

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.

Act 1487 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S4/2/09

A Bill

SENATE BILL 965

5 By: Senator Steele
6 By: Representative Rainey
7
8

9 **For An Act To Be Entitled**

10 *AN ACT TO TRANSFER THE ARKANSAS WORKFORCE*
11 *INVESTMENT BOARD TO THE DEPARTMENT OF WORKFORCE*
12 *SERVICES; TO BRING THE MEMBERSHIP OF THE*
13 *WORKFORCE INVESTMENT BOARD INTO COMPLIANCE WITH*
14 *APPLICABLE FEDERAL LAW; AND FOR OTHER PURPOSES.*
15

16 **Subtitle**

17 *TO TRANSFER THE ARKANSAS WORKFORCE*
18 *INVESTMENT BOARD TO THE DEPARTMENT OF*
19 *WORKFORCE SERVICES, AND TO BRING THE*
20 *MEMBERSHIP OF THE BOARD INTO COMPLIANCE*
21 *WITH APPLICABLE FEDERAL LAW.*
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 *SECTION 1. DO NOT CODIFY. Effective July 1, 2009, the Arkansas*
27 *Workforce Investment Board established by § 15-4-2204 is transferred as a*
28 *Type 1 transfer under § 25-2-104 to the Arkansas Department of Workforce*
29 *Services.*
30

31 *SECTION 2. Arkansas Code § 15-4-2204 is amended to read as follows:*
32 *15-4-2204. Arkansas Workforce Investment Board established.*

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

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



1 (A) The Governor;

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

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

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

8 (i) One (1) chief elected official nominated by the
9 Arkansas Municipal League;

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

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

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

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

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

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

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

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

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

28 (H) The Director of the Arkansas Economic Development
29 Commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ~~(2) Subsequent meetings~~

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

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

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

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

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

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

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

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

36 ~~(3) No fewer than two (2) representatives of individuals and~~

1 ~~organizations who have experience with respect to youth activities and~~
2 ~~programs;~~

3 ~~(4) No fewer than three (3) representatives of individuals and~~
4 ~~organizations who have experience and expertise in the delivery of workforce~~
5 ~~investment activities of which at least:~~

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

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

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

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

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

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

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

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

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

22 ~~(9) The Director of the Arkansas Economic Development~~

23 ~~Commission;~~

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

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

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

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

30 ~~(14) The Director of the Arkansas Economic Development~~

31 ~~Commission;~~

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

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

35 ~~(17) The Chair of the Arkansas Higher Education Coordinating~~
36 ~~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.

/s/ Steele

APPROVED: 4/10/2009