

**ARKANSAS SENATE**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of Senate Bill No. 965**

"AN ACT TO TRANSFER THE ARKANSAS WORKFORCE INVESTMENT BOARD TO THE  
DEPARTMENT OF WORKFORCE SERVICES."

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**Amendment No. 1 to Senate Bill No. 965.**

Amend Senate Bill No. 965 as originally introduced:

Page 1, delete lines 10 through 12, and substitute the following:

"AN ACT TO TRANSFER THE ARKANSAS WORKFORCE INVESTMENT BOARD TO THE DEPARTMENT  
OF WORKFORCE SERVICES; TO BRING THE MEMBERSHIP OF THE WORKFORCE INVESTMENT  
BOARD INTO COMPLIANCE WITH APPLICABLE FEDERAL LAW; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 15 through 17, and substitute the following:

"TO TRANSFER THE ARKANSAS WORKFORCE INVESTMENT BOARD TO THE DEPARTMENT OF  
WORKFORCE SERVICES, AND TO BRING THE MEMBERSHIP OF THE BOARD INTO COMPLIANCE  
WITH APPLICABLE FEDERAL LAW."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. DO NOT CODIFY. Effective July 1, 2009, the Arkansas  
Workforce Investment Board established by § 15-4-2204 is transferred as a  
Type 1 transfer under § 25-2-104 to the Arkansas Department of Workforce  
Services."

SECTION 2. Arkansas Code § 15-4-2204 is amended to read as follows:  
15-4-2204. Arkansas Workforce Investment Board established.

(a) There is created the Arkansas Workforce Investment Board.

(b)(1) The board shall consist of: ~~not more than twenty five (25)  
people appointed by the Governor.~~

(A) The Governor;

(B) Two (2) members to be appointed by the President Pro  
Tempore of the Senate;

(C) Two (2) members to be appointed by the Speaker of the  
House of Representatives;

(D) The following members to be appointed by the Governor,  
subject to confirmation by the Senate:

(i) One (1) chief elected official nominated by the



Arkansas Municipal League;

(ii) One (1) chief elected official nominated by the Association of Arkansas Counties;

(iii) No fewer than two (2) representatives of labor organizations to be nominated by the Arkansas Labor Federation;

(iv) No fewer than two (2) representatives of individuals and organizations who have experience with respect to youth activities and programs;

(v) No fewer than two (2) representatives of individuals and organizations who have experience and expertise in the delivery of workforce investment activities of which:

(a) One (1) member shall be a chief executive officer of a two-year college nominated by the Association of Two-year Colleges, and

(b) One (1) member shall represent a community-based organization;

(E) The Director of the Department of Workforce Education;

(F) The Director of the Department of Workforce Services;

(G) The Director of the Department of Human Services;

(H) The Director of the Arkansas Economic Development

Commission;

(I) A representative of employment and training activities carried out by the United States Department of Housing and Urban Development;

(J) The Director of the Department of Higher Education;

(K) The Director of the Arkansas Rehabilitation Services of the Department of Workforce Education; and

(L) The Director of the Division of Services for the Blind of the Department of Human Services.

(2) A majority of the members of the board shall be representatives of business in Arkansas who:

(A) Are owners of businesses, chief ~~executive~~ executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority, including members of the local workforce investment boards;

(B) Represent businesses with employment opportunities reflecting the employment opportunities of Arkansas; and

(C) Are appointed from among individuals nominated by Arkansas business organizations and business trade associations.

(c)(1) In no event shall the board consist of more than forty-three (43) members.

(2) A person may serve in dual capacity as a member of the board.

(d) In appointing members, the Governor shall take into consideration that the board represents the diverse regions of Arkansas, including without limitation urban, rural, and suburban areas.

(e) Members of the board who represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within their respective organizations, agencies, and entities.

(f)(1) Nonlegislative members shall be appointed for four-year staggered terms.

(2) The staggered terms shall be assigned by lot.

(3) The terms shall begin on July 1 of each year.

~~(e)~~(g) The Governor shall annually select on June 1 a chair for the board among the representatives of businesses described in subdivision (b)(1)(D) of this section.

~~(d)~~(h) In the event of a vacancy on the board, the vacancy shall be filled for the unexpired portion of the term by the appointment of a person meeting the same qualifications required for initial appointment.

~~(e)~~~~(1)~~(i)(1) By a majority vote of the total membership of the board cast during its first regularly scheduled meeting of each calendar year, the board may authorize payment to its members of a stipend not to exceed one hundred ten dollars (\$110) per meeting attended. The board members shall receive no other compensation, expense reimbursement, or in-lieu-of payments as provided in § 25-16-902.

(2) The stipend shall be paid from the Arkansas Workforce Investment Fund.

(j) Legislative members shall receive in lieu of reimbursement for meals, lodging, and travel the same per diem and mileage allowance for each day of attending meetings of the board as is authorized by law for attending meetings of the interim committees of the General Assembly to be payable from the Arkansas Workforce Investment Fund.

~~(f)~~(k) A member of the board shall not:

(1) Vote on a matter under consideration by the board:

(A) Regarding the provision of services by the member or by an entity that the member represents; or

(B) That would provide direct financial benefit to the member or the immediate family of the member; or

(2) Engage in any other activity determined by the Governor or by law to constitute a conflict of interest.

~~(g)~~(1) ~~The board shall hold its first meeting by July 15, 1999, at a place and time designated by the Governor.~~

~~(2) Subsequent meetings~~

(1) Meetings of the board shall be held at least quarterly or at the call of the chair or upon the written request of a majority of the members of the board.

~~(h) For purposes of complying with this section, the Governor may use any state entity that:~~

~~(1) Was in existence on December 31, 1997, and~~

~~(2) Was established pursuant to section 122 or title VII of the Job Training Partnership Act, as in effect on December 31, 1997; or~~

~~(3) Is substantially similar to the board described in subsection (a) of this section.~~

~~(i) The board shall establish a state level One Stop Partner Council that shall include, but not be limited to:~~

~~(1) One (1) chief elected official nominated by the Arkansas Municipal League and one (1) chief elected official nominated by the Association of Arkansas Counties;~~

~~(2) No fewer than three (3) representatives of labor organizations who are to be nominated by the Arkansas labor federation;~~

~~(3) No fewer than two (2) representatives of individuals and organizations who have experience with respect to youth activities and programs;~~

~~(4) No fewer than three (3) representatives of individuals and organizations who have experience and expertise in the delivery of workforce~~

~~investment activities of which at least:~~

~~(A) One (1) member shall be a chief executive officer of a two-year college nominated by the Association of Two-year Colleges;~~

~~(B) One (1) member shall be a director of an agency responsible to a local work force investment board for administrative workforce investment programs nominated by the Career Development Network Associations; and~~

~~(C) One (1) member shall represent community-based organizations;~~

~~(5) One (1) member who is a person with a disability and who is familiar with vocational rehabilitation and:~~

~~(A) Represents an organization of Arkansans with disabilities; or~~

~~(B) Complies with subdivision (b)(2) of this section;~~

~~(6) The Director of the Department of Workforce Education;~~

~~(7) The Director of the Arkansas Employment Security Department;~~

~~(8) The Director of the Department of Human Services;~~

~~(9) The Director of the Arkansas Economic Development Commission;~~

~~(10) A representative of employment and training activities carried out by the Department of Housing and Urban Development;~~

~~(11) The Director of the Department of Higher Education;~~

~~(12) The Director of the Arkansas Rehabilitation Services of the Department of Workforce Education;~~

~~(13) The Director of the Arkansas Development Finance Authority;~~

~~(14) The Director of the Arkansas Economic Development Commission;~~

~~(15) The Chair of the State Board of Education;~~

~~(16) The Chair of the State Board of Workforce Education and Career Opportunities;~~

~~(17) The Chair of the Arkansas Higher Education Coordinating Board; and~~

~~(18) The Chair of the Arkansas Transitional Employment Board.~~

SECTION 3. DO NOT CODIFY. Effective July 1, 2009, the terms of all current members of the Arkansas Workforce Investment Board shall expire, and the board shall thereafter be comprised of those persons designated or appointed under Section 2 of this act.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Workforce Investment program provides important resources for economic development for Arkansas citizens; that the federal Workforce Investment Act of 1998 requires that Arkansas law precisely track federal requirements; and that this act is immediately necessary to ensure that the Arkansas Workforce Investment program continues to provide Arkansans with the opportunities made available through the federal act. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the

bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Steele

MGF/KSW - 04-01-2009 16:11

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Secretary