

Approved: 3/2/97
Date

MINUTES OF THE HOUSE COMMITTEE ON BUSINESS, COMMERCE & LABOR.

The meeting was called to order by Chairman Al Lane at 9:07 a.m. on February 25, 1997 in Room 526-S of the Capitol.

All members were present except: Rep. David Adkins - excused
Rep. Marti Crow - excused
Rep. Broderick Henderson - excused
Rep. Dennis Wilson - excused

Committee staff present: Jerry Donaldson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Bev Adams, Committee Secretary

Conferees appearing before the committee: Jill Crumpaker, KDHR

Others attending: See attached list

Action on: HB 2462 - Consumer protection, three-day right to cancel in certain telemarketer business transactions.

A motion was made by Rep. Grant to pass out the bill favorably as amended by Deputy Attorney General Rarrick (see Attachment 2, February 24, 1997). It was seconded by Rep. Storm. The motion carried.

Chairman Lane recommended to the committee that **HB 2122** and **HB 2292** be referred to the Workers Compensation Advisory Council. In addition, he recommended that **HB 2124** be referred to the Employment Security Advisory Council. There were no objections from the committee and the bills will be referred to the respective councils.

Jill Crumpaker, Director of Division of Employment and Training, Kansas Department of Human Resources, (KDHR) appeared before the committee to give a presentation on the Kansas Workforce Investment Partnership (KWIP). She started her presentation with a short video on the Dislocated Workers Service Unit. The informational video is being handed out to employers across the state who might have use of the service unit at some date in the future.

She continued by telling the committee about the who, what and why of the KWIP Council. It was established under federal law in Title VII of the Job Training Partnership Act that each state establish a single State human resource investment council. The State of Kansas established theirs by combining three councils under Executive Order 96-03. She furnished the committee with a copy of the federal law and a list of members of the KWIP Council. (see Attachment 1) She explained a little about the problems arising from the makeup and appointments to the council.

The Council meets on a regular basis (usually monthly) and makes recommendations to the governor about human investment needs and goals for meeting these needs; goals for the development and coordination of the human resource system in the State; prepares and recommends to the Governor a strategic plan to accomplish the goals; and monitors the implementation of and evaluates the effectiveness of the strategic plan.

She continued by telling a little about the programs as implemented in Kansas. The purpose of KWIP programs is to provide job training and other services to prepare youth/adults who face barriers to employment to gain successful entry into the Workforce. They consist of Adult and Youth Programs and the Dislocated Workers Program.

Chairman Lane adjourned the meeting at 9:54 a.m.

The next meeting is scheduled for March 6, 1997.

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STATE JOB BANK SYSTEMS

SEC. 605. (a)(1) The Secretary shall carry out the purposes of this section with sums appropriated pursuant to paragraph (2) for any fiscal year.

(2) There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year.

(b) The Secretary shall make such sums available through the United States Employment Service for the development and implementation of job bank systems in each State. Such systems shall be designed to use computerized electronic data processing and telecommunications systems for such purposes as—

(1) identifying job openings and referring jobseekers to job openings, with continual updating of such information;

(2) providing information on occupational supply and demand; and

(3) utilization of such systems by career information delivery systems (including career counseling programs in schools).

(c) Wherever possible, computerized data systems developed with assistance under this section shall be capable of utilizing software compatible with other systems (including management information systems and unemployment insurance and other income maintenance programs) used in the administration of employment and training programs. In developing such systems, special consideration shall be given to the advice and recommendations of the State occupational information coordinating committees (established under section 422(b) of the Carl D. Perkins Vocational Education Act), and other users of such systems for the various purposes described in subsection (b) of this section.

(29 U.S.C. 1505) Enacted August 23, 1988, P.L. 100-418, sec. 6307, 102 Stat. 1541-1542; amended September 7, 1992, P.L. 102-367, sec. 702(a)(20), 106 Stat. 1113.

TITLE VII—STATE HUMAN RESOURCE INVESTMENT COUNCIL

SEC. 701. ESTABLISHMENT AND FUNCTIONS.

(a) IN GENERAL.—Each State may, in accordance with the requirements of this title, establish a single State human resource investment council (in this title referred to as the “State Council”) that—

(1) shall review the provision of services and the use of funds and resources under applicable Federal human resource programs and advise the Governor on methods of coordinating such provision of services and use of funds and resources consistent with the laws and regulations governing such programs;

(2) shall advise the Governor on the development and implementation of State and local standards and measures relating to applicable Federal human resource programs and coordination of such standards and measures;

(3) shall carry out the duties and functions prescribed for existing State councils described under the laws relating to the applicable Federal human resource programs;

(4) may identify the human investment needs in the State and recommend to the Governor goals for meeting such needs;

(5) may recommend to the Governor goals for the development and coordination of the human resource system in the State;

(6) may prepare and recommend to the Governor a strategic plan to accomplish the goals developed pursuant to paragraphs (4) and (5); and

(7) may monitor the implementation of and evaluate the effectiveness of the strategic plan prepared pursuant to paragraph (6).

(b) APPLICABLE FEDERAL HUMAN RESOURCE PROGRAM DEFINED.—

(1) IN GENERAL.—(A) Except as provided in subparagraph (B), for purposes of this title, the term “applicable Federal human resource program” includes any program authorized under the provisions of law described under paragraph (2)(A) that the Governor and the head of the State agency responsible for the administration of such program jointly agree to include within the jurisdiction of the State Council.

(B) With respect to a program authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) under paragraph (2)(A)(ii), the term “applicable Federal human resource program” shall only apply to such program if, in addition to meeting the requirements of subparagraph (A), the State council on vocational education agrees to include such program under the jurisdiction of the State Council.

(2) PROGRAMS.—In accordance with the requirements of paragraph (1), applicable Federal human resource programs—

(A) may include the programs authorized under—

(i) this Act;

(ii) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

(iii) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);

(iv) the Adult Education Act (20 U.S.C. 1201 et seq.);

(v) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

(vi) part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.); and

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

(B) may not include programs authorized under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(29 U.S.C. 1792) Enacted September 7, 1992, P.L. 102-367, sec. 601(a), 106 Stat. 1099.

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EC. 702. COMPOSITION.

(a) IN GENERAL.—Each State Council shall be composed as follows:

(1) Each State Council shall include the head of each State agency responsible for the administration of an applicable Federal human resource program.

(2)(A) Each State Council shall include one or more representatives, appointed by the Governor to the State Council for a minimum of 2 years, from each of the following:

- (i) Local public education.
- (ii) A postsecondary institution.
- (iii) A secondary or postsecondary vocational educational institution.
- (iv) A community-based organization.

(B) The total number of representatives appointed under clause (i), (ii), and (iii) of subparagraph (A) shall constitute not less than 15 percent of the membership of the State Council.

(3)(A) Each State Council shall include individuals, appointed by the Governor to the State Council for a minimum of 2 years, from among the following:

(i) Representatives of business and industry, who shall constitute not less than 15 percent of the membership of the State Council, including individuals who are representatives of business and industry on private industry councils established within the State under section 102.

(ii) Representatives of organized labor who—

- (I) shall be selected from among individuals nominated by recognized State labor federations; and
- (II) shall constitute not less than 15 percent of the membership of the State Council.

(B) If the State labor federation fails to nominate a sufficient number of individuals under subclause (I) of subparagraph (A)(ii) to satisfy the requirement under subclause (II) of such subparagraph, individual workers may be included on the State Council to satisfy such requirement.

(b) ADDITIONAL MEMBERS.—Each State Council may also include additional qualified members, who may be selected from—

- (1) representatives from local welfare agencies;
- (2) representatives from public housing agencies;
- (3) representatives from units of general local government or consortia of such units, appointed from nominations made by the chief elected officials of such units or consortia;
- (4) representatives from the State legislature;
- (5) representatives from any State or local program that receives funding under an applicable Federal human resource program that the Governor determines to have a direct interest in the utilization of human resources within the State; and
- (6) individuals who have special knowledge and qualifications with respect to special education and career development needs of hard-to-serve individuals.

(c) ADDITIONAL REQUIREMENTS.—

(1) PERCENTAGE LIMITATION.—None of the following categories of individuals may constitute more than 60 percent of the membership of each State Council:

- (A) Individuals selected under subsection (a)(1).
- (B) Individuals appointed under subsection (a)(2).
- (C) Individuals appointed under subsection (a)(3)(A)(i).
- (D) Individuals appointed under subsection (a)(3)(A)(ii).
- (E) Individuals selected under subsection (b).

(2) EXPERTISE.—The Governor shall ensure that both the State Council and the staff of the State Council have sufficient expertise to effectively carry out the duties and functions of existing State councils described under the laws relating to the applicable Federal human resource programs. Such expertise shall include, where appropriate, knowledge of—

- (A) the long-term needs of individuals preparing to enter the workforce;
- (B) the needs of local, State, and regional labor markets; and
- (C) the methods for evaluating the effectiveness of vocational training programs in serving varying populations.

(29 U.S.C. 1792a) Enacted September 7, 1992, P.L. 102-367, sec. 601(a), 106 Stat. 1101.

SEC. 703. ADMINISTRATION.

(a) FUNDING.—In order to carry out the functions of the State Council, each State establishing a State Council that meets the requirements of this title may—

(1) use funds otherwise available for State councils under the applicable Federal human resource programs;

(2) use funds otherwise available under the applicable Federal human resource programs, consistent with the laws and regulations governing such programs, including funds available to carry out section 123(a)(2)(D), except that, with respect to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), such State may use funds only to the extent provided under section 112(g) of such Act; and

(3) use funds, services, personnel, facilities and information provided by State and local public agencies, with the consent of such agencies.

(b) PERSONNEL.—Each State Council may obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions.

(c) CERTIFICATION.—Each State shall certify to the Secretary the establishment and membership of the State Council at least 90 days before the beginning of each period of 2 program years for which a job training plan is submitted under this Act.

(d) EQUITABLE FUNDING.—Each State agency participating in a State Council under this title is encouraged to provide funds to support such Council in a manner consistent with its representation on such Council.

(29 U.S.C. 1792b) Enacted September 7, 1992, P.L. 102-367, sec. 601(a), 106 Stat. 1102.

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