

ACT 72

S.B. NO. 1147

A Bill for an Act Relating to the Hawaii Workforce Development Council.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to comply with the provisions of Public Law No. 105-220, the Workforce Investment Act of 1998, passed by Congress and signed by the President in August 1998. Act 346, Session Laws of Hawaii 1997, consolidated employment and training advisory bodies into a workforce development council. The council was established and constituted according to

the membership provisions of Act 346. It is the intent of the legislature that the council fulfill the obligations of any federally-mandated workforce council as well as its duties and responsibilities.

SECTION 2. Chapter 202, Hawaii Revised Statutes, is amended by amending its title to read as follows:

CHAPTER 202
[EMPLOYMENT AND HUMAN RESOURCES] HAWAII WORKFORCE
DEVELOPMENT COUNCIL”

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

“**§202-1 Council; appointment; tenure.** The advisory commission on employment and human resources is hereby constituted as the workforce development council. The council shall also fulfill the functions of the state workforce investment board for purposes of the federal Workforce Investment Act of 1998, Public Law No. 105-220.

The council members shall be appointed for four-year staggered terms as provided for in section 26-34. The governor shall appoint the chairperson of the council. The council shall be composed of [seventeen] twenty-nine members. The members shall be selected on the basis of their interest in and knowledge of workforce development programs in the State and how they can support economic development. The council shall be composed of the following representatives of which the majority shall be from the private sector:

- (1) The directors of labor and industrial relations, human services, and business, economic development, and tourism; the superintendent of education; and the president of the University of Hawaii[;], as ex officio voting members;
- (2) [Ten] Fifteen private sector representatives from business, [labor, and] including at least one member from each of the four county workforce development boards; [and]
- (3) [Two representatives from community-based organizations including one] One representative from a community-based native Hawaiian organization that operates workforce development programs[.];
- (4) Two representatives from labor;
- (5) Four members of the legislature, two from each house, appointed by the appropriate presiding officer of each house; and
- (6) Two mayors or their representatives.

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

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

“**§202-2 Duties of council.** The workforce development council shall:

- (1) Prepare and update periodically a comprehensive state plan for workforce development with measurable outcomes;
- (2) Review and assess the coordination between the State’s workforce development programs, including programs of the federal government operating in the State, and economic development and diversification; and consider:

- (A) The State's employment and training requirements and resources;
 - (B) Practices of employers and unions that impede or facilitate the mobility of workers; and
 - (C) The special problems of untrained and inexperienced youth, immigrants, persons with disabilities, welfare clients, single parents, disadvantaged minorities, and other groups facing barriers in the labor force;
- (3) Serve as an information clearinghouse for all workforce development programs in the State, including workforce training and education programs;
- (4) Analyze and interpret workforce information, particularly changes which are likely to occur during the next ten years; the specific industries, occupations, and geographic areas which are most likely to be involved; and the social and economic effects of these developments on the State's economy, labor force, communities, families, social structure, and human values;
- (5) Define those areas of unmet workforce and economic development needs and describe how private and public agencies can coordinate their efforts and collaborate with each other to address those needs;
- (6) Recommend to the governor and the legislature, state policies and funding priorities based on local community input that it believes should be adopted by the state government in meeting its workforce development responsibilities to:
- (A) Establish a workforce development system in the State in which resources are pooled and programs are coordinated and streamlined;
 - (B) Encourage a program of useful research into the State's workforce requirements, development, and utilization; and
 - (C) Support recommended workforce policies that promote economic development, diversification, and well-being of the people in this State;
- provided that the duties and responsibilities of the workforce development council shall not impinge on the constitutional and statutory authority of the board of regents and the board of education, and the statutory authority of the state board for vocational education;
- (7) Create public awareness and understanding of the State's workforce development plans, policies, programs, and activities, and promoting them as economic investments;
- (8) Submit reports of its activities and recommendations to the governor and the legislature at least once a year;
- (9) Evaluate the state workforce development plan in terms of how its purposes, goals, and objectives have been carried out throughout the State;
- (10) Provide technical assistance to local workforce development boards and other similar organizations; [and]
- (11) Carry out required functions and duties related to workforce development of any advisory body required or made optional by federal legislation, including the Job Training Partnership Act of 1982, as amended, and the Wagner-Peyser Act of 1933, as amended[.];
- (12) In accordance with the federal Workforce Investment Act of 1998, Public Law No. 105-220, assist the governor in the following functions:

- (A) The development of the State's plan for the use of federal workforce investment funds, which is required under Public Law No. 105-220;
 - (B) The development and continuous improvement of the statewide and local workforce investment systems described in subtitle B of Public Law No. 105-220, and the one-stop delivery systems described in section 134(c) of Public Law No. 105-220, including:
 - (i) The development of linkages referred to in Public Law No. 105-220, to assure coordination and non-duplication among the programs and activities in section 121(b) of Public Law No. 105-220; and
 - (ii) The review of plans prepared by local workforce investment boards for the use of federal workforce investment funds which is required under Public Law No. 105-220;
 - (C) Commenting at least once annually on the measures taken pursuant to section 122(c)(16) of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998, Public Law No. 105-332;
 - (D) The designation of local areas as required in section 116 of Public Law No. 105-220;
 - (E) The development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities to local areas as permitted under sections 128(b)(3)(B)(i) and 133(b)(3)(B)(i) of Public Law No. 105-220;
 - (F) The development and continuous improvement of comprehensive state performance measures, including state-adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under section 136(b)(1) of Public Law No. 105-220;
 - (G) The preparation of the annual report to the United States Secretary of Labor described in section 136(d)(1) of Public Law No. 105-220;
 - (H) The development of the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act; and
 - (I) The development of an application for an incentive grant under section 503 of Public Law No. 105-220;
- and
- (13) Act as the designated State entity to conduct activities relating to occupational and employment information for vocational and technical education programs in compliance with section 118 the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998, Public Law No. 105-332."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 1999.

(Approved June 10, 1999.)