

SENATE BILL NO. 1228

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

4326S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 620.484, 620.490, 620.511, 620.512, and 620.513, RSMo, and to enact in lieu thereof six new sections relating to the department of higher education and workforce development.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 620.484, 620.490, 620.511, 620.512,
2 and 620.513, RSMo, are repealed and six new sections enacted in
3 lieu thereof, to be known as sections 173.2800, 173.2805,
4 173.2850, 173.2855, 173.2860, and 173.2865, to read as follows:

[620.484.] **173.2800.** The provisions of the Wagner-
2 Peyser Act (29 U.S.C.A. Sec. 49 et seq.), as amended, are
3 hereby accepted by this state and the [division] **office** of
4 workforce development of the department of [economic] **higher**
5 **education and workforce** development is hereby designated and
6 constituted the agency of this state for the purposes of
7 said act. The [division] **office** shall establish and
8 maintain free public employment offices in such number and
9 in such places as may be necessary for the proper
10 administration of this chapter and for the purposes of
11 performing such functions as are within the purview of the
12 Wagner-Peyser Act.

[620.490.] **173.2805.** The department of [economic]
2 **higher education and workforce** development shall promulgate
3 rules providing for the coordination of state and federal

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

4 job training resources administered by the department of
5 **[economic] higher education and workforce** development,
6 including the local workforce investment areas established
7 in the state to administer federal funds pursuant to the
8 federal Workforce Investment Act or its successor, for the
9 provision of assistance to businesses in this state relating
10 to the creation of new jobs in the state. The department **of**
11 **higher education and workforce development** shall include in
12 these rules the methods to be followed by any business
13 engaged in the creation of new jobs in state to ensure that
14 economically disadvantaged citizens receive opportunities
15 for employment in the new jobs created. No rule or portion
16 of a rule promulgated pursuant to the authority of this
17 section shall become effective unless it has been
18 promulgated pursuant to the provisions of section 536.024.

[620.511.] 173.2850. 1. There is hereby established
2 the "Missouri Workforce Development Board", formerly known
3 as the Missouri workforce investment board, and hereinafter
4 referred to as "the board" in sections **[620.511 to 620.513]**
5 **173.2850 to 173.2860.**

6 2. The purpose of the board is to provide workforce
7 investment activities, through statewide and local workforce
8 investment systems, that increase the employment, retention,
9 and earnings of participants, and increase occupational
10 skill attainment by participants, and, as a result, improve
11 the quality of the workforce, reduce welfare dependency, and
12 enhance the productivity and competitiveness of the state of
13 Missouri. The board shall be the state's advisory board
14 pertaining to workforce preparation policy.

15 3. The board shall meet the requirements of the
16 federal Workforce Innovation and Opportunity Act,
17 hereinafter referred to as the "WIOA", P.L. 113-128, as

18 amended. Should another federal law supplant the WIOA, all
19 references in sections [620.511 to 620.513] **173.2850 to**
20 **173.2860** to the WIOA shall apply as well to the new federal
21 law.

22 4. Composition of the board shall comply with the
23 WIOA. Board members appointed by the governor shall be
24 subject to the advice and consent of the senate. Consistent
25 with the requirements of the WIOA, the governor shall
26 designate one member of the board to be its chairperson.

27 5. Each member of the board shall serve for a term of
28 four years, subject to the pleasure of the governor, and
29 until a successor is duly appointed. In the event of a
30 vacancy on the board, the vacancy shall be filled in the
31 same manner as the original appointment and said replacement
32 shall serve the remainder of the original appointee's
33 unexpired term.

34 6. Of the members initially appointed to the WIOA,
35 formerly known as the WIA, board, one-fourth shall be
36 appointed for a term of four years, one-fourth shall be
37 appointed for a term of three years, one-fourth shall be
38 appointed for a term of two years, and one-fourth shall be
39 appointed for a term of one year.

40 7. WIOA board members shall receive no compensation,
41 but shall be reimbursed for all necessary expenses actually
42 incurred in the performance of their duties.

43 8. The **office of workforce development of the**
44 **department of higher education and workforce development** may
45 include on its website a list of the names of the members of
46 the board, including the names of members of local workforce
47 development boards, along with information on how to contact
48 such boards.

[620.512.] **173.2855.** 1. The board shall establish bylaws governing its organization, operation, and procedure consistent with sections [620.511 to 620.513] **173.2850 to 173.2860**, and consistent with the WIOA.

2. The board shall meet at least four times each year at the call of the chairperson.

3. In order to assure objective management and oversight, the board shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, coordinate, and monitor the provisions of such programs and services. A member of the board may not vote on a matter under consideration by the board that regards the provision of services by the member or by an entity that the member represents or would provide direct financial benefit to the member or the immediate family of the member. A member of the board may not engage in any other activity determined by the governor to constitute a conflict of interest.

4. The composition and the roles and responsibilities of the board membership may be amended to comply with any succeeding federal or state legislative or regulatory requirements governing workforce investment activities, except that the procedure for such change shall be outlined in state rules and regulations and adopted in the bylaws of the board.

5. The department of [economic] **higher education and workforce** development shall provide professional, technical, and clerical staff for the board.

6. The board may promulgate any rules and regulations necessary to administer the provisions of sections [620.511 to 620.513] **173.2850 to 173.2860**. Any rule or portion of a rule, as that term is defined in section 536.010, that is

created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

[620.513.] **173.2860.** 1. The board shall assist the governor with the functions described in Section 101(d) of the WIOA, 29 U.S.C. Section [311d] **3111(d)**, and any regulations issued pursuant to the WIOA.

2. The board shall submit an annual report of its activities to the governor, the speaker of the house of representatives, and the president pro tem of the senate no later than January thirty-first of each year.

3. Nothing in sections [620.511 to 620.513] **173.2850 to 173.2860** shall be construed to require or allow the board to assume or supersede the statutory authority granted to, or impose any duties or requirements on, the state coordinating board for higher education, the governing boards of the state's public colleges and universities, the state board of education, or any local educational agencies.

173.2865. The department of higher education and workforce development shall have authority to make grants to eligible entities, as defined by the federal Workforce Innovation and Opportunity Act, or its successor, using funds provided by the act, general revenue, or other funds as appropriated by the general assembly.

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