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HOUSE BILL 1428

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Chandler, Wallace, Bailey, Newhouse, Morrell, and Kelley

Read first time 01/21/09. Referred to Committee on Higher Education.

1 AN ACT Relating to establishing the field of dreams program;  
2 amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding  
3 a new section to chapter 28B.95 RCW; adding a new chapter to Title 28B  
4 RCW; providing an effective date; and providing expiration dates.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The field of dreams program is established.  
7 The legislature finds that agriculture is a major and critical employer  
8 in Washington state and recognizes that the industry is struggling to  
9 attract and retain employees. The purpose of the program is to provide  
10 college tuition in the form of GET units to students working for  
11 agricultural employers to benefit the agriculture industry and to  
12 assist students in accessing postsecondary education. The program  
13 shall be administered by the employment security department and the GET  
14 units shall be administered by the higher education coordinating board.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply  
16 throughout this chapter unless the context clearly requires otherwise.

17 (1) "Board" means the higher education coordinating board.

18 (2) "Department" means the employment security department.

1 (3) "GET units" means tuition units under the advanced college  
2 tuition payment program in chapter 28B.95 RCW.

3 (4) "Institution of higher education" has the same meaning as in  
4 RCW 28B.92.030.

5 (5) "Qualified employer" means an employer whose American industry  
6 classification system (NAICS) code is within "111" or "112."

7 (6) "WorkSource" means one-stop delivery system as described in  
8 P.L. 105-220, Section 134.

9 NEW SECTION. **Sec. 3.** (1) To be eligible for the field of dreams  
10 GET units, a student must be enrolled in the field of dreams program.  
11 To enroll, a student must:

12 (a) Meet the criteria for resident tuition and fee rates as defined  
13 in RCW 28B.15.012;

14 (b) Be sixteen through twenty-one years of age;

15 (c) Register at WorkSource;

16 (d) Work for a qualified employer in an agricultural job; and

17 (e) Be enrolled in high school, have graduated from high school, or  
18 hold a general equivalency diploma.

19 (2) To accrue GET units, a student shall:

20 (a) Register with WorkSource each time he or she accepts employment  
21 with an agricultural employer under the field of dreams program to  
22 verify that the employment meets the qualifications of this program and  
23 that work hours are being counted;

24 (b) Work in a position at a qualified employer; and

25 (c) Consent to the disclosure of information or records deemed  
26 private and confidential under chapter 50.13 RCW. Disclosure of this  
27 information and these records by the department to the board shall be  
28 solely for purposes related to the administration of this chapter.  
29 Information obtained from employer records under this chapter is  
30 confidential and not open to public inspection, other than to public  
31 employees in the performance of their official duties.

32 (3) For each three hundred fifty hours worked for a qualified  
33 employer, a student shall earn ten GET units. GET units are not  
34 available in denominations fewer than ten. No partial credit shall be  
35 awarded for less than three hundred fifty hours of employment.

36 (4) Students may earn a maximum of one hundred GET units.

37 (5) To receive GET units a student shall:

1 (a) Obtain a certificate verifying units earned from the WorkSource  
2 office; and

3 (b) Enter an institution of higher education that is accredited by  
4 an accrediting agency recognized by rule of the higher education  
5 coordinating board.

6 (6) GET units awarded through the field of dreams program may only  
7 be used for payment of qualified higher education expenses as detailed  
8 by the GET program.

9 NEW SECTION. **Sec. 4.** (1) The department is responsible for  
10 administering the field of dreams program. In this capacity, the  
11 department shall:

12 (a) Inform WorkSource applicants about the program;

13 (b) Manage student enrollment in the program, including outreach  
14 to schools, subject to funds appropriated for the specific purpose of  
15 the field of dreams program;

16 (c) Track student hours worked through the unemployment insurance  
17 system;

18 (d) Refer interested students to qualified employers;

19 (e) Provide verification of covered employment under Title 50 RCW  
20 and verify that the student is working for a qualified employer;

21 (f) Work with the board to develop appropriate procedures for the  
22 redemption of certificates for GET units awarded by the program; and

23 (g) Use information sharing and integration technology to  
24 facilitate the disclosure of relevant information and records by the  
25 department, so long as an individual consents to the disclosure as  
26 required under section 3(2) of this act.

27 (2) Information contained in the files and records pertaining to an  
28 individual under this chapter are confidential and not open to public  
29 inspection, other than to public employees in the performance of their  
30 official duties. However, an individual or an authorized  
31 representative of the individual may review his or her records or  
32 receive specific information from the records on the presentation of  
33 the signed authorization of the individual.

34 NEW SECTION. **Sec. 5.** The board shall administer GET units earned  
35 through the field of dreams program. In this capacity, the board  
36 shall:

1 (1) Purchase GET units to be owned and held in trust by the board,  
2 for the purpose of field of dreams awards as provided for in this  
3 section;

4 (2) Distribute award funds, in the form of GET units, to  
5 institutions of higher education on behalf of eligible recipients  
6 identified by the program administrator beginning on July 1, 2012;

7 (3) Work with the department to develop appropriate procedures for  
8 the redemption of certificates for GET units;

9 (4) Provide annual reports to the appropriate higher education and  
10 fiscal committees of the house of representatives and the senate  
11 regarding use of GET units, enrollment, and graduation information of  
12 GET field of dreams recipients, if the recipients have given permission  
13 for the board to do so; and

14 (5) Submit a report, developed jointly with the department, to the  
15 appropriate higher education and fiscal committees of the house of  
16 representatives and the senate by December 1, 2012, December 1, 2014,  
17 and December 1, 2016, that describes the utilization of the program.  
18 The reports shall include, but are not limited to, the demographic,  
19 geographic, and income distribution of the student participants.

20 NEW SECTION. **Sec. 6.** (1) The GET field of dreams account is  
21 created in the custody of the state treasurer.

22 (2) The board shall deposit into the account all money received for  
23 the GET field of dreams account from appropriations and private  
24 sources. The account shall be self-sustaining.

25 (3) Expenditures from the account shall be used for purchases of  
26 GET units. Purchased GET units shall be owned and held in trust by the  
27 board.

28 (4) With the exception of the operating costs associated with the  
29 management of the account by the treasurer's office as authorized in  
30 chapter 43.79A RCW, the account shall be credited with all investment  
31 income earned by the account.

32 (5) Disbursements from the account are exempt from appropriations  
33 and the allotment provisions of chapter 43.88 RCW.

34 (6) Disbursements from the account shall be made only on the  
35 authorization of the board.

36 NEW SECTION. **Sec. 7.** This chapter expires December 31, 2016.

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 28B.95 RCW  
2 to read as follows:

3        (1) Ownership of tuition units purchased by the higher education  
4 coordinating board for the GET field of dreams program under section 5  
5 of this act shall be in the name of the state of Washington and may be  
6 redeemed by the state of Washington on behalf of recipients of GET  
7 field of dreams awards for tuition and fees.

8        (2) This section expires December 31, 2016.

9        **Sec. 9.**    RCW 28B.95.060 and 2007 c 214 s 13 are each amended to  
10 read as follows:

11        (1) The Washington advanced college tuition payment program account  
12 is created in the custody of the state treasurer. The account shall be  
13 a discrete nontreasury account retaining its interest earnings in  
14 accordance with RCW 43.79A.040.

15        (2)(a) Except as provided in (b) and (c) of this subsection, the  
16 governing body shall deposit in the account all money received for the  
17 program. The account shall be self-sustaining and consist of payments  
18 received from purchasers of tuition units and funds received from other  
19 sources, public or private. With the exception of investment and  
20 operating costs associated with the investment of money by the  
21 investment board paid under RCW 43.33A.160 and 43.84.160, the account  
22 shall be credited with all investment income earned by the account.  
23 Disbursements from the account are exempt from appropriations and the  
24 allotment provisions of chapter 43.88 RCW. Money used for program  
25 administration is subject to the allotment of all expenditures.  
26 However, an appropriation is not required for such expenditures.  
27 Program administration shall include, but not be limited to: The  
28 salaries and expenses of the program personnel including lease  
29 payments, travel, and goods and services necessary for program  
30 operation; contracts for program promotion and advertisement, audits,  
31 and account management; and other general costs of conducting the  
32 business of the program.

33        (b) All money received by the program from the higher education  
34 coordinating board for the GET ready for math and science scholarship  
35 program shall be deposited in the GET ready for math and science  
36 scholarship account created in RCW 28B.105.110.

1       (c) All money received by the program from the higher education  
2 coordinating board for the GET field of dreams program shall be  
3 deposited in the GET field of dreams account created in section 6 of  
4 this act.

5       (3) The assets of the account may be spent without appropriation  
6 for the purpose of making payments to institutions of higher education  
7 on behalf of the qualified beneficiaries, making refunds, transfers, or  
8 direct payments upon the termination of the Washington advanced college  
9 tuition payment program. Disbursements from the account shall be made  
10 only on the authorization of the governing body.

11       (4) With regard to the assets of the account, the state acts in a  
12 fiduciary, not ownership, capacity. Therefore the assets of the  
13 program are not considered state money, common cash, or revenue to the  
14 state.

15       **Sec. 10.** RCW 43.79A.040 and 2008 c 239 s 9, 2008 c 208 s 9, 2008  
16 c 128 s 20, and 2008 c 122 s 24 are each reenacted and amended to read  
17 as follows:

18       (1) Money in the treasurer's trust fund may be deposited, invested,  
19 and reinvested by the state treasurer in accordance with RCW 43.84.080  
20 in the same manner and to the same extent as if the money were in the  
21 state treasury.

22       (2) All income received from investment of the treasurer's trust  
23 fund shall be set aside in an account in the treasury trust fund to be  
24 known as the investment income account.

25       (3) The investment income account may be utilized for the payment  
26 of purchased banking services on behalf of treasurer's trust funds  
27 including, but not limited to, depository, safekeeping, and  
28 disbursement functions for the state treasurer or affected state  
29 agencies. The investment income account is subject in all respects to  
30 chapter 43.88 RCW, but no appropriation is required for payments to  
31 financial institutions. Payments shall occur prior to distribution of  
32 earnings set forth in subsection (4) of this section.

33       (4)(a) Monthly, the state treasurer shall distribute the earnings  
34 credited to the investment income account to the state general fund  
35 except under (b) and (c) of this subsection.

36       (b) The following accounts and funds shall receive their  
37 proportionate share of earnings based upon each account's or fund's

1 average daily balance for the period: The Washington promise  
2 scholarship account, the college savings program account, the  
3 Washington advanced college tuition payment program account, the  
4 agricultural local fund, the American Indian scholarship endowment  
5 fund, the foster care scholarship endowment fund, the foster care  
6 endowed scholarship trust fund, the students with dependents grant  
7 account, the basic health plan self-insurance reserve account, the  
8 contract harvesting revolving account, the Washington state combined  
9 fund drive account, the commemorative works account, the Washington  
10 international exchange scholarship endowment fund, the toll collection  
11 account, the developmental disabilities endowment trust fund, the  
12 energy account, the fair fund, the family leave insurance account, the  
13 food animal veterinarian conditional scholarship account, the fruit and  
14 vegetable inspection account, the future teachers conditional  
15 scholarship account, the game farm alternative account, the GET field  
16 of dreams account, the GET ready for math and science scholarship  
17 account, the grain inspection revolving fund, the juvenile  
18 accountability incentive account, the law enforcement officers' and  
19 firefighters' plan 2 expense fund, the local tourism promotion account,  
20 the pilotage account, the produce railcar pool account, the regional  
21 transportation investment district account, the rural rehabilitation  
22 account, the stadium and exhibition center account, the youth athletic  
23 facility account, the self-insurance revolving fund, the sulfur dioxide  
24 abatement account, the children's trust fund, the Washington horse  
25 racing commission Washington bred owners' bonus fund account, the  
26 Washington horse racing commission class C purse fund account, the  
27 individual development account program account, the Washington horse  
28 racing commission operating account (earnings from the Washington horse  
29 racing commission operating account must be credited to the Washington  
30 horse racing commission class C purse fund account), the life sciences  
31 discovery fund, the Washington state heritage center account, the  
32 reduced cigarette ignition propensity account, and the reading  
33 achievement account. However, the earnings to be distributed shall  
34 first be reduced by the allocation to the state treasurer's service  
35 fund pursuant to RCW 43.08.190.

36 (c) The following accounts and funds shall receive eighty percent  
37 of their proportionate share of earnings based upon each account's or  
38 fund's average daily balance for the period: The advanced right-of-way

1 revolving fund, the advanced environmental mitigation revolving  
2 account, the city and county advance right-of-way revolving fund, the  
3 federal narcotics asset forfeitures account, the high occupancy vehicle  
4 account, the local rail service assistance account, and the  
5 miscellaneous transportation programs account.

6 (5) In conformance with Article II, section 37 of the state  
7 Constitution, no trust accounts or funds shall be allocated earnings  
8 without the specific affirmative directive of this section.

9 NEW SECTION. **Sec. 11.** Sections 1 through 7 of this act constitute  
10 a new chapter in Title 28B RCW.

11 NEW SECTION. **Sec. 12.** This act takes effect August 1, 2009.

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