

NEW SECTION. Sec. 9. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW.

Passed the House May 5, 1983.

Passed the Senate May 4, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 21

[Engrossed Second Substitute House Bill No. 231]

JOB SKILLS PROGRAM

AN ACT Relating to vocational education; amending section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28C.04 RCW; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature declares that it is an important function of government to increase opportunities for gainful employment, to assist in promoting a productive and expanding economy, and to encourage the flow of business and industry support to educational institutions. Therefore, the legislature finds that it is in the public interest of the state to encourage and facilitate the formation of cooperative relationships between business and industry and educational institutions which provide for the development and significant expansion of programs of skills training and education consistent with employment needs and to make interested individuals aware of the employment opportunities presented thereby. It is the policy of the state of Washington to ensure that programs of skill training are available on a regional basis and are utilized by a variety of businesses and industries.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28C.04.040 and sections 4 through 10 of this act.

(1) "Applicant" means an educational institution which has made application for a job skills grant under sections 4 through 10 of this act.

(2) "Business and industry" means a private corporation, institution, firm, person, group, or association concerned with commerce, trades, manufacturing, or the provision of services within the state, or a public or non-profit hospital licensed by the department of social and health services.

(3) "Educational institution" means a public secondary or post secondary institution or an independent institution within the state authorized by law to provide a program of skills training or education beyond the secondary school level. Any educational institution receiving a job skills grant under sections 4 through 10 of this 1983 act shall be free of sectarian control or influence as set forth in Article IX, section 4 of the state Constitution.

(4) "Equipment" means tangible personal property which will further the objectives of the supported program and for which a definite value and evidence in support of the value have been provided by the donor.

(5) "Financial support" means any thing of value which is contributed by business and industry to an educational institution which is reasonably calculated to support directly the development and expansion of a particular program under sections 4 through 10 of this act and represents an addition to any financial support previously or customarily provided to such educational institutions by the donor. "Financial support" includes, but is not limited to, funds, equipment, facilities, faculty, and scholarships for matriculating students and trainees.

(6) "Job skills grant" means funding that is provided to an educational institution by the commission for the development or significant expansion of a program under sections 4 through 10 of this act.

(7) "Job skills program" means a program of skills training or education separate from and in addition to existing vocational education programs and which:

(a) Provides short-term training which has been designated for specific industries;

(b) Provides training for prospective employees before a new plant opens or when existing industry expands;

(c) Includes training and retraining for workers already employed by an existing industry or business where necessary to avoid dislocation or where upgrading of existing employees would create new vacancies for unemployed persons;

(d) Serves areas with high concentrations of economically disadvantaged persons and high unemployment;

(e) Serves areas with new and growing industries;

(f) Serves areas where there is a shortage of skilled labor to meet job demands; or

(g) Promotes the location of new industry in areas affected by economic dislocation.

(8) "Technical assistance" means professional and any other assistance provided by business and industry to an educational institution, which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any technical assistance previously or customarily provided to the educational institutions by the donor.

(9) "Commission" or "commission for vocational education" shall mean the commission for vocational education or any successor agency or organization.

Sec. 3. Section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040 are each amended to read as follows:

The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the council on higher education and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or

special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

(4) Fire service training program. The commission may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 28C.04.140.

(5) Job skills program. The commission shall have the following powers and duties for the job skills program:

(a) To collect and disseminate to interested individuals, in cooperation with and through any agencies of federal, state, and municipal government, information concerning areas of present and projected employment need, programs of skills training and education consistent therewith, and any other relevant information;

(b) To apply for, utilize, and accept grants from other federal, state, and local agencies for the purposes of matching requirements and to facilitate the purposes of sections 4 through 10 of this 1983 act;

(c) To help identify, upon the request of business and industry, those educational institutions which could provide the training services sought by business and industry and to identify any existing programs which could serve the particular needs of business and industry;

(d) To provide job skills grants to educational institutions to facilitate the development of programs of job skills training and education consistent with employment needs;

(e) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(f) To adopt rules to carry out its powers and duties for the job skills program.

NEW SECTION. Sec. 4. The commission may, subject to appropriation from the legislature or from funds made available from any other public or private source and pursuant to rules adopted by the commission, provide job skills grants to educational institutions. The job skills grants shall be used exclusively for programs which are consistent with the job skills program. A job skills grant may be awarded only after:

(1) Receipt of an application from an educational institution which contains a proposal for a program of skills training and education, including a description of the program, the type of skills training or education to be provided, a statement of the total cost of the program and a breakdown of the costs associated with equipment, personnel, facilities, and materials, a statement of the employment needs for the program and evidence in support thereof, demonstrates that the program does not unnecessarily duplicate existing programs in the area and is provided at a reasonable cost, a statement of the technical assistance and financial support for the program received or to be received from business and industry, and such other information as the commission requests; and

(2) The commission, based on the application submitted by the educational institution and such additional investigation as the staff of the commission shall make, finds that:

(a) The program is within the scope of the job skills program under this chapter and may reasonably be expected to succeed and thereby increase employment within the state;

(b) Provision has been made to use any available alternative funding from local, state, and federal sources;

(c) The job skills grant will only be used to cover the costs associated with the program;

(d) The program will not unnecessarily duplicate existing programs and could not be provided by another educational institution more effectively or efficiently;

(e) The program involves an area of skills training and education for which there is a demonstrable need;

(f) The applicant has made provisions for the use of existing federal and state resources for student financial assistance;

(g) The job skills grant is essential to the success of the program as the resources of the applicant are inadequate to attract the technical assistance and financial support necessary for the program from business and industry;

(h) The commitment of financial support from business and industry shall be equal to or greater than the amount of the requested job skills grant;

(i) Binding commitments have been made to the commission by the applicant for adequate reporting of information and data regarding the program to the commission, particularly information concerning the recruitment and employment of trainees and students, and including a requirement for an annual or other periodic audit of the books of the applicant directly related to the program, and for such control on the part of the commission as it considers prudent over the management of the program, so as to protect the use of public funds, including, in the discretion of the commission and without limitation, right of access to financial and other records of the applicant directly related to the programs;

(j) Provision has been made by the applicant to work, in cooperation with the employment security department, to identify and screen potential trainees and that provision has been made by the applicant of persons who are victims of economic dislocation and persons from minority and economically disadvantaged groups to participate in the program; and

(k) Binding commitments have been made to the commission by the applicant for compliance with the monitoring and evaluation rules of the commission.

NEW SECTION. Sec. 5. Upon approval of a job skills grant application by the commission, the commission shall immediately provide notification of its decision to the employment security department. The notification shall include the following information regarding the supported program: The trade, occupation, or profession with which the program is concerned; a description of the curriculum, the requirements for participation, and the procedures for making application; the duration of the program; a description of support services available to participants in the program; and any other information relevant to encouraging and facilitating the participation in the program of those in economic need.

NEW SECTION. Sec. 6. The department of commerce and economic development or its successor and the employment security department shall each enter into an interagency agreement with the commission on vocational education to establish cooperative working arrangements for the purposes of sections 2 and 4 through 10 of this act.

NEW SECTION. Sec. 7. The employment security department shall, for the purposes of sections 2 and 4 through 10 of this act:

- (1) Work cooperatively with educational institutions providing job skills training programs to identify and screen potential trainees and students;
- (2) Perform labor market analyses designed to assure the availability of suitable trainees and students; and
- (3) Identify areas with high concentrations of economically disadvantaged persons and high unemployment.

NEW SECTION. Sec. 8. The department of commerce and economic development or its successor shall for the purposes of sections 2 and 4 through 10 of this act:

- (1) Work cooperatively with the commission on vocational education to market the job skills program to business and economic development agencies and other firms;
- (2) Recruit industries from outside the state to participate in the job skills training program; and
- (3) Refer business and industry interested in developing a job skills training program to the commission on vocational education.

NEW SECTION. Sec. 9. The commission shall annually submit a complete and detailed report of the commission's activities within ninety

days after the end of the fiscal year to the chief clerk of the house of representatives, to the secretary of the senate, and to the governor. The annual report shall include, but not be limited to, descriptions of all programs funded, and evaluation of the performance of each program, a summary of the public moneys expended, and the demographic and economic characteristics of the individuals trained, educated, and employed, including, in particular, the number of minority and economically disadvantaged individuals.

NEW SECTION. Sec. 10. A person making satisfactory progress in a program under this section and sections 2 and 4 through 9 of this act and who in the determination of the commissioner has no reasonable expectation of securing work without training shall be deemed to be in training with the approval of the commissioner of employment security for the purposes of RCW 50.20.043.

NEW SECTION. Sec. 11. Sections 1, 2, and 4 through 10 of this act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28C-.04 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. There is appropriated from the general fund to the commission on vocational education for the biennium ending June 30, 1985, the sum of three million five hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act. However, of this appropriation, not more than two hundred fifty thousand dollars may be expended for the state's occupational information system, and not more than two hundred fifty thousand dollars may be expended for the state's career information system. The amount spent for administrative expenses incurred by the commission on vocational education for the jobs skills program shall not exceed five percent of all funds expended for the jobs skills program.

Passed the House May 5, 1983.

Passed the Senate May 2, 1983.

Approved by the Governor May 13, 1983.

Filed in Office of Secretary of State May 13, 1983.

CHAPTER 22

[Senate Bill No. 3188]

TIMESHARE REGULATION

AN ACT Relating to timeshares; adding a new chapter to Title 64 RCW; prescribing penalties; making an appropriation; providing for future repeal; and providing an effective date.

Be it enacted by the Legislature of the State of Washington: