

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 825

Introduced by Lautenbaugh, 18.

Read first time January 13, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Workforce Investment Act; to
2 amend sections 48-1620 and 48-1621, Reissue Revised
3 Statutes of Nebraska, and sections 48-1623 and 84-1409,
4 Revised Statutes Cumulative Supplement, 2012; to require
5 compliance with the Open Meetings Act as prescribed; to
6 change provisions relating to youth councils; to redefine
7 a term; to harmonize provisions; and to repeal the
8 original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1620, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-1620 (1) In each local area of the state a local
4 workforce investment board shall be established and certified by the
5 Governor. The local board shall set policy for the portion of the
6 statewide workforce investment system within the local area. The
7 chief elected official in a local area shall appoint the members of
8 the local board for such area in accordance with the criteria
9 established under subsection (2) of this section.

10 (2) The Governor, in consultation with the state board,
11 shall establish criteria for use by chief elected officials in the
12 local areas for appointment of members of the local boards in such
13 local areas. Such criteria shall require, at a minimum, that the
14 membership of each local board:

15 (a) Shall include:

16 (i) Representatives of business in the local area who:

17 (A) Are owners of businesses, chief executives or
18 operating officers of businesses, and other business executives or
19 employers with optimum policymaking or hiring authority;

20 (B) Represent businesses with employment opportunities
21 that reflect the employment opportunities of the local area; and

22 (C) Are appointed from among individuals nominated by
23 local business organizations and business trade associations;

24 (ii) Representatives of local educational entities,
25 including representatives of local educational agencies, local

1 kindergarten through grade twelve school boards, career preparation
2 education providers, entities providing adult education and literacy
3 activities, and postsecondary educational institutions, including
4 representatives of community colleges, where such entities exist,
5 selected from among individuals to be nominated by regional or local
6 educational agencies, institutions, or organizations representing
7 such local educational entities;

8 (iii) Representatives of labor organizations, for a local
9 area in which employees are represented by labor organizations,
10 nominated by local labor federations, or for a local area in which no
11 employees are represented by such organizations, nominated by other
12 representatives of employees;

13 (iv) Representatives of community-based organizations,
14 including organizations representing individuals with disabilities
15 and veterans, for a local area in which such organizations are
16 present;

17 (v) Representatives of economic development agencies,
18 including private sector economic development entities; and

19 (vi) Representatives of each of the required one-stop
20 career center partners. The required partners are those described in
21 subsection (1) of section 48-1619; and

22 (b) May include such other individuals or representatives
23 of entities as the chief elected official in the local area
24 determines appropriate.

25 (3) Members of the local board that represent

1 organizations, agencies, or other entities shall be individuals with
2 optimum policymaking authority within the organizations, agencies, or
3 entities.

4 (4) A majority of the members of the local board shall be
5 representatives described in subdivision (2)(a)(i) of this section.
6 The local board shall elect a chairperson for the local board from
7 among the representatives described in such subdivision.

8 (5) To transact business at all meetings of the local
9 board, a quorum of members must be present. A quorum of a local
10 workforce investment board shall be a majority of its appointed
11 members.

12 (6) A local board and its subcommittees shall be subject
13 to the Open Meetings Act.

14 ~~(6)~~(7) A local board in partnership with the chief
15 elected official shall develop and submit to the Governor and the
16 state board a proposed comprehensive five-year local plan in
17 accordance with section 118 of the federal Workforce Investment Act,
18 29 U.S.C. 2833.

19 ~~(7)~~(8) The local plan is subject to approval by the
20 Governor.

21 Sec. 2. Section 48-1621, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 48-1621 (1) There shall be established, as a subcommittee
24 within each local board, a youth council appointed by the local
25 board, in cooperation with the chief elected official for the local

1 area.

2 (2) The membership of each youth council shall include:

3 (a) Members of the local board with special interest or
4 expertise in youth policy;

5 (b) Representatives of youth service agencies, including
6 juvenile justice and local law enforcement agencies;

7 (c) Representatives of local public housing authorities;

8 (d) Parents of youth, including, but not limited to,
9 parents of eligible youth seeking assistance under the Nebraska
10 Workforce Investment Act;

11 (e) Individuals, including former participants, and
12 representatives of organizations, that have experience relating to
13 youth activities;

14 (f) Representatives of the Job Corps, as appropriate; and

15 (g) Representatives of local kindergarten through grade
16 twelve school boards, community colleges, and such other individuals
17 as the chairperson of the local board, in cooperation with the chief
18 elected official, determines to be appropriate.

19 (3) Members of the youth council who are not members of
20 the local board shall be voting members of the youth council and
21 nonvoting members of the local board.

22 (4) A youth council shall be subject to the Open Meetings
23 Act.

24 ~~(4)~~-(5) The duties of the youth council include:

25 (a) Developing the portions of the local plan relating to

1 eligible youth, as determined by the chairperson of the local board;

2 (b) Subject to the approval of the local board and
3 consistent with section 123 of the federal Workforce Investment Act,
4 29 U.S.C. 2843:

5 (i) Recommending eligible providers of youth programs
6 authorized under section 129 of the federal Workforce Investment Act,
7 29 U.S.C. 2854, to be awarded grants or contracts on a competitive
8 basis by the local board to carry out the youth programs; and

9 (ii) Conducting oversight with respect to the eligible
10 providers of youth activities in the local area;

11 (c) Coordinating youth activities authorized under
12 section 129 of the federal Workforce Investment Act, 29 U.S.C. 2854,
13 in the local area;

14 (d) The coordination of career preparation programs; and

15 (e) Other duties determined to be appropriate by the
16 chairperson of the local board.

17 Sec. 3. Section 48-1623, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 48-1623 (1) The Nebraska Workforce Investment Board is
20 established to assist in the development of a state plan to carry out
21 the functions described in the federal Workforce Investment Act.

22 (2) The state board shall include:

23 (a) The Governor;

24 (b) Two members of the Legislature selected by and
25 serving at the pleasure of the Speaker of the Legislature; and

1 (c) Members appointed by the Governor who serve at the
2 pleasure of the Governor who are:

3 (i) Representatives of business in the state who:

4 (A) Are owners of businesses, chief executives or
5 operating officers of businesses, and other business executives or
6 employers with optimum policymaking or hiring authority, including
7 members of local boards described in subdivision (2)(a)(i) of section
8 48-1620;

9 (B) Represent businesses with employment opportunities
10 that reflect the employment opportunities of the state; and

11 (C) Are appointed from among individuals nominated by
12 state business organizations and business trade associations;

13 (ii) A representative of health care employers of the
14 state who conducts statewide health workforce planning and training;

15 (iii) Chief elected officials representing both cities
16 and counties;

17 (iv) Representatives of labor organizations who have been
18 nominated by state labor federations;

19 (v) Representatives of individuals and organizations that
20 have experience with respect to youth programs authorized under
21 section 129 of the federal Workforce Investment Act, 29 U.S.C. 2854;

22 (vi) Representatives of individuals and organizations
23 that have experience and expertise in the delivery of workforce
24 investment activities, including chief executive officers of
25 community colleges and community-based organizations within the

1 state;

2 (vii)(A) The officials from each of the lead state
3 agencies with responsibility for the programs and activities that are
4 described in section 48-1619 and carried out by one-stop partners;
5 and

6 (B) In any case in which no lead state agency official
7 has responsibility for such a program, service, or activity, a
8 representative in the state with expertise relating to such program,
9 service, or activity; and

10 (viii) Such other representatives and state agency
11 officials as the Governor may designate.

12 (3) The two members of the Legislature serving on the
13 state board shall be nonvoting, ex officio members. All other members
14 shall be voting members. The Governor may designate a representative
15 to participate on his or her behalf in state board committee and
16 general meetings. Such representative shall be entitled to vote on
17 matters brought before the board and shall be considered a member of
18 the board for purposes of determining if a quorum is present.

19 (4) Members of the board that represent organizations,
20 agencies, or other entities shall be individuals with optimum
21 policymaking authority within the organizations, agencies, or
22 entities. The members of the board shall represent diverse regions of
23 the state, including urban, rural, and suburban areas.

24 (5) A majority of the voting members of the state board
25 shall be private sector representatives described in subdivision (2)

1 (c)(i) of this section. The Governor shall select a chairperson and a
2 vice-chairperson for the state board from among the representatives
3 described in such subdivision.

4 (6) To transact business at all meetings of the state
5 board, a quorum of voting members must be present. A majority of the
6 voting members shall constitute a quorum of the Nebraska Workforce
7 Investment Board.

8 (7) The state board and its subcommittees shall be
9 subject to the Open Meetings Act.

10 Sec. 4. Section 84-1409, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 84-1409 For purposes of the Open Meetings Act, unless the
13 context otherwise requires:

14 (1)(a) Public body means (i) governing bodies of all
15 political subdivisions of the State of Nebraska, (ii) governing
16 bodies of all agencies, created by the Constitution of Nebraska,
17 statute, or otherwise pursuant to law, of the executive department of
18 the State of Nebraska, (iii) all independent boards, commissions,
19 bureaus, committees, councils, subunits, or any other bodies created
20 by the Constitution of Nebraska, statute, or otherwise pursuant to
21 law, (iv) all study or advisory committees of the executive
22 department of the State of Nebraska whether having continuing
23 existence or appointed as special committees with limited existence,
24 (v) advisory committees of the bodies referred to in subdivisions
25 (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities

1 exercising essentially public functions; and

2 (b) Public body does not include (i) subcommittees of
3 such bodies unless a quorum of the public body attends a subcommittee
4 meeting or unless such subcommittees are holding hearings, making
5 policy, or taking formal action on behalf of their parent body,
6 except that all meetings of any subcommittee established under
7 section 81-15,175 or established by a local workforce investment
8 board or by the Nebraska Workforce Investment Board as defined in
9 section 48-1618 are subject to the Open Meetings Act, and (ii)
10 entities conducting judicial proceedings unless a court or other
11 judicial body is exercising rulemaking authority, deliberating, or
12 deciding upon the issuance of administrative orders;

13 (2) Meeting means all regular, special, or called
14 meetings, formal or informal, of any public body for the purposes of
15 briefing, discussion of public business, formation of tentative
16 policy, or the taking of any action of the public body; and

17 (3) Videoconferencing means conducting a meeting
18 involving participants at two or more locations through the use of
19 audio-video equipment which allows participants at each location to
20 hear and see each meeting participant at each other location,
21 including public input. Interaction between meeting participants
22 shall be possible at all meeting locations.

23 Sec. 5. Original sections 48-1620 and 48-1621, Reissue
24 Revised Statutes of Nebraska, and sections 48-1623 and 84-1409,
25 Revised Statutes Cumulative Supplement, 2012, are repealed.