ENROLLED

2015 Regular Session

HOUSE BILL NO. 741

BY REPRESENTATIVE ALFRED WILLIAMS

AN ACT

To amend and reenact R.S. 17:2930(B), R.S. 23:6(9) through (11), 19, 20, 34(A) through (C) and (E) through (G), 71(C), 76(C)(1) and (11), 2042(introductory paragraph), (1), and (3), 2043(A)(introductory paragraph), (11)(a) and (b)(xi), and (13)(a), and (D), 2044, 2046, 2048, 2061(introductory paragraph), (2), and (3), 2063(A)(1) and (B), 2065(A)(4), (7), and (8), 2091(A)(introductory paragraph) and (1), the heading of Part V of Chapter 14 of Title 23 of the Louisiana Revised Statutes of 1950, R.S. 23:2191, 2192(A) and (C), 2193(A), (B), and (D), 2194(A), 2195, 2196(A) and (B), 2197(Section heading), 2200(A) and (B)(12) and (20), 2210(B) and (C), R.S. 46:261(D)(7), R.S. 47:12(B)(1)(a)(iii), R.S. 48:1604(A)(1)(e) and (2), R.S. 51:1787(E) and 1807(D); to enact R.S. 23:2199(D) and 2213; and to repeal Chapter 11-A of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1801 through 1809, Chapter 11-B of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1821 through 1832, Chapter 11-C of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1841 through 1846, Chapter 11-D of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1851 through 1855, and Chapter 11-E of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1861 through 1862, 2043(A)(9), 2193(C), and 2196(E), relative to workplace investment initiatives; to provide for conformity with federal laws; to provide with respect to the membership of the Workforce Investment Council; to provide with respect to workforce development boards; to provide for the

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2930(B) is hereby amended and reenacted to read as follows:

§ 2930. Collaboration with business and industry; coordination with workforce needs

* * *

B. Every city, parish, and other local public school board shall convene biannual public meetings with representatives of career and technical education advisory committees, local workforce investment development boards, and colleges and universities in their region to discuss regional workforce needs and the educational, training, and work-based learning opportunities that should be provided to students to meet both individual and workforce needs.

* * *

Section 2. R.S. 23:6(9) through (11), 19, 20, 34(A) through (C) and (E) through (G), 71(C), 76(C)(1) and (11), 2042(introductory paragraph), (1), and (3), 2043(A)(introductory paragraph), (11)(a) and (b)(xi), and (13)(a), and (D), 2044, 2046, 2048, 2061(introductory paragraph), (2), and (3), 2063(A)(1) and (B), 2065(A)(4), (7), and (8), 2091(A)(introductory paragraph) and (1), the heading of Part V of Chapter 14 of Title 23 of the Louisiana Revised Statutes of 1950, R.S. 23:2191, 2192(A) and (C), 2193(A), (B), and (D), 2194(A), 2195, 2196(A) and (B), 2197(Section heading), 2200(A) and (B)(12) and (20), 2210(B) and (C) are hereby amended and reenacted and R.S. 23:2199(D) and 2213 are hereby enacted to read as follows:

§ 6. Powers and duties

In addition to any other powers and duties which may be conferred upon the executive director by law, he shall:

* * *

(9) Serve as an advocate at the state and federal levels for local workforce investment development boards.
(10) Contract with local workforce investment development boards for program planning and service delivery.

(11) Provide training and professional development services for the office of workforce development staff, local workforce investment development boards, and the staff of those boards.

§19. Delegation of functions

The executive director shall, to the extent allowed under state or federal law, delegate all or part of the administration of a program integrated pursuant to R.S. 23:17 that is eligible for block grant funding to a local workforce investment development board in an area in which a board has been certified and a local plan approved by the governor, or to another appropriate state or local entity in an area in which a local workforce investment development board has not been certified and a local plan approved by the governor.

§20. State and local planning process; local workforce investment development boards

The executive director shall design and implement a state and local planning process for workforce training and services, including the certification of business/career solution centers and the chartering of local workforce investment development boards, provided through the programs under the jurisdiction of the office of workforce development.

§34. Block grants Grants to local workforce development areas

A. The commission shall provide to the local workforce development areas in which local workforce investment development boards have been certified and local plans approved by the governor, through a block-grant formula allocation process, funds available to the commission for workforce training and employment services, unless superseded by federal law. Administrative costs under pursuant to this Subsection may not exceed ten percent of the total amount of funds available to the commission for block federal grants to carry out local workforce investment development programs.
development activities unless authorized by federal any other law, regulation, or waiver.

B. Block Federal grant funding under pursuant to this Section shall not apply to programs for which governing laws or regulations do not permit the use of block grant such funding, or to programs for which the use of block grant such funding is not feasible, as determined by the executive director.

C. In the case of funds that are allocated to this state or regions of this state through the application of established formulas, the commission shall allocate amounts across the state using the same formula that was used to provide the funds to the state or that region unless an alternate formula is authorized pursuant to the Workforce Investment Act of 1998 (29 U.S.C. 2801) Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq., related regulations, or the laws or regulations governing the particular funding source.

*          *          *

E. In each area of the state not designated as a local workforce development area or that has been so designated but in which a local workforce investment development board has not been certified and a regional and local plan approved by the governor, the executive director shall do each of the following:

(1) Provide workforce training and services in that area to the extent allowed by federal law.

(2) Specify an entity, which may be the commission, for the performance of employment services in that area.

F. Unless required pursuant to Section 134(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2801), Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq., or unless superseded by other state or federal law, at least eighty-eight percent of the funds available to the commission for adult and youth workforce training and services and at least sixty percent for dislocated worker training and services in an area shall be provided to the local workforce investment development board under pursuant to Subsection A of this Section, or in an area in which a local workforce investment development board has not been certified and
a local plan approved by the governor, to the entity specified by the executive
director under pursuant to Subsection E of this Section.

G. If a local workforce investment development board has been certified and
a local plan approved by the governor, the funds shall be provided through the block
grant formula allocation process described by this Section. Unless superseded by
federal law, regulation, or waiver, total administrative costs for local workforce
training and services may not exceed ten percent of the funds allocated under this
Subsection, whether the training and services are provided through a local workforce
investment development board or through the commission or other entity specified
under pursuant to Subsection E of this Section.

* * *

§71. Legislative intent and public policy

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C. The legislature further finds and declares that it is the state's policy and
goal to enable and encourage local workforce investment development boards to
make better policy and assessments, to better coordinate programs, and to better
determine whether their programs are fulfilling program requirements and local
employment needs.

* * *

§76. Forecasting

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C.(1) For the purpose of projecting job growth and demand, the
Occupational Forecasting Conference is hereby established as a committee of the
council. The conference shall develop such official information with respect to
regarding the statewide and regional workforce development needs of current, new,
and emerging industries as the council determines is necessary for both state and
regional workforce development system planning processes and state planning and
budgeting. Such The information, using quantitative and qualitative research
methods, shall include at least short-term and long-term forecasts of employment
demand for jobs by occupation and industry; entry and average wage forecasts for
those occupations; and estimates of the supply of trained and qualified individuals
available for employment in those occupations, with special focus upon those
occupations and industries which require high skills and have high entry wages and
previous experience wage levels. In the development of workforce estimates, the
conference shall use, to the fullest extent possible, local occupational and workforce
forecasts and estimates.

* * *

(11) A principal may invite a participant to participate in the conference. Before or during any session of the conference, a participant shall, at the request of any principal before or during any session of the conference, develop alternative forecasts, collect and supply data, perform analyses, or provide other information needed by the conference if asked to do so by the principal. The conference shall consider information provided by participants in developing its official information. However, with regard to input regarding the state's eight regional labor market areas, the council shall accept and take into account information regarding the eight regional labor market areas from local workforce investment development boards only when offered and presented to the council jointly, as regional input, by all of the local boards within the region. Regional forecasting shall not take into account input from local boards that is not presented to the council jointly by all of the boards in a region. Input from local boards that is not presented jointly to the council will not be considered.

* * *

§2042. Louisiana Workforce Investment Council; creation; purpose

The Louisiana Workforce Investment Council is hereby created in the commission as the state workforce investment development board for the purposes of:

(1) Meeting the requirements of the federal Workforce Investment Act Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq. in order to receive funds relevant to workforce activities authorized by the law.

* * *
(3) Creating a common vision, a strategic combined state plan and outcomes that will coordinate and integrate a workforce development delivery system to assure the greatest cooperation possible between public and private entities.

§2043. Members

A. The council shall consist of forty-one fifty-three members as follows:

(b) In appointing the members representing business and industry, the governor shall appoint:

(i) Twenty-one Twenty-seven members representing business and industry appointed by the governor, at least one of whom shall represent a woman-owned business and at least two of whom shall represent minority-owned businesses. Members representing business shall be individuals who are owners, chief executive officers, chief operating officers, or other individuals with optimum policymaking or hiring authority and may be members of local boards.

(ii) Eleven Fourteen members representing Louisiana's general business community.

D. Notwithstanding the provisions of this Section, should any determination be made that any provision of this Section does not conform to the requirements of

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the Workforce Investment Act Innovation and Opportunity Act of 2014, then the governor shall make appointments in the manner required to conform with the Workforce Investment Act consistent with the Act.

§2044. Qualifications

Each member of the council shall be a registered voter in and a domiciliary of Louisiana and shall have completed the same training as provided to local workforce investment development board members pursuant to R.S. 23:2194.

§2046. Terms

A. Of the initial twenty-eight forty-one members appointed pursuant to R.S. 23:2043(A)(10), (11), (12), and (13), ten R.S. 23:2043(A)(5), (6), and (11), fourteen members shall serve a term of two years, nine fourteen members shall serve a term of three years, and nine thirteen members shall serve a term of four years, with all terms ending on June thirtieth of the respective year. The terms of the initial members appointed pursuant to each Paragraph shall be designated by the governor so as to be apportioned among the optional initial terms. Thereafter, such appointed members shall serve six-year terms. No person shall serve for more than two terms whether consecutive or not.

B. The term of a member serving on the council pursuant to R.S. 23:2043(A)(1), (2), (3), (4), (5), (6), (7), (8), (9); and (14) shall be concurrent with his service in such official capacity.

§2048. Removal of members

The governor may remove any appointed member of the council for cause including misconduct, incompetency, neglect of duty, or absence from more than one-half of the regularly scheduled council meetings in any calendar year any two out of four consecutive meetings.
§2061. Definitions

As used in this Chapter, the following terms shall have the meaning herein ascribed to them:

* * *

(2) "Board" means a local workforce investment development board as described in the Workforce Investment Act (29 U.S.C. §2801 et seq.) Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq. or such successor entity as may be established by or pursuant to federal law.

(3) "Business/career solution system" means a service delivery system composed of one or more centers, which shall operate as a one-stop workforce development service delivery system as provided by the Workforce Investment Act of 1998 (29 U.S.C. §2801 et seq.) Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq. and the regulations promulgated thereunder.

* * *

§2063. Strategic plan

A. (1) The council shall develop, prepare, adopt, and submit forthwith to the governor a comprehensive state strategic combined plan that establishes strategic goals, objectives, and measures that provide direction for the provision of services and coordination of resources by the state's workforce development delivery system. The plan shall establish benchmarks for each measure and shall provide recommended strategies for implementation by state agencies and private entities. The strategic combined plan shall be updated on a biennial basis.

* * *

B. If the strategic combined plan is inconsistent with any federal or state law, rule, or regulation, or if there is a constitutional limitation, restriction, or prohibition, the affected agency shall immediately notify the council, in writing, of the conflict, together with a notice of that exception, an explanation of the conflict, and a recommendation for how to implement such plan or measure so as to avoid such the conflict.
§2065. Council duties and functions

A. The council shall:

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(8) Perform all duties required by the federal Workforce Investment Act of 1998 (29 U.S.C. 2801) Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq. for the state workforce investment development board, including carrying out the federally and state-mandated duties and responsibilities for all advisory councils under applicable federal and state workforce development programs.

* * *

§2091. Transfer of state advisory council responsibilities

A. Upon certification of the Louisiana Workforce Investment Council as a state workforce investment board pursuant to 29 U.S.C. 2821 et seq., the council shall assume the responsibilities assigned to the state advisory council under the following federal laws:


* * *

PART V. WORKFORCE INVESTMENT DEVELOPMENT BOARDS

§2191. Workforce investment development boards

A. There shall be a local workforce investment development board for every workforce development area.
B. The governor shall approve a request to be a local workforce development area from any parish governing authority of a parish with a population of five hundred thousand or more or any consortium of contiguous parishes with an aggregate population of five hundred thousand or more which serves a substantial part of one or more labor market areas.

C. The governor may approve a request for designation as a workforce investment area from any unit of general local government including a combination of such units that serve a substantial part of one or more labor market areas shall designate local areas within the state after consulting with the state Workforce Investment Council, chief elected officials, and local boards, and after an opportunity for comments from businesses, labor organizations, institutions of higher education, other primary stakeholders, and the general public.

§2192. Designation of workforce development areas

A.(1) For the first two operating years of the Workforce Innovation and Opportunity Act of 2014, the governor shall approve a request for initial designation as a local area from any area that was designated as a local area for purposes of the Workforce Investment Act of 1998 if the local area performed successfully and sustained fiscal integrity.

(2) After the period for which a local area is initially designated, the governor may redesignate workforce development areas not more than once every two years, unless the governor determines that the area failed to substantially meet, as determined by the council, the local performance measures for the local area or failed to sustain the fiscal integrity of the funds used by the area to carry out workforce development activities, as required by the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.). A redesignation shall be made not later than four months before the beginning of a program year.

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C. Subject to the provisions of R.S. 23:2191(B), a local workforce development area may be:

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(1) **Composed** of one or more contiguous units of general local government that includes at least one parish.

(2) **Consistent** with either a local labor market area or a metropolitan statistical area.

(3) **Of** a size sufficient to have the administrative resources necessary to provide for the effective planning, management, and delivery of workforce development.

* * *

§2193. Creation of local workforce development boards

A. The chief elected officials in a workforce development area may form, in accordance with rules established by the Louisiana Workforce Investment Council, a local workforce development board to do the following:

(1) Plan and oversee the delivery of workforce training and services.

(2) Evaluate workforce development in the workforce development area.

(3) Review and recommend certification of business/career solution system centers.

B. The authority granted under Subsection A of this Section does not give a local workforce development board any direct authority or control over workforce funds and programs in its workforce development area, other than programs funded through that board.

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D. The chief elected officials in a workforce development area shall consider the views of all affected local organizations before making a final decision on the formation of a board.

* * *

§2194. Training for local workforce development board members

A. The office of workforce development shall provide management, diversity, and board development training for all members of local workforce development boards that includes information regarding the importance of high-quality workforces to the economic prosperity of their communities and
encourages board members to be advocates in their communities for effective and efficient workforce development programs. Such training shall also include instruction regarding the chartering of boards, the certification of business/career solution centers; and state ethics laws. If a member of a local workforce investment board does not receive training under this Section before the ninety-first day after the date on which the member begins service on the board, the person is ineligible to continue serving on the board unless the training required under this Subsection was requested by the member but not provided by the office of workforce development.

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§2195. Certification of boards

A. The commission shall charter boards that meet chartering requirements established by the commission, and each board shall be chartered no later than January 1, 2009, unless an extension is granted by the commission for good cause shown.

B. The governor shall certify a board on determining that the board's composition is consistent with applicable federal and state laws and requirements. The governor shall certify or deny certification not later than the thirtieth day following the date that a certification request is submitted to the governor.

§2196. Board membership

A. A board shall be composed as follows:

(1) Representatives of the private sector who:

(a) Constitute a majority of the membership of the board.

(b) Are owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other business or human resources executives who have substantial management, hiring, or policymaking responsibilities.

(c) Represent business, including small businesses, or organizations that provide employment opportunities that, at a minimum, include high-quality work-relevant training and development in in-demand industry sectors or occupations in the local area.
(2) At least **two representatives of organized labor; twenty percent of the** members of each local board:

(a) Shall be local representatives of a labor organization or representatives of employees who are not members of a labor organization; and a training director of a joint labor-management apprenticeship program, or if there is no joint labor-management apprenticeship program, a representative of an apprenticeship program.

(b) May be representatives of community-based organizations that have demonstrated expertise with addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide support for individuals with disabilities; and representatives of organizations that have demonstrated expertise with addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

(3) Representatives of each of the following:

(a) Educational agencies, including but not limited to community colleges and secondary and postsecondary practitioners representing vocational education, that are representative of all educational agencies in the service delivery area.

Entities administering education and training activities in the local area that shall include a representative of eligible providers administering adult education and literacy activities pursuant to Title II of the Workforce Innovation and Opportunity Act of 2014; and a representative of institutions of higher education providing workforce investment activities; and that may include representatives of local educational agencies and of community-based organizations with demonstrated expertise in addressing the education or training needs of individuals with barriers to employment.

(b) Economic development agencies, Governmental and economic and community development entities serving the local area that shall include a representative of economic and community developmental entities, a representative from the state employment service office pursuant to the Wagner-Peyser Act, 29 U.S.C.49, who serves the local area; a representative of the programs carried out...
under Title I of the Rehabilitation Act of 1973, 29 U.S.C. 720 et seq., except 29 U.S.C. 732 and 741, who serve the local area; and that may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and a representative of philanthropic organizations serving the local area.

(c) Public employment services. Each local board may include other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

(d) Community-based organizations.

B. Private sector representatives on the board are selected from individuals nominated by general purpose business organizations that have consulted with and received recommendations from other business organizations in the workforce development area. The nominations and the individuals selected from the nominations must reasonably represent the industrial and demographic composition of the business community. Not less than one-half of the business and industry representatives should be representatives of small business.

§2197. Removal of workforce investment development board members

§2199. Responsibility of the board

D. Notwithstanding any law to the contrary, the commission is vested with exclusive and independent authority to assign state employees to physical locations selected by the board and chief elected officials and to enter into and terminate leases of property or any other agreement directly related to the operation of each Business and Career Solution Center within the state.

§2200. Board duties

A. The purpose of the local workforce investment development board is to convene and align high-level stakeholders, enhance cooperative assessment of workforce intelligence, and develop unified strategic planning and activities designed
to meet the region's current and future workforce needs. These strategic purposes are in addition to the service delivery and partner system roles required in the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) Innovation and Opportunity Act of 2014, 29 U.S. C. 3101 et seq.

B. A board shall:

* * *

(12) Award grants or contracts to eligible providers of workforce education or training and services in the workforce development area on a competitive basis, consistent with the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq. and to the extent allowed under other local, state, or federal law.

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§2210. Incentives and waivers

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B. To the extent feasible under federal and state workforce development law, incentives include priority for discretionary funding, including financial incentives for the consolidation of service delivery areas authorized under the federal Workforce Investment Act Innovation and Opportunity Act of 2014, 29 U.S. C. 3101 et seq.

C. The commission shall may use incentives to promote a demand-driven demand-driven and regionally focused service delivery system.

* * *

§2213. Conflict of laws

In the event of any conflict of the provisions of this Chapter with federal laws or regulations, the federal laws and regulations shall prevail.
Section 3. R.S. 46:261(D)(7) is hereby amended and reenacted to read as follows:

§261. Fatherhood first initiative; establishment

* * *

D. The membership of the council shall be appointed by the secretary and shall include but not be limited to:

* * *

(7) One representative of a regional local workforce investment development board.

Section 4. R.S. 47:12(B)(1)(a)(iii) is hereby amended and reenacted to read as follows:

§12. State low-income housing credit

* * *

B.(1) The amount of the credit allocated to any project shall be authorized by the credit agency based on a project's need for the credit for economic feasibility.

(a) The low-income housing project shall meet all of the following requirements:

* * *

(iii) It shall involve the education and training of the residents of the low-income units for job opportunities identified by local workforce investment development boards.

* * *

Section 5. R.S. 48:1604(A)(1)(e) and (2) are hereby amended and reenacted to read as follows:

§1604. Board of commissioners; membership, terms, vacancies

A.(1) The board of commissioners of the authority shall be composed of seven members to be appointed in the following manner:

* * *

(e) One at-large member representing the local workforce investment development board and appointed by a majority vote of the three parishes.
(2) Each commissioner must be domiciled within the parish from which he is appointed, except for the one at-large member appointed by the governor and the one at-large member representing the workforce investment development board, who must be domiciled within the state.

* * *

Section 6. R.S. 51:1787(E) and 1807(D) are hereby amended and reenacted to read as follows:

§1787. Incentives

* * *

E. The department, in cooperation with the Louisiana Workforce Commission, may enter into agreements with employers located in either urban or rural enterprise zones or in economic development zones under which the employers may receive Workforce Investment Innovation and Opportunity Act funds, to the extent that these funds are received from the federal government.

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§1807. Incentives

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D. The department, in cooperation with the Louisiana Workforce Commission, may enter into agreements with employers located in urban revitalization zones under which the employers may receive Workforce Investment Innovation and Opportunity Act funds, to the extent that these funds are received from the federal government.

* * *

Section 7. Chapter 11-A of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1801 through 1809, Chapter 11-B of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1821 through 1832, Chapter 11-C of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1841 through 1846, Chapter 11-D of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1851 through 1855, and Chapter 11-E of Title 23 of the Louisiana Revised Statutes of 1950, comprised of

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R.S. 23:1861 through 1862, and R.S. 23:2043(A)(9), 2193(C), and 2196(E) are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

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