

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/27/03 S4/11/03

A Bill

Act 1758 of 2003
HOUSE BILL 2327

5 By: Representative Dees
6 By: Senator Gullett
7

For An Act To Be Entitled

10 AN ACT TO PROVIDE THAT THE GOVERNOR DETERMINES
11 THE COMPOSITION OF THE ARKANSAS WORKFORCE
12 INVESTMENT BOARD; AND FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO PROVIDE THAT THE GOVERNOR
16 DETERMINES THE COMPOSITION OF THE
17 ARKANSAS WORKFORCE INVESTMENT BOARD.
18

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 *SECTION 1. Effective October 1, 2003, Arkansas Code § 15-4-2204 is*
23 *amended to read as follows:*

24 *15-4-2204. Arkansas Workforce Investment Board established.*

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

26 *(b)(1) The board shall consist of not more than twenty-five (25)*
27 *people appointed by the Governor.*

28 ~~*(1) The Governor;*~~

29 ~~*(2) One (1) member of the House of Representatives to be*~~
30 ~~*appointed by the Speaker of the House;*~~

31 ~~*(3) One (1) member of the Senate to be appointed by the*~~
32 ~~*President Pro Tempore;*~~

33 ~~*(4) One (1) member shall be a member of the Women's Caucus of*~~
34 ~~*the House of Representatives to be appointed by the chairperson of the*~~
35 ~~*Women's Caucus;*~~

36 ~~*(5) One (1) member shall be a member of the Black Caucus of the*~~



1 ~~General Assembly to be appointed by the chairperson of the Black Caucus;~~
 2 ~~(6) The following members to be appointed by the Governor,~~
 3 ~~subject to confirmation by the Senate:~~

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

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

10 ~~(ii)(B) Represent businesses with employment opportunities~~
 11 ~~reflecting the employment opportunities of Arkansas; and~~

12 ~~(iii)(C) Are appointed from individuals nominated by~~
 13 ~~Arkansas business organizations and business trade associations; and.~~

14 ~~(iv) At least one (1) of whom serves on a local workforce~~
 15 ~~investment board;~~

16 ~~(B) One chief elected official nominated by the Arkansas~~
 17 ~~Municipal League and one chief elected official nominated by the Association~~
 18 ~~of Arkansas Counties;~~

19 ~~(C) No less than three (3) representatives of labor~~
 20 ~~organizations who are to be nominated by the Arkansas labor federation;~~

21 ~~(D) No less than two (2) representatives of individuals~~
 22 ~~and organizations who have experience with respect to youth activities and~~
 23 ~~programs;~~

24 ~~(E) No less than three (3) representatives of individuals~~
 25 ~~and organizations who have experience and expertise in the delivery of~~
 26 ~~workforce investment activities of which at least one (1) person shall be a~~
 27 ~~chief executive officer of a two (2) year college nominated by the~~
 28 ~~Association of two year colleges, one (1) member shall be a director of an~~
 29 ~~agency responsible to a local work force investment board for administrative~~
 30 ~~workforce investment programs, nominated by the Career Development Network~~
 31 ~~Associations, and one (1) member representing community based organizations;~~
 32 ~~and~~

33 ~~(F) One (1) member who is a person with a disability who~~
 34 ~~is familiar with vocational rehabilitation and;~~

35 ~~(i) Represents an organization(s) of Arkansans with~~
 36 ~~disabilities or;~~

1 ~~(ii) Complies with subdivision (b)(6)(A) of this~~
 2 ~~section.~~

3 ~~(7) The Director of the Department of Workforce Education;~~

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

5 ~~(9) The Director of the Department of Human Services;~~

6 ~~(10) The Director of the Arkansas Economic Development~~

7 ~~Commission;~~

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

10 ~~(12) The Director of the Department of Higher Education; and~~

11 ~~(13) The Director of the Arkansas Rehabilitative Services.~~

12 ~~(e) In no event shall the board consist of more than forty-eight (48)~~
 13 ~~members. A person may serve in dual capacity as a member of the board.~~

14 ~~(d) The Governor may select one (1) person from any of the following~~
 15 ~~to serve in dual capacity as a member of the board:~~

16 ~~(1) Arkansas Development Finance Authority;~~

17 ~~(2) Arkansas Economic Development Commission;~~

18 ~~(3) State Board of Education;~~

19 ~~(4) State Board of Workforce Education;~~

20 ~~(5) Arkansas Department of Higher Education Coordinating Board;~~

21 ~~or~~

22 ~~(6) Transitional Employment Assistance Program Advisory Council~~
 23 ~~or their successors.~~

24 ~~(e) In appointing the members, the Governor shall take into~~
 25 ~~consideration that the board represents the diverse regions of Arkansas,~~
 26 ~~including but not limited to the urban, rural, and suburban areas, and that~~
 27 ~~the boards or commissions, or both, of the state educational and economic~~
 28 ~~development agencies are represented.~~

29 ~~(f) Non-legislative members shall be appointed for four (4) year~~
 30 ~~staggered terms. The staggered terms shall be assigned by lot. The terms~~
 31 ~~shall commence on June 1 of each year.~~

32 ~~(g) A majority of the members shall be representatives of businesses.~~

33 ~~(h)(c) The Governor shall annually select on June 1 a chairperson for~~
 34 ~~the board among the representatives of businesses described in subdivision~~
 35 ~~(b)(6) of this section.~~

36 ~~(i)(d) In the event of a vacancy on the board in one of the~~

1 ~~nonlegislative positions~~, the vacancy shall be filled for the unexpired
2 portion of the term by appointment of ~~the designated representative in~~
3 ~~subdivision (b)(6) of this section~~ of a person meeting the same
4 qualifications required for initial appointment.

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

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

13 ~~(k)~~ ~~The legislative members shall receive, in lieu of reimbursement~~
14 ~~for meals, lodging e same per diem and mileage allowance for each day of~~
15 ~~attending meetings of the board as is authorized by law for attending~~
16 ~~meetings of the interim committees of the General Assembly and shall be paid~~
17 ~~from the Arkansas Workforce Investment Fund.~~

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

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

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

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

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

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

28 (2) Subsequent meetings shall be held at least quarterly or at
29 the call of the chairperson or upon the written request of a majority of the
30 members of the board.

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

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

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

36 (3) Is substantially similar to the board described in

1 subsection (a) of this section.

2 (i) The Arkansas Workforce Investment Board shall establish a state
3 level One Stop Partner Council that shall include, but not be limited to:

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

7 (2) No less than three (3) representatives of labor
8 organizations who are to be nominated by the Arkansas Labor Federation;

9 (3) No less than two (2) representatives of individuals and
10 organizations who have experience with respect to youth activities and
11 programs;

12 (4) No less than three (3) representatives of individuals and
13 organizations who have experience and expertise in the delivery of workforce
14 investment activities of which at least one (1) person shall be a chief
15 executive officer of a two-year college nominated by the Association of Two-
16 year Colleges, one (1) member shall be a director of an agency responsible to
17 a local work force investment board for administrative workforce investment
18 programs, nominated by the Career Development Network Associations, and one
19 (1) member representing community-based organizations;

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

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

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

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

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

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

28 (9) The Director of the Arkansas Economic Development

29 Commission;

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

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

33 (12) The Director of the Arkansas Rehabilitative Services;

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

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

- 1 (15) The Chair of the State Board of Education;
- 2 (16) The Chair of the State Board of Workforce Education;
- 3 (17) The Chair of the Arkansas Department of Higher Education
- 4 Coordinating Board; and
- 5 (18) The Chair of the Transitional Employment Assistance Program
- 6 Advisory Council.

7

8 SECTION 2. Effective October 1, 2003, Arkansas Code § 15-4-2209 is

9 amended to read as follows:

10 15-4-2209. Local workforce investment boards to be established.

11 (a) There shall be established by January 15, 2000, in each local area

12 of the state, and certified by the Governor, a local workforce investment

13 board to set policy for the portion of the statewide workforce investment

14 system within the local area.

15 (b) The Governor in partnership with the Board, shall establish

16 criteria for use by chief elected officials in the local areas for

17 appointment of members of the local boards.

18 (c) The criteria shall require, at a minimum, that the membership of

19 each local board+

20 ~~(1) Include:~~

21 ~~(A) Representatives of include a majority of~~

22 representatives of business in the local area, who:

23 ~~(i)(1)~~ Are owners of businesses, chief executives or

24 operating officers of businesses, and other business executives or employers

25 with policymaking or hiring authority;

26 ~~(ii)(2)~~ Represent businesses with employment

27 opportunities that reflect the employment opportunities of the local area;

28 and

29 ~~(iii)(3)~~ Are appointed from among individuals

30 nominated by local business organizations and business trade associations+.

31 ~~(B) Representatives of local educational entities,~~

32 ~~including representatives of local educational agencies, local school boards,~~

33 ~~two (2) year colleges and universities, entities providing adult education~~

34 ~~and literacy activities, and postsecondary educational institutions, selected~~

35 ~~from among individuals nominated by regional or local educational agencies,~~

36 ~~institutions, or organizations representing the local educational entities;~~

1 ~~(C) Representatives of labor organizations, nominated by~~
2 ~~Arkansas local labor federations, or other representatives of employees if no~~
3 ~~employees are represented by labor organizations;~~

4 ~~(D) Representatives of community based organizations;~~

5 ~~(E) Representatives of economic development agencies,~~
6 ~~including private sector economic development entities;~~

7 ~~(F) Representatives of each of the one stop partners; and~~

8 ~~(G) One (1) member who is a person with a disability who~~
9 ~~is familiar with vocational rehabilitation and represents an organization of~~
10 ~~Arkansans with disabilities and:~~

11 ~~(i) Represents an organization(s) of Arkansans with~~
12 ~~disabilities; or~~

13 ~~(ii) Complies with subdivision (c)(1)(A) of this~~
14 ~~section; and~~

15 ~~(H) One (1) member who represents veterans organizations;~~
16 ~~and~~

17 ~~(2) May include other individuals or representatives of entities~~
18 ~~as the chief elected official in the local area may determine to be~~
19 ~~appropriate.~~

20 ~~(d) Members of the board that represent organizations, agencies, or~~
21 ~~other entities shall be individuals with policymaking authority within the~~
22 ~~organizations, agencies, or entities.~~

23 ~~(e)(d)~~ A majority of the members of the local board shall be
24 representatives described in subdivision (c)(1)(A) of this section.

25 ~~(f)(e)~~ The chief elected official shall ensure that ~~minority groups~~
26 ~~are represented on the local board~~ the local board membership shall reflect
27 the same percentage of minorities as in the 2002 federal decennial census for
28 the local workforce investment areas of the board.

29 ~~(g)(f)~~ The local board shall elect a chairperson for the local board
30 from among the representatives described in subdivision (c)(1)(A) of this
31 section.

32 ~~(h)(g)~~ The chief elected official in a local area is authorized to
33 appoint the members of the local board for the area, in accordance with the
34 state criteria.

35 (1) In the event a local area includes more than one (1) unit of
36 general local government, the chief elected officials of the units shall

1 execute an agreement that specifies the respective roles of the individual
2 chief elected officials:

3 (A) In the appointment of the members of the local board
4 from the individuals nominated or recommended to be the members in accordance
5 with the criteria; and

6 (B) In carrying out any other responsibilities assigned to
7 the officials under this section.

8 (2) If, after a reasonable effort, the chief elected officials
9 are unable to reach agreement, the Governor may appoint the members of the
10 local board from individuals so nominated or recommended.

11 (h)(1) A Council of One Stop Partners shall be established by the
12 chief elected officials at the local board level that shall include, but not
13 be limited to:

14 (A) Representatives of local educational entities selected
15 from among individuals nominated by regional or local educational agencies,
16 institutions, or organizations representing the local educational entities,
17 including:

18 (i) Representatives of local educational agencies;

19 (ii) Local school boards;

20 (iii) Two-year colleges and universities;

21 (iv) Entities providing adult education and literacy
22 activities; and

23 (v) Postsecondary educational institutions;

24 (B) Representatives of labor organizations, nominated by
25 Arkansas local labor federations, or other representatives of employees if no
26 employees are represented by labor organizations;

27 (C) Representatives of community-based organizations;

28 (D) Representatives of economic development agencies,
29 including private sector economic development entities;

30 (E) Representatives of each of the one-stop partners;

31 (F) One (1) member who is a person with a disability who
32 is familiar with vocational rehabilitation and:

33 (i) Represents an organization of Arkansans with
34 disabilities; or

35 (ii) Complies with subsection (c) of this section;
36 and

1 (G) One (1) member who represents veterans organizations.
2 (2) The council may include other individuals or representatives
3 of entities as the chief elected official in the local area may determine to
4 be appropriate.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ Dees

APPROVED: 4/22/2003