

ACT No. 426

2015 Regular Session

HOUSE BILL NO. 741

BY REPRESENTATIVE ALFRED WILLIAMS

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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

1 membership of workforce development boards; to provide for the designation of
2 workforce development areas; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

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

5 §2930. Collaboration with business and industry; coordination with workforce
6 needs

7 * * *

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

14 * * *

15 Section 2. R.S. 23:6(9) through (11), 19, 20, 34(A) through (C) and (E) through (G),
16 71(C), 76(C)(1) and (11), 2042(introductory paragraph), (1), and (3), 2043(A)(introductory
17 paragraph), (11)(a) and (b)(xi), and (13)(a), and (D), 2044, 2046, 2048, 2061(introductory
18 paragraph), (2), and (3), 2063(A)(1) and (B), 2065(A)(4), (7), and (8), 2091(A)(introductory
19 paragraph) and (1), the heading of Part V of Chapter 14 of Title 23 of the Louisiana Revised
20 Statutes of 1950, R.S. 23:2191, 2192(A) and (C), 2193(A), (B), and (D), 2194(A), 2195,
21 2196(A) and (B), 2197(Section heading), 2200(A) and (B)(12) and (20), 2210(B) and (C)
22 are hereby amended and reenacted and R.S. 23:2199(D) and 2213 are hereby enacted to read
23 as follows:

24 §6. Powers and duties

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

27 * * *

28 (9) Serve as an advocate at the state and federal levels for local workforce
29 ~~investment~~ development boards.

1 a local plan approved by the governor, to the entity specified by the executive
2 director ~~under~~ pursuant to Subsection E of this Section.

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 Unless superseded by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

11 * * *

12 §71. Legislative intent and public policy

13 * * *

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

19 * * *

20 §76. Forecasting

21 * * *

22 C.(1) For the purpose of projecting job growth and demand, the
23 Occupational Forecasting Conference is hereby established as a committee of the
24 council. The conference shall develop ~~such~~ official information ~~with respect to~~
25 regarding the statewide and regional workforce development needs of current, new,
26 and emerging industries as the council determines is necessary for both state and
27 regional workforce development system planning processes and state planning and
28 budgeting. ~~Such~~ The information, using quantitative and qualitative research
29 methods, shall include at least short-term and long-term forecasts of employment
30 demand for jobs by occupation and industry; entry and average wage forecasts for

1 those occupations; and estimates of the supply of trained and qualified individuals
 2 available for employment in those occupations, with special focus upon those
 3 occupations and industries which require high skills and have high entry wages and
 4 previous experience wage levels. In the development of workforce estimates, the
 5 conference shall use, to the fullest extent possible, local occupational and workforce
 6 forecasts and estimates.

* * *

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

* * *

§2042. Louisiana Workforce Investment Council; creation; purpose

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

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

* * *

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

4 * * *

5 §2043. Members

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

7 * * *

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

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

16 * * *

17 (xi) ~~Eleven~~ Fourteen members ~~who shall represent~~ representing Louisiana's
18 general business community.

19 * * *

20 (13)(a) ~~Four~~ Eleven members representing organized labor appointed by the
21 governor from among ~~six~~ nominees submitted by the Louisiana AFL-CIO including
22 representatives of labor organizations and at least one member of a labor
23 organization or a training director from a joint labor management registered
24 apprenticeship program within the state. Following the initial ~~four~~ eleven
25 appointments pursuant to ~~R.S. 23:2046(A)~~ this Paragraph, any vacancies that occur
26 for these ~~four~~ eleven positions shall be filled from a list of ~~three~~ nine nominees
27 submitted by the Louisiana AFL-CIO.

28 * * *

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

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

4 §2044. Qualifications

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

8 * * *

9 §2046. Terms

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

19 B. The term of a member serving on the council pursuant to R.S.
20 23:2043(A)(1), (2), (3), (4), (5), (6), (7), (8), ~~(9)~~, and (14) shall be concurrent with
21 his service in such official capacity.

22 * * *

23 §2048. Removal of members

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

28 * * *

1 §2061. Definitions

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

4 * * *

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

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

14 * * *

15 §2063. Strategic plan

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

23 * * *

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

1 §2065. Council duties and functions

2 A. The council shall:

3 * * *

4 (4) Recommend to the governor the geographic designation of workforce
5 development areas for the delivery of workforce development services funded
6 through the federal Workforce ~~Investment Act of 1998 (29 U.S.C. 2801)~~ Innovation
7 and Opportunity Act of 2014, 29 U.S.C. 3101 et seq.

8 * * *

9 (7) Assist the commission in requesting waivers allowed under the federal
10 Workforce ~~Investment Act of 1998 (29 U.S.C. 2801)~~ Innovation and Opportunity
11 Act of 2014, 29 U.S.C. 3101 et seq.

12 (8) Perform all duties required by the federal Workforce ~~Investment Act of~~
13 ~~1998 (29 U.S.C. 2801)~~ Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et
14 seq. for the state workforce ~~investment~~ development board, including carrying out
15 the federally and state-mandated duties and responsibilities for all advisory councils
16 under applicable federal and state workforce development programs.

17 * * *

18 §2091. Transfer of state advisory council responsibilities

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

23 (1) The Workforce ~~Investment Act of 1998 (29 U.S.C. 2801 et seq.)~~
24 Innovation and Opportunity Act of 2014, 29 U.S.C. 3101 et seq.

25 * * *

26 PART V. WORKFORCE ~~INVESTMENT~~ DEVELOPMENT BOARDS

27 §2191. Workforce ~~investment~~ development boards

28 A. There shall be a local workforce ~~investment~~ development board for every
29 workforce development area.

1 (1) ~~Is composed~~ Composed of one or more contiguous units of general local
2 government that includes at least one parish.

3 (2) ~~Is consistent~~ Consistent with either a local labor market area or a
4 metropolitan statistical area.

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

8 * * *

9 §2193. Creation of local workforce development boards

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

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

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

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

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

21 * * *

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

25 * * *

26 §2194. Training for local workforce development board members

27 A. The office of workforce development shall provide management,
28 diversity, and board development training for all members of local workforce
29 ~~investment~~ development boards that includes information regarding the importance
30 of high-quality workforces to the economic prosperity of their communities and

1 encourages board members to be advocates in their communities for effective and
 2 efficient workforce development programs. Such training shall also include
 3 instruction regarding ~~the chartering of boards~~, the certification of business/career
 4 solution centers; and state ethics laws. If a member of a local workforce investment
 5 board does not receive training under this Section before the ninety-first day after the
 6 date on which the member begins service on the board, the person is ineligible to
 7 continue serving on the board unless the training required under this Subsection was
 8 requested by the member but not provided by the office of workforce development.

9 * * *

10 §2195. Certification of boards

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

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

19 §2196. Board membership

20 A. A board shall be composed as follows:

21 (1) Representatives of the private sector who:

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

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

27 (c) Represent business, including small businesses, or organizations that
 28 provide employment opportunities that, at a minimum, include high-quality work-
 29 relevant training and development in in-demand industry sectors or occupations in
 30 the local area.

1 (2) ~~At least two representatives of organized labor;~~ twenty percent of the
2 members of each local board:

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

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

14 (3) Representatives of each of the following:

15 (a) ~~Educational agencies, including but not limited to community colleges~~
16 ~~and secondary and postsecondary practitioners representing vocational education,~~
17 ~~that are representative of all educational agencies in the service delivery area.~~
18 Entities administering education and training activities in the local area that shall
19 include a representative of eligible providers administering adult education and
20 literacy activities pursuant to Title II of the Workforce Innovation and Opportunity
21 Act of 2014; and a representative of institutions of higher education providing
22 workforce investment activities; and that may include representatives of local
23 educational agencies and of community-based organizations with demonstrated
24 expertise in addressing the education or training needs of individuals with barriers
25 to employment.

26 (b) ~~Economic development agencies~~ Governmental and economic and
27 community development entities serving the local area that shall include a
28 representative of economic and community developmental entities, a representative
29 from the state employment service office pursuant to the Wagner-Peyser Act, 29
30 U.S.C.49, who serves the local area; a representative of the programs carried out

1 to meet the region's current and future workforce needs. These strategic purposes
2 are in addition to the service delivery and partner system roles required in the
3 Workforce ~~Investment Act of 1998 (29 U.S.C. 2801 et seq.)~~ Innovation and
4 Opportunity Act of 2014, 29 U.S. C. 3101 et seq.

5 B. A board shall:

6 * * *

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

12 * * *

13 (20) Serve as a local workforce ~~investment~~ development board under the
14 Workforce ~~Investment Act of 1998, 29 U.S.C. 2801 et seq.~~ Innovation and
15 Opportunity Act of 2014, 29 U.S. C. 3101 et seq.

16 * * *

17 §2210. Incentives and waivers

18 * * *

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

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

26 * * *

27 §2213. Conflict of laws

28 In the event of any conflict of the provisions of this Chapter with federal laws
29 or regulations, the federal laws and regulations shall prevail.

1 Section 3. R.S. 46:261(D)(7) is hereby amended and reenacted to read as follows:

2 §261. Fatherhood first initiative; establishment

3 * * *

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

6 * * *

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

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

11 §12. State low-income housing credit

12 * * *

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

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

17 * * *

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

21 * * *

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

24 §1604. Board of commissioners; membership, terms, vacancies

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

27 * * *

28 (e) One at-large member representing the local workforce ~~investment~~
29 development board and appointed by a majority vote of the three parishes.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____