

FIRST REGULAR SESSION

# SENATE BILL NO. 128

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0823S.01I

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Section A. Sections 620.484, 620.490, 620.511, 620.512, and 620.513, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 173.2800, 173.2805, 173.2850, 173.2855, 173.2860, and 173.2865, to read as follows:

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

[620.490.] **173.2805.** The department of [economic] higher education and workforce development shall promulgate rules providing for the coordination of state and federal job training resources administered by the department of

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

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  
2 bylaws governing its organization, operation, and procedure

3 consistent with sections [620.511 to 620.513] **173.2850 to**  
4 **173.2860**, and consistent with the WIOA.

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

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

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

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

29 6. The board may promulgate any rules and regulations  
30 necessary to administer the provisions of sections [620.511  
31 to 620.513] **173.2850 to 173.2860**. Any rule or portion of a  
32 rule, as that term is defined in section 536.010, that is  
33 created under the authority delegated in this section shall  
34 become effective only if it complies with and is subject to

35 all of the provisions of chapter 536 and, if applicable,  
36 section 536.028. This section and chapter 536 are  
37 nonseverable and if any of the powers vested with the  
38 general assembly pursuant to chapter 536 to review, to delay  
39 the effective date, or to disapprove and annul a rule are  
40 subsequently held unconstitutional, then the grant of  
41 rulemaking authority and any rule proposed or adopted after  
42 August 28, 2007, shall be invalid and void.

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

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

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

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

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