U.S.C. 1515 shall be used in the administration of the incentive program. The
4 private industry councils appointed under 29 U.S.C. 1512 and subject to reconstitution
5 under 29 U.S.C. 1515 shall serve as the private industry councils for the incentive
6 program.

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

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

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

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

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

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

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

23 (1) "[COORDINATING] council" means the Alaska Human Resource
24 Investment [STATE JOB TRAINING COORDINATING] Council established in
25 AS 44.19.620 [UNDER 29 U.S.C. 1532];

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

27 (b) When determining whether a person has sufficient work history for
28 purposes of qualifying for benefits as the unemployed principal wage earner in a
29 family that includes a dependent child, the department shall consider as quarters of
30 qualifying work up to four calendar quarters in the proper time period in which the
31 person (1) attended on a full-time basis an elementary school, a secondary school, or

1 a federally approved vocational or technical training course that is designed to prepare
2 the person for gainful employment; or (2) participated in an education or training
3 program established under 29 U.S.C. 1501 - 1792b ([THE] Job Training Partnership
4 Act [(P.L. 97-300)] or a training and employment program operated or funded by the
5 Alaska Human Resource Investment Council established by AS 44.19.620 [STATE
6 JOB TRAINING COORDINATING COUNCIL IN THE DEPARTMENT OF
7 COMMUNITY AND REGIONAL AFFAIRS] through a grant from the Department
8 of Labor. A person may substitute quarters of education or training for quarters of
9 work only once in the person's lifetime to establish eligibility under AS 47.25.310 -
10 47.25.420.

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

12 (c) The department may carry out the program directly or through
13 arrangements or under contracts with administrative entities involved with 29 U.S.C.
14 1501 - 1792b ([THE] Job Training Partnership Act [(P.L. 97-300)]), as amended, with
15 state and local education agencies, and with other public agencies or private
16 organizations, including community-based organizations acceptable under federal
17 regulations. The department shall contract for services under the program when
18 feasible and in the state's interest. The department may adopt regulations to govern
19 the operation of the program components that are operated under contract by other
20 entities. Whether the department operates the program directly or through contract,
21 the department shall coordinate the program with programs operated in the state under
22 the Job Training Partnership Act and with other relevant employment, training, and
23 education programs available in the state, including programs operated by Indian or
24 Native organizations that receive grants from the federal government to operate their
25 programs under 42 U.S.C. 682(i) and programs operated or funded by the Alaska
26 Human Resource Investment Council established by AS 44.19.620 [STATE JOB
27 TRAINING COORDINATING COUNCIL IN THE DEPARTMENT OF
28 COMMUNITY AND REGIONAL AFFAIRS] through a grant from the Department
29 of Labor. The department shall consult with the Department of Education, the
30 Department of Labor, and the Department of Community and Regional Affairs to
31 promote coordination of the planning and delivery of services under the program with

1 programs operated by those departments.

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

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

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

6 (2) award pilot project grants to qualified entities.

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

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

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

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

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

27 (1) "council" means the Alaska Human Resource Investment [STATE
28 JOB TRAINING COORDINATING] Council established in AS 44.19.620 [THE
29 DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS UNDER 29 U.S.C.
30 1532 AND ADMINISTRATIVE ORDER NUMBER 74 OF THE GOVERNOR];

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

1 repealed.

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

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

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

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

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

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

31 (b) The report must include recommendations on any additional state government

1 entities whose authority and duties may be transferred to the council by Executive Order,
2 Administrative Order, or legislation.

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

10 * **Sec. 20.** REPORT TO GOVERNOR ON PRIVATE INDUSTRY COUNCILS. The
11 Alaska Human Resource Investment Council shall prepare and submit to the governor by
12 July 1, 1996, a report making recommendations to the governor on how best to take advantage
13 of the private industry council structure established in accordance with 29 U.S.C. 1501 -
14 1792b (Job Training Partnership Act). The report must include the strengths, weaknesses, and
15 potential of the private industry councils appointed under 29 U.S.C. 1512 as they pertain to
16 the local oversight and administration of the applicable human resource investment programs.
17 Additional duties and programs that shall be considered in the report include the potential
18 relationship of private industry councils to certain federal grants, job corps recruitment,
19 veterans' vocational training, and guaranteed student loans for Title IV of the Higher
20 Education Act of 1965, as amended.

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

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

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