

House Bill 348 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickey of the 140th, Nimmer of the 178th, Coomer of the 14th, and Rogers of the 10th

A BILL TO BE ENTITLED
AN ACT

1 To repeal Chapter 14 of Title 34 of the Official Code of Georgia Annotated, relating to the
2 Georgia Workforce Investment Board; to amend Chapter 7 of Title 50 of the Official Code
3 of Georgia Annotated, relating to the Department of Economic Development, so as to create
4 the State Workforce Development Board; to provide for a Workforce Division within the
5 Department of Economic Development; to provide for a deputy commissioner; to provide
6 for policy development and implementation; to revise provisions for the administration and
7 dispersal of funds; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 14 of Title 34 of the Official Code of Georgia Annotated, relating to the Georgia
11 Workforce Investment Board, is repealed and reserved.

SECTION 2.

13 Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
14 of Economic Development, is amended by adding a new article to read as follows:

"ARTICLE 8

17 50-7-90.

18 (a)(1) Pursuant to Public Law 105-220 and any subsequent amendment to such law, the
19 State Workforce Development Board is hereby created.

20 (2) The State Workforce Development Board shall meet federal composition
21 requirements. The Lieutenant Governor and the Speaker of the House of Representatives
22 shall each have the authority to appoint members as federal law allows. The Governor
23 shall be responsible for selecting the remainder of the members.

24 (3) The State Workforce Development Board's members' terms of service shall be
 25 established by the Governor and shall be at the discretion of the appointing authority.

26 (4) The State Workforce Development Board shall have powers and duties as specified
 27 by the Governor and as provided for in federal law.

28 (5) The State Workforce Development Board shall meet quarterly or when otherwise
 29 requested by the chairperson and will be governed by a set of bylaws which will be voted
 30 on and approved by the State Workforce Development Board.

31 (6) The State Workforce Development Board shall be funded by federal law.

32 (7) The State Workforce Development Board is authorized to promulgate rules and
 33 regulations for purposes of implementing the state's workforce policy while complying
 34 with applicable federal laws.

35 (b)(1) The Department of Economic Development is designated as the administrator of
 36 all programs for which the state is responsible pursuant to Public Law 105-220 and any
 37 subsequent amendment to such law.

38 (2) The Department of Economic Development shall administer such programs and their
 39 associated funds pursuant to the policies and methods of implementation which are
 40 promulgated by the State Workforce Development Board and the Governor.

41 (3) The Workforce Division within the Department of Economic Development is hereby
 42 established and replaces the Governor's Office of Workforce Development. The
 43 Governor shall appoint a deputy commissioner of the Workforce Division.

44 50-7-91.

45 (a) The State Workforce Development Board is hereby authorized to develop and facilitate
 46 the workforce programs in this state. As such, the State Workforce Development Board
 47 shall:

48 (1) Recommend the designation of local workforce investment areas in accordance with
 49 federal law:

50 (A) A local workforce investment area's chief local elected official may designate a
 51 local fiscal agent or a grant recipient which shall be either a municipal government,
 52 county government, consolidated government, or regional commission located within
 53 the physical boundaries of the local workforce investment area and who shall be
 54 approved by the State Workforce Development Board in a procedure established
 55 through rule;

56 (B) A local workforce investment area's chief local elected official shall sign and
 57 submit to the Workforce Division a budget within ten business days of such budget's
 58 approval; and

59 (C) A local workforce development board shall submit any nonbudgeted expenditure
 60 over \$5,000.00 to the Workforce Division prior to completing the related transaction
 61 unless the Workforce Division has exempted a transaction from this requirement
 62 through rule or policy;

63 (2) Require every newly appointed chief local elected official, local board member, and
 64 local executive director to sign and date a conflict of interest statement which will then
 65 be submitted to the Workforce Division within ten business days of signature; and

66 (3) Reserve the right to suspend certification of a local board upon determination that an
 67 individual member of that board has violated the conflict of interest statement, until said
 68 member has resigned or otherwise been removed from the board.

69 (b) The Workforce Division shall create, in conjunction with the local workforce
 70 development boards, contracting guidelines which shall:

71 (1) Ensure all independent contractors involved in the provision of One-Stop services
 72 have sufficient insurance, bonding, and liability coverage;

73 (2) Ensure all potential conflicts of interest involving local workforce development board
 74 members, local elected officials, and local executive directors are made known prior to
 75 the awarding of the associated contract; and

76 (3) Restrict contracting between local workforce development areas and its members, its
 77 local elected officials, or its local executive director or any of those individuals'
 78 employees, or immediate family members.

79 (c) In accordance with paragraph (3) of subsection (a) of Code Section 50-7-90, the State
 80 Workforce Development Board may enforce the provisions of this chapter and the
 81 applicable federal law if the provisions of either are violated. If corrective actions issued
 82 as a result of financial or compliance related monitoring are not adhered to, the State
 83 Workforce Development Board may recommend the Governor:

84 (1) Issue a notice of intent to revoke approval of all or part of the local plan affected; or

85 (2) Impose a reorganization plan, which may include:

86 (A) Decertifying the local board involved;

87 (B) Prohibiting the use of eligible providers;

88 (C) Selecting an alternative entity to administer the program for the local area
 89 involved;

90 (D) Merging the local area into one or more other local areas; or

91 (E) Making such other changes as the United States Secretary of Labor or the Governor
 92 determines to be necessary to secure compliance with the provision."

93 **SECTION 2.**

94 Said chapter is further amended by revising Code Section 50-7-11.1, relating to the
95 department's authority to administer and disperse funds, as follows:

96 "50-7-11.1.

97 In the event the board accepts grants and gifts from the federal government pursuant to
98 Code Section 50-7-10, the board shall also have the authority to administer and disperse
99 those funds for any and all purposes of this article in a manner consistent with the terms
100 of the grant or gift and other applicable laws, the provisions of Code Section 50-7-11
101 notwithstanding. Regarding the administration, dispersal, and use of any federal funds, or
102 the administration of programs created by the Workforce Investment Act or its
103 amendments, the board shall administer, disperse, and use those funds, and administer
104 those programs in compliance with governing federal laws, the state plan, and regulations
105 and policies promulgated by the State Workforce Development Board and the Governor."

106 **SECTION 3.**

107 All laws and parts of laws in conflict with this Act are repealed.