

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO EMPLOYMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii depends  
2 significantly on its natural resources for economic, social, and  
3 environmental sustainability. In particular, the importance of  
4 agriculture to the State is reflected in article XII, section 3  
5 of the Hawaii state constitution, which reads: "The State shall  
6 conserve and protect agricultural lands, promote diversified  
7 agriculture, increase agricultural self-sufficiency and assure  
8 the availability of agriculturally suitable lands." Advances in  
9 agriculture-related industries have the potential to decrease  
10 the State's reliance on imported food, maximize available land  
11 for agriculture using techniques such as vertical gardening, and  
12 increase job opportunities especially for students who decide  
13 not to pursue higher education.

14           During these times of heightened concern over employment,  
15 economic growth, and quality of life, a renewed interest in and  
16 commitment to agriculture education can strengthen the economy



1 and promote sustainability through the development of the  
2 State's work force.

3 The legislature recognized both the importance and  
4 potential of agriculture and agriculture-related industries by  
5 enacting Act 111 during the regular session of 2007. Act 111  
6 established an agriculture education program, which trains and  
7 prepares secondary school students, college students, and adults  
8 for jobs in agriculture and agriculture-related industries.  
9 Among the priorities of the agriculture education program is  
10 preparing secondary school students and students who do not  
11 pursue higher education, for employment in agriculture-related  
12 jobs that are in high demand. Furthermore, training for and  
13 generating interest in agriculture and agriculture-related  
14 industries is important in light of the fact that a large number  
15 of Hawaii's farmers are nearing retirement.

16 While the agriculture education program has prospered under  
17 the administration of the department of education, the  
18 legislature finds that the agriculture education program could  
19 now benefit from a transfer to the administration of the  
20 department of labor and industrial relations for the following  
21 reasons:



# S.B. NO. 175

- 1           (1) Act 111, Session Laws of Hawaii 2007, appropriated  
2                   \$350,000 to the department of education to establish  
3                   and administer the agriculture education program.  
4           Despite the successes and potential of the  
5           agricultural education program, moneys will expire at  
6           the end of fiscal year 2008-2009 if additional funds  
7           are not appropriated to build upon the important gains  
8           of the program;
- 9           (2) There exists a state workforce development council  
10                   established by section 202-2, Hawaii Revised Statutes,  
11                   which is placed within the department of labor and  
12                   industrial relations for administrative purposes. The  
13                   workforce development council is responsible for the  
14                   creation and improvement of educational opportunities  
15                   for individuals to learn and develop new skills and  
16                   for the review and assessment of coordination between  
17                   state workforce development programs, including  
18                   placements in higher-skilled jobs to expand economic  
19                   development and diversification; and
- 20           (3) Given the agriculture education program's  
21                   contributions to the development and growth of a  
22                   skilled work force, new and existing industries, and



1 environmental and economic sustainability; and instead  
2 of competing for funds within the department of  
3 education, the agriculture education program would be  
4 more appropriately funded and administered by the  
5 department of labor and industrial relations in  
6 consultation with the state workforce development  
7 council, the department of education, the University  
8 of Hawaii system, and the department of agriculture.

9 The purpose of this Act is to transfer administrative  
10 authority of the agriculture education program from the  
11 department of education to the department of labor and  
12 industrial relations, provide for the director of the  
13 agriculture education program to represent the interests of the  
14 agriculture education program on the state workforce development  
15 council, and appropriate moneys from the state employment and  
16 training special fund to the agriculture education program.

17 SECTION 2. Chapter 202, Hawaii Revised Statutes, is  
18 amended by adding a new section to be appropriately designated  
19 and to read as follows:

20 "§202- Agriculture education program. (a) The  
21 department of labor and industrial relations shall administer a  
22 comprehensive agriculture education program. The agriculture



1 education program shall include adequate staffing of individuals  
2 trained or experienced in the field of agriculture to coordinate  
3 the program and to provide assistance to school complexes for  
4 the coordination of the activities of related student  
5 organizations and associations.

6 (b) The agriculture education program shall be  
7 administered by a director who shall:

- 8 (1) Assist in assessing the agricultural needs of the  
9 State and devise methods of meeting those needs with  
10 the agriculture education program;
- 11 (2) Assist school districts in establishing agriculture  
12 education programs;
- 13 (3) Review school district applications for approval of  
14 agriculture education programs;
- 15 (4) Evaluate existing programs and design complementary  
16 programs;
- 17 (5) Plan research and studies for the improvement of  
18 curriculum materials for specialty areas of  
19 agriculture, including aquaculture and incumbent  
20 worker training;



- 1        (6) Ensure that the standards and criteria developed under  
2        this section satisfy the mandates of federally-  
3        assisted career and technical education;
- 4        (7) Develop in-service programs for teachers and  
5        administrators of agriculture education programs;
- 6        (8) Review applications for agriculture teacher  
7        certification;
- 8        (9) Assist in teacher recruitment and placement in  
9        agriculture education programs;
- 10       (10) Serve as a liaison with the Future Farmers of America,  
11       representatives of business, industry, appropriate  
12       public agencies, and institutions of higher education,  
13       including the Hawaii Farm Bureau Federation, to  
14       facilitate dissemination of information;
- 15       (11) Promote improvement of agriculture education programs;  
16       and
- 17       (12) Assist in the development of adult, continuing  
18       education, and college-level education programs in  
19       agriculture.
- 20       (c) The agriculture education program shall coordinate  
21       with culinary arts programs to teach students healthy eating  
22       habits and encourage culinary arts, farming, diversified



1 agriculture, and related fields such as market development and  
2 science and technology, as career options. The department of  
3 labor and industrial relations shall coordinate implementation  
4 of the agriculture education program and culinary arts programs.

5 (d) The department of labor and industrial relations shall  
6 consult with the state workforce development council, the  
7 department of education, the University of Hawaii system, and  
8 the department of agriculture in the continuing implementation  
9 of the agricultural education program.

10 (e) The department of labor and industrial relations may  
11 adopt rules pursuant to chapter 91 to effectuate this section.

12 (f) For purposes of this section, "agriculture" or  
13 "agricultural" includes the fields of farming, diversified  
14 agriculture, landscaping, aquaculture, and related industries  
15 such as market development and science and technology."

16 SECTION 3. Section 202-1, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 **"§202-1 Council; appointment; tenure.** The advisory  
19 commission on employment and human resources is hereby  
20 constituted as the workforce development council. The council  
21 shall also fulfill the functions of the state workforce



1 investment board for purposes of the federal Workforce  
2 Investment Act of 1998, Public Law No. 105-220.

3 Except for the ex officio members or their designees, the  
4 council members shall be appointed for four-year staggered terms  
5 as provided for in section 26-34. The governor shall appoint  
6 the chairperson of the council and the two mayors to the  
7 council. The council shall be composed of [~~thirty-one~~] thirty-  
8 three members. The members shall be selected on the basis of  
9 their interest in and knowledge of workforce development  
10 programs in the State and how they can support economic  
11 development. The council shall be composed of the following  
12 representatives of whom the majority shall be from the private  
13 sector:

14 (1) The directors of labor and industrial relations, human  
15 services, and business, economic development, and  
16 tourism; the superintendent of education; and the  
17 president of the University of Hawaii or their  
18 designees, as ex officio voting members;

19 (2) The private business sector chairpersons of the four  
20 county workforce investment boards, or their designees  
21 from the private business sector membership of their  
22 respective boards, as ex officio voting members;





- 1           (3) Twelve additional private sector representatives from
- 2           business;
- 3           (4) One representative from a community-based native
- 4           Hawaiian organization that operates workforce
- 5           development programs;
- 6           (5) Two representatives from labor;
- 7           (6) Four members of the legislature, two from each house
- 8           for two-year terms beginning in January of odd-
- 9           numbered years, appointed by the appropriate presiding
- 10          officer of each house, as ex officio voting members;
- 11          (7) Two mayors or their designees, as ex officio voting
- 12          members; [and]
- 13          (8) The governor or the governor's designee [-];
- 14          (9) The director of the agriculture education program
- 15          under section 202- , as an ex-officio voting member;
- 16          and
- 17          (10) One representative from the University of Hawaii
- 18          college of tropical agriculture and human resources.

19          The members shall serve without compensation but shall be  
20 entitled to travel expenses when actually engaged in business  
21 relating to the work of the council."



1 SECTION 4. Section 202-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§202-2 Duties of council. The workforce development  
4 council shall:

5 (1) Prepare and update periodically a comprehensive state  
6 plan for workforce development with strategic goals  
7 and measurable outcomes. The comprehensive state plan  
8 shall include:

9 (A) Strategic goals of workforce development  
10 programs, including the identification of the  
11 desired number of highly skilled workers in the  
12 workforce, the number of placements of  
13 individuals into higher-skilled jobs, the  
14 identification of high-demand areas for job  
15 growth, the need for skilled workers in the next  
16 five and ten years, and the time frame for  
17 training and development;

18 (B) Methods to educate the private sector about  
19 state, federal, and private financial assistance  
20 available for workforce development;



- 1 (C) Methods to facilitate access to workforce  
2 development resources, including the reduction of  
3 regulatory burdens for employers and employees;
- 4 (D) The creation and improvement of educational  
5 opportunities for individuals to learn and  
6 develop new skills, including mentoring, project-  
7 based learning, and internships;
- 8 (E) Methods to facilitate the department of  
9 education's development of curriculum in the  
10 public schools to prepare students for employment  
11 in the private sector;
- 12 (F) Recommendations to change and improve existing  
13 state programs, including the elimination of  
14 ineffective programs and the creation of new  
15 programs to improve workforce development;
- 16 (G) The identification of resources required,  
17 obstacles to overcome, and best practice models  
18 to implement the comprehensive state strategic  
19 plan; and
- 20 (H) A detailed budget for the comprehensive state  
21 plan with a justification for each expenditure;



- 1           (2) Review and assess the coordination between the State's  
2 workforce development programs, including programs of  
3 the federal government operating in the State, the  
4 agriculture education program established under  
5 section 202- , and placements in higher-skilled jobs  
6 to expand economic development and diversification;  
7 and consider:
- 8           (A) The State's employment and training requirements  
9 and resources;
- 10           (B) Practices of employers and unions that impede or  
11 facilitate the mobility of workers; and
- 12           (C) The special problems of untrained and  
13 inexperienced youth, immigrants, persons with  
14 disabilities, welfare clients, single parents,  
15 disadvantaged minorities, and other groups facing  
16 barriers in the labor force;
- 17           (3) Serve as an information clearinghouse for all  
18 workforce development programs in the State, including  
19 workforce training and education programs;
- 20           (4) Analyze and interpret workforce information,  
21 particularly changes which are likely to occur during  
22 the next ten years; the specific industries,



1 occupations, and geographic areas which are most  
2 likely to be involved; and the social and economic  
3 effects of these developments on the State's economy,  
4 labor force, communities, families, social structure,  
5 and human values;

6 (5) Define those areas of unmet workforce and economic  
7 development needs and describe how private and public  
8 agencies can coordinate their efforts and collaborate  
9 with each other to address those needs;

10 (6) Recommend to the governor and the legislature, state  
11 policies and funding priorities based on local  
12 community input that it believes should be adopted by  
13 the state government in meeting its workforce  
14 development responsibilities to:

15 (A) Establish a workforce development system in the  
16 State in which resources are pooled and programs  
17 are coordinated and streamlined;

18 (B) Establish reporting requirements for job  
19 placement results by category of occupations in  
20 high-demand and high-growth areas;



- 1 (C) Encourage a program of useful research into the  
2 State's workforce requirements, development, and  
3 utilization; and
- 4 (D) Support recommended workforce policies that  
5 promote economic development, diversification,  
6 and well-being of the people in this State;  
7 provided that the duties and responsibilities of the  
8 workforce development council shall not impinge on the  
9 constitutional and statutory authority of the board of  
10 regents and the board of education, and the statutory  
11 authority of the state board for career and technical  
12 education;
- 13 (7) Create public awareness and understanding of the  
14 State's workforce development plans, policies,  
15 programs, and activities, and promoting them as  
16 economic investments;
- 17 (8) Submit annual reports of its activities and  
18 recommendations to the governor and the legislature,  
19 and post the annual reports electronically on the  
20 Internet no later than twenty days before the  
21 convening of each regular session. Annual reports  
22 shall include:



- 1 (A) The status of the comprehensive state plan for  
2 workforce development; and
- 3 (B) Information regarding the workforce development  
4 programs offered throughout the State, the number  
5 of individuals placed in high-demand or high-  
6 growth employment through workforce development  
7 programs by departments, the type or category of  
8 employment garnered, and allocations of state,  
9 federal, and other funding to achieve placements  
10 into higher-skilled jobs;
- 11 (9) Evaluate the state workforce development plan in terms  
12 of how its purposes, goals, and objectives have been  
13 carried out throughout the State;
- 14 (10) Provide technical assistance to local workforce  
15 development boards and other similar organizations;
- 16 (11) Carry out required functions and duties related to  
17 workforce development of any advisory body required or  
18 made optional by federal legislation, including the  
19 Job Training Partnership Act of 1982, as amended, and  
20 the Wagner-Peyser Act of 1933, as amended;



- 1           (12) In accordance with the federal Workforce Investment  
2           Act of 1998, Public Law 105-220, assist the governor  
3           in the following functions:
- 4           (A) The development of the State's plan for the use  
5           of federal workforce investment funds, which is  
6           required under Public Law 105-220;
- 7           (B) The development and continuous improvement of the  
8           statewide and local workforce investment systems  
9           described in subtitle B of Public Law 105-220,  
10          and the one-stop delivery systems described in  
11          section 134(c) of Public Law 105-220, including:
- 12          (i) The development of linkages referred to in  
13          Public Law 105-220, to assure coordination  
14          and non-duplication among the programs and  
15          activities in section 121(b) of Public Law  
16          105-220; and
- 17          (ii) The review of plans prepared by local  
18          workforce investment boards for the use of  
19          federal workforce investment funds which is  
20          required under Public Law 105-220;
- 21          (C) Commenting at least once annually on the measures  
22          taken pursuant to section 122(c)(16) of the Carl





1 D. Perkins Vocational and [~~Technical~~] Applied  
2 Technology Education Amendments of 1998, Public  
3 Law 105-332;

4 (D) The designation of local areas as required in  
5 section 116 of Public Law 105-220;

6 (E) The development of allocation formulas for the  
7 distribution of funds for adult employment and  
8 training activities and youth activities to local  
9 areas as permitted under sections 128(b)(3)(B)(i)  
10 and 133(b)(3)(B)(i) of Public Law 105-220;

11 (F) The development and continuous improvement of  
12 comprehensive state performance measures,  
13 including state-adjusted levels of performance,  
14 to assess the effectiveness of the workforce  
15 investment activities in the State as required  
16 under section 136(b)(1) of Public Law 105-220;

17 (G) The preparation of the annual report to the  
18 United States Secretary of Labor described in  
19 section 136(d)(1) of Public Law 105-220;

20 (H) The development of the statewide employment  
21 statistics system described in section 15(e) of  
22 the Wagner-Peyser Act; and



1 (I) The development of an application for an  
 2 incentive grant under section 503 of Public Law  
 3 105-220; [and]

4 (13) Act as the designated state entity to conduct  
 5 activities relating to occupational and employment  
 6 information for vocational and technical education  
 7 programs in compliance with section 118 of the Carl D.  
 8 Perkins Vocational and [Technical] Applied Technology  
 9 Education Amendments of 1998, Public Law 105-332[-];  
 10 and

11 (14) Participate in the implementation of the agriculture  
 12 education program under section 202- ."

13 SECTION 5. Section 302A-431.7, Hawaii Revised Statutes, is  
 14 amended to read as follows:

15 "§302A-431.7 Agriculture education program[-];  
 16 participation. [-(a)] The department shall [establish and  
 17 administer a comprehensive] participate in the implementation of  
 18 the agriculture education program [aligned with the natural  
 19 resources career pathway.] under section 202- . [The  
 20 agriculture education program shall include adequate staffing of  
 21 individuals trained or experienced in the field of agriculture  
 22 to coordinate the program and to provide assistance to school



1 ~~complexes for the coordination of the activities of related~~  
2 ~~student organizations and associations.~~

3 ~~(b) The agriculture education program shall be~~  
4 ~~administered by a director who shall:~~

5 ~~(1) Assist in assessing the agricultural needs of the~~  
6 ~~State and devise methods of meeting those needs with~~  
7 ~~the agriculture education program;~~

8 ~~(2) Assist school districts in establishing agriculture~~  
9 ~~education programs;~~

10 ~~(3) Review school district applications for approval of~~  
11 ~~agriculture education programs;~~

12 ~~(4) Evaluate existing programs and design complementary~~  
13 ~~programs;~~

14 ~~(5) Plan research and studies for the improvement of~~  
15 ~~curriculum materials for specialty areas of~~  
16 ~~agriculture, including aquaculture and incumbent~~  
17 ~~worker training;~~

18 ~~(6) Ensure that the standards and criteria developed under~~  
19 ~~this section satisfy the mandates of federally-~~  
20 ~~assisted career and technical education;~~

21 ~~(7) Develop in-service programs for teachers and~~  
22 ~~administrators of agriculture education programs;~~



- 1       ~~(8) Review applications for agriculture teacher~~
- 2           ~~certification;~~
- 3       ~~(9) Assist in teacher recruitment and placement in~~
- 4           ~~agriculture education programs;~~
- 5       ~~(10) Serve as a liaison with the Future Farmers of America,~~
- 6           ~~representatives of business, industry, appropriate~~
- 7           ~~public agencies, and institutions of higher education,~~
- 8           ~~including the Hawaii Farm Bureau Federation, to~~
- 9           ~~facilitate dissemination of information;~~
- 10       ~~(11) Promote improvement of agriculture education programs;~~
- 11           ~~and~~
- 12       ~~(12) Assist in the development of adult, continuing~~
- 13           ~~education, and college level education programs in~~
- 14           ~~agriculture.~~
- 15       ~~(c) The agriculture education program shall coordinate~~
- 16       ~~with culinary arts programs to teach students healthy eating~~
- 17       ~~habits and encourage culinary arts, farming, diversified~~
- 18       ~~agriculture, and related fields such as market development and~~
- 19       ~~science and technology, as career options. The department of~~
- 20       ~~agriculture shall assist the department with the implementation~~
- 21       ~~of this program.~~



1       ~~(d) The department may adopt rules pursuant to chapter 91~~  
2 ~~to effectuate this section.~~

3       ~~(e) For purposes of this section, "agriculture" or~~  
4 ~~"agricultural" includes the fields of farming, diversified~~  
5 ~~agriculture, landscaping, aquaculture, and related industries~~  
6 ~~such as market development and science and technology.] "~~

7       SECTION 6. Section 383-128, Hawaii Revised Statutes, is  
8 amended as follows:

9       1. By amending subsection (b) to read:

10       "(b) The moneys in the employment and training fund may be  
11 used for funding:

12       (1) The operation of the state employment service for  
13 which no federal funds have been allocated;

14       (2) Business-specific training programs to create a more  
15 diversified job base and to carry out the purposes of  
16 the new industry training program pursuant to section  
17 394-8;

18       (3) Industry or employer-specific training programs where  
19 there are critical skill shortages in high growth  
20 occupational or industry areas;



- 1           (4) Training and retraining programs to assist workers who
- 2                    have become recently unemployed or likely to be
- 3                    unemployed;
- 4           (5) Programs to assist residents who do not otherwise
- 5                    qualify for federal or state job training programs to
- 6                    overcome employment barriers; [~~and~~]
- 7           (6) Training programs to provide job-specific skills for
- 8                    individuals in need of assistance to improve career
- 9                    employment prospects[-]; and
- 10          (7) An agriculture education program."

11           2. By amending subsection (e) to read:

12           "(e) The department shall ensure the proper administration

13 of the employment and training fund program by:

- 14           (1) Standardizing contractual language and requirements
- 15                    for all grantees and vendors;
- 16           (2) Expediting the program's macro grant application
- 17                    process by either eliminating the county advisory
- 18                    committees' review or by formalizing, defining, and
- 19                    including specific time frames related to these
- 20                    committees;
- 21           (3) Providing evidence that grant applications are treated
- 22                    in accordance with fund policies by documenting the



- 1 reasons for acceptance and denial of each proposed  
2 grant;
- 3 (4) Improving the program's monitoring of funds disbursed  
4 by, at a minimum:
- 5 (A) Establishing and implementing an organized filing  
6 system;
- 7 (B) Requiring documentation of all contact made with  
8 grant applicants and recipients; and
- 9 (C) Ensuring that staff in all branch offices are  
10 familiar with the various reports and submittals  
11 required of the different fund recipients;
- 12 (5) Developing and disseminating the state participant  
13 evaluation form to the program's vendors;
- 14 (6) Developing and implementing strategies for evaluating  
15 the program's overall success that include but are not  
16 limited to:
- 17 (A) Assessing whether the program is improving the  
18 long-term employability of Hawaii's people;
- 19 (B) Measuring program outcomes related to work unit  
20 and company performance; and



1 (C) Collecting and comparing wage data from workers  
2 who have utilized the fund versus those who have  
3 not;

4 (7) Increasing awareness of the fund and its programs by  
5 strengthening publicity;

6 (8) Establishing consistent attendance-reporting  
7 requirements for both macro grant projects and micro  
8 vendors and comparing attendance rates for projects  
9 and vendors who charge additional fees to participants  
10 versus those who do not; and

11 (9) Reporting as encumbrances only those obligations for  
12 which the fund has entered into bona fide contracts."

13 SECTION 7. All rules, policies, procedures, guidelines,  
14 and other material adopted or developed by the department of  
15 education to implement provisions of the Hawaii Revised Statutes  
16 which are reenacted or made applicable to the department of  
17 labor and industrial relations by this Act, shall remain in full  
18 force and effect until amended or repealed by the director of  
19 labor and industrial relations pursuant to chapter 91, Hawaii  
20 Revised Statutes. In the interim, every reference to the  
21 department of education or superintendent of education in those  
22 rules, policies, procedures, guidelines, and other material is





1 amended to refer to the department of labor and industrial  
2 relations or director of labor and industrial relations as  
3 appropriate.

4 SECTION 8. There is appropriated out of the employment and  
5 training special fund of the State of Hawaii the sum of  
6 \$ or so much thereof as may be necessary for fiscal  
7 year 2009-2010 to continue implementation of the agriculture  
8 education program under section 202- , Hawaii Revised Statutes;  
9 provided that any unexpended and unencumbered balance of the  
10 appropriation shall lapse at the end of fiscal year 2010-2011  
11 into the general fund.

12 The sum appropriated shall be expended by the department of  
13 labor and industrial relations for the purposes of this Act.

14 SECTION 9. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect on July 1, 2009.

17

INTRODUCED BY:

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*Ray L. Auer*

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**Report Title:**

Workforce Development; Agriculture Education Program;  
Appropriation

**Description:**

Transfers administrative authority of the agriculture education program from the department of education to the department of labor and industrial relations; appropriates funds from the employment and training fund to continue implementation of the agriculture education program.

