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SENATE BILL NO. 689

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Rules
on March 1, 2006)

(Patron Prior to Substitute—Senator Ruff)

A BILL to amend and reenact § 2.2-2669 of the Code of Virginia, relating to the Virginia Workforce Council.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2669 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2669. Virginia Workforce Council; purpose; membership; terms; compensation and expenses; staff.

A. The Virginia Workforce Council (the Council) is established as a policy council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be to assist the Governor in meeting workforce training needs in the Commonwealth.

B. The Council shall ~~consist~~ have a total membership of 29 25 members, consisting of four legislative members, 15 nonlegislative citizen members, and six ex officio members to be appointed in accordance with the Workforce Investment Act of 1998 (P.L. 105-220, as amended) as follows:

1. The Council shall include two members of the House of Delegates to be appointed by the Speaker of the House of Delegates; and two members of the Senate to be appointed by the Senate Committee on Rules. Legislative members shall serve terms coincident with their terms of office and may be reappointed for successive terms.

2. The Governor; the Secretaries of Commerce and Trade, Education, and Health and Human Resources; the Chancellor of the Virginia Community College System; the Commissioner of the Virginia Employment Commission; and the president of the Virginia AFL-CIO shall serve as members.

3. The Governor shall appoint members as follows: one mayor and one chairperson of a county board of supervisors; one representative of labor in addition to the president of the Virginia AFL-CIO; and 15 nonlegislative citizen members representing the business community, to include the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturer's Association, one representative of proprietary employment training schools, one representative of health care employers, and the remaining members who are business owners, chief executive officers, chief operating officers, chief financial officers, senior managers or other business executives or employers with optimum policy-making or hiring authority and who shall represent diverse regions of the state, to include urban, suburban, and rural areas, at least two of whom shall be members of local workforce investment boards. Nonlegislative citizen members may be nonresidents of the Commonwealth.

Members appointed in accordance with this subdivision shall serve four-year terms, subject to the pleasure of the Governor, and may be reappointed.

C. If one person appointed to fill one of the enumerated positions in subsection B also qualifies to fill any other of the enumerated positions, such person may, at the discretion of the Governor, be deemed to fill any or all of the enumerated positions for which such person qualifies.

D. The Governor shall select a chairman and vice-chairman from among the 15 members representing the business community appointed in accordance with subdivision 3 of subsection B. The Council shall meet upon the call of the chair or the Governor.

(i) two members of the Senate to be appointed by the President of the Senate, in accordance with 29 U.S.C.S. § 2821, and two members of the House of Delegates to be appointed by the Speaker of the House; (ii) one nonlegislative citizen member who shall be either a business owner, chief executive officer, chief operating officer, chief financial officer, senior manager, or other business executive or employer with optimum policymaking or hiring authority to be appointed from among two candidates, by the Governor, upon the recommendation of the Senate Committee on Rules; (iii) three nonlegislative citizen members who shall be business owners, chief executive officers, chief operating officers, chief financial officers, senior managers, or other business executives or employers with optimum policymaking or hiring authority to be appointed from among six candidates, by the Governor, upon the recommendation of the Speaker of the House; (iv) 11 nonlegislative citizen members to be appointed by the Governor as follows: one mayor; one chairperson of a county board of supervisors; the president of the Virginia Chamber of Commerce; the president of the Virginia AFL-CIO; the president of the Virginia Manufacturer's Association; one representative of the business community; one representative of proprietary employment training schools; one representative of health care employers; three members who shall be either business owners, chief executive officers, chief operating officers, chief financial officers, senior managers or other business executives or employers with optimum policymaking or hiring authority, of whom two shall also be members of local workforce investment boards, and

represent the geographical regions of the Commonwealth, including urban, suburban, and rural areas; and (v) the Governor, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Health and Human Resources, the Chancellor of the Virginia Community College System, and the Commissioner of the Virginia Employment Commission to serve ex officio with voting privileges.

In selecting a mayor and a chairperson of a county board of supervisors, the Governor shall give due consideration to officials with a strong business background.

If a person appointed to the Council qualifies to fill one or more of the enumerated positions, the person may, at the discretion of the Governor, be deemed to fill any one or all of the enumerated positions for which he qualifies.

Nonlegislative citizen members may be nonresidents of the Commonwealth. Legislative members and appointed and elected officials shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve four-year terms, subject to the pleasure of the Governor. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. However, no Senate member shall serve more than two consecutive four-year terms, no House member shall serve more than four consecutive two-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

C. A majority of the members shall constitute a quorum. The Governor shall select a chairman and vice chairman of the Council from among the members representing the business community as provided in subdivision (iv) of subsection B. The Council shall meet upon the call of the chairman or the Governor.

E. Compensation and reimbursement of expenses of the members shall be as follows:

1. D. Legislative members appointed in accordance with subdivision B 1 shall receive such compensation and reimbursement of expenses incurred in the performance of their duties as provided in §§ 30-19.12, 2.2-2813 and 2.2-2825.

2. Members of the Council appointed in accordance with subdivision B 2 shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

3. Members of the Council appointed in accordance with subdivision B 3 shall not receive compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

of the Council shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

Funding for the costs of compensation and expenses of the members shall be provided from federal funds received under the Workforce Investment Act of 1998 (P.L. 105-220, as amended) and administered by the Virginia Employment Commission.

FE. The Virginia Employment Commission, the Virginia Community College System, and the Department of Business Assistance Governor, or a senior staff member within his immediate office to whom the Governor has delegated responsibility for workforce development, shall serve as lead staff to the Council as directed by the Secretary of Commerce and Trade. The Virginia Employment Commission shall act as fiscal agent for the Council and the WIA Council's lead staff shall supervise the subordinate staff of the Council. The subordinate staff of the Council shall be independent of any other state agency that provides workforce services. All agencies of the Commonwealth shall provide assistance to the Council, upon request.

2. That the provisions of this act shall expire on July 1, 2009.