

VIRGINIA ACTS OF ASSEMBLY -- 1998 RECONVENED SESSION

CHAPTER 899

An Act to amend and reenact §§ 2.1-1.7, 2.1-51.21 and 9-6.25:1 of the Code of Virginia and to amend the Code of Virginia by adding in Title 9 a chapter numbered 41.1, consisting of sections numbered 9-329.1 through 9-329.5, relating to the Statewide Workforce Training Council.

[H 851]

Approved May 20, 1998

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.7, 2.1-51.21 and 9-6.25:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 9 a chapter numbered 41.1, consisting of sections numbered 9-329.1 through 9-329.5, as follows:

§ 2.1-1.7. State councils.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies either affiliated with more than one agency or independent of an agency within the executive branch:

Adult Education and Literacy, Virginia Advisory Council for
Agricultural Council, Virginia
Alcohol and Drug Abuse Problems, Governor's Council on
Apprenticeship Council
Blue Ridge Regional Education and Training Council
Child Day-Care Council
Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion
Coastal Land Management Advisory Council, Virginia
Commonwealth Competition Council
Commonwealth's Attorneys' Services Council
Developmental Disabilities Planning Council, Virginia
Disability Services Council
Equal Employment Opportunity Council, Virginia
Housing for the Disabled, Interagency Coordinating Council on
Human Rights, Council on
Human Services Information and Referral Advisory Council
Indians, Council on
Interagency Coordinating Council, Virginia
Job Training Coordinating Council, Governor's
Land Evaluation Advisory Council
Maternal and Child Health Council
Military Advisory Council, Virginia
Needs of Handicapped Persons, Overall Advisory Council on the
Prevention, Virginia Council on Coordinating
Public Records Advisory Council, State
Rate-setting for Children's Facilities, Interdepartmental Council on
Revenue Estimates, Advisory Council on
Southside Virginia Marketing Council
Specialized Transportation Council
State Health Benefits Advisory Council
Status of Women, Council on the
Technology Council, Virginia
Virginia Business-Education Partnership Program, Advisory Council on the
Virginia Recycling Markets Development Council
Workforce Training Council, Statewide.

B. Notwithstanding the definition for "council" as provided in § 2.1-1.2, the following entities shall be referred to as councils:

Council on Information Management
Higher Education, State Council of
Independent Living Council, Statewide
Rehabilitation Advisory Council, Statewide
Rehabilitation Advisory Council for the Blind, Statewide
Transplant Council, Virginia.
§ 2.1-51.21. Agencies for which responsible.

The Secretary of Education shall be responsible to the Governor for the following agencies: Department of Education, State Council of Higher Education, Virginia Student Assistance Authorities, Virginia Museum of Fine Arts, The Science Museum of Virginia, Frontier Culture Museum of Virginia, The Library of Virginia, Jamestown-Yorktown Foundation, Board of Regents of Gunston Hall, ~~and~~ the Virginia Advisory Council for Adult Education and Literacy, *and the Statewide Workforce Training Council*. The Governor may, by executive order, assign any other state executive agency to the Secretary of Education, or reassign any agency listed above to another secretary.

§ 9-6.25:1. Advisory boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following advisory boards, commissions and councils within the executive branch:

- Advisory Board for the Department for the Aging
- Advisory Board for the Department for the Deaf and Hard-of-Hearing
- Advisory Board on Child Abuse and Neglect
- Advisory Board on Medicare and Medicaid
- Advisory Board on Occupational Therapy
- Advisory Board on Physical Therapy to the Board of Medicine
- Advisory Board on Rehabilitation Providers
- Advisory Board on Respiratory Therapy to the Board of Medicine
- Advisory Board on Teacher Education and Licensure
- Advisory Commission on the Virginia Schools for the Deaf and the Blind
- Advisory Council on Revenue Estimates
- Advisory Council on the Virginia Business-Education Partnership Program
- Appomattox State Scenic River Advisory Board
- Aquaculture Advisory Board
- Art and Architectural Review Board
- Board for the Visually Handicapped
- Board of Directors, Virginia Truck and Ornamentals Research Station
- Board of Forestry
- Board of Military Affairs
- Board of Rehabilitative Services
- Board of Transportation Safety
- Board of Trustees of the Family and Children's Trust Fund
- Board of Visitors, Gunston Hall Plantation
- Board on Veterans' Affairs
- Catoctin Creek State Scenic River Advisory Board
- Cave Board
- Chickahominy State Scenic River Advisory Board
- Clinch Scenic River Advisory Board
- Coal Surface Mining Reclamation Fund Advisory Board
- Coastal Land Management Advisory Council, Virginia
- Commonwealth Competition Council
- Council on Indians
- Council on the Status of Women
- Debt Capacity Advisory Committee
- Emergency Medical Services Advisory Board
- Falls of the James Committee
- Goose Creek Scenic River Advisory Board
- Governor's Council on Alcohol and Drug Abuse Problems
- Governor's Mined Land Reclamation Advisory Committee
- Hemophilia Advisory Board
- Human Services Information and Referral Advisory Council
- Interagency Coordinating Council on Housing for the Disabled
- Interdepartmental Board of the State Department of Minority Business Enterprise
- Litter Control and Recycling Fund Advisory Board
- Local Advisory Board to the Blue Ridge Community College
- Local Advisory Board to the Central Virginia Community College
- Local Advisory Board to the Dabney S. Lancaster Community College
- Local Advisory Board to the Danville Community College
- Local Advisory Board to the Eastern Shore Community College
- Local Advisory Board to the Germanna Community College
- Local Advisory Board to the J. Sargeant Reynolds Community College
- Local Advisory Board to the John Tyler Community College
- Local Advisory Board to the Lord Fairfax Community College
- Local Advisory Board to the Mountain Empire Community College

Local Advisory Board to the New River Community College
Local Advisory Board to the Northern Virginia Community College
Local Advisory Board to the Patrick Henry Community College
Local Advisory Board to the Paul D. Camp Community College
Local Advisory Board to the Piedmont Virginia Community College
Local Advisory Board to the Rappahannock Community College
Local Advisory Board to the Southside Virginia Community College
Local Advisory Board to the Southwest Virginia Community College
Local Advisory Board to the Thomas Nelson Community College
Local Advisory Board to the Tidewater Community College
Local Advisory Board to the Virginia Highlands Community College
Local Advisory Board to the Virginia Western Community College
Local Advisory Board to the Wytheville Community College
Maternal and Child Health Council
Medical Advisory Board, Department of Motor Vehicles
Migrant and Seasonal Farmworkers Board
Motor Vehicle Dealer's Advisory Board
North Meherrin State Scenic River Advisory Board
Nottoway State Scenic River Advisory Board
Personnel Advisory Board
Plant Pollination Advisory Board
Private College Advisory Board
Private Enterprise Commission
Private Security Services Advisory Board
Psychiatric Advisory Board
Radiation Advisory Board
Rappahannock Scenic River Advisory Board
Recreational Fishing Advisory Board, Virginia
Reforestation Board
Rockfish State Scenic River Advisory Board
Shenandoah State Scenic River Advisory Board
Small Business Advisory Board
Small Business Environmental Compliance Advisory Board
St. Mary's Scenic River Advisory Committee
State Advisory Board for the Virginia Employment Commission
State Advisory Board on Air Pollution
State Building Code Technical Review Board
State Health Benefits Advisory Council
State Land Evaluation Advisory Council
State Networking Users Advisory Board
State Public Records Advisory Council
Statewide Independent Living Council
Statewide Rehabilitation Advisory Council
Statewide Rehabilitation Advisory Council for the Blind
Statewide Workforce Training Council
Staunton Scenic River Advisory Committee
Telecommunications Relay Service Advisory Board
Virginia-Israel Advisory Board
Virginia Advisory Commission on Intergovernmental Relations
Virginia Advisory Council for Adult Education and Literacy
Virginia Coal Mine Safety Board
Virginia Coal Research and Development Advisory Board
Virginia Commission for the Arts
Virginia Commission on the Bicentennial of the United States Constitution
Virginia Correctional Enterprises Advisory Board
Virginia Council on Coordinating Prevention
Virginia Equal Employment Opportunity Council
Virginia Geographic Information Network Advisory Board
Virginia Interagency Coordinating Council
Virginia Military Advisory Council
Virginia Public Buildings Board
Virginia Recycling Markets Development Council
Virginia Technology Council
Virginia Transplant Council

Virginia Veterans Cemetery Board
Virginia Water Resources Research Center, Statewide Advisory Board
Virginia Winegrowers Advisory Board.

CHAPTER 41.1.

STATEWIDE WORKFORCE TRAINING COUNCIL.

§ 9-329.1. Statewide Workforce Training Council established; membership; terms; chairman and vice-chairman; compensation; staff.

A. The Statewide Workforce Training Council is hereby established to assist the Governor in meeting workforce training needs in the Commonwealth through the Virginia Community College System.

B. The Council shall be composed of the following twenty-three members: the Director of the Department of Business Assistance; the Chancellor of the Virginia Community College System; the Director of the State Council of Higher Education; the President of the Center for Innovative Technology; the Executive Director of the Virginia Economic Development Partnership; the Director of the Governor's Employment and Training Department; the Commissioner of the Virginia Employment Commission; and the presidents of the Virginia Chamber of Commerce, the Virginia Manufacturer's Association, and the Virginia AFL-CIO; three chief executive officers from businesses and industries representing one each from congressional districts numbered one through three, and a representative of proprietary schools shall be appointed by the Speaker of the House of Delegates; three chief executive officers from businesses and industries representing one each from congressional districts numbered four through six, and a representative of nonprofit private institutions shall be appointed by the Senate Committee on Privileges and Elections; and five chief executive officers from businesses and industries representing one each from congressional districts numbered seven through eleven shall be appointed by the Governor.

Appointed members shall serve four-year terms, except that appointments to fill vacancies shall be for the unexpired terms. No appointed member shall be eligible to serve for more than two successive four-year terms, but after the expiration of the remainder of a term to which a member was appointed to fill a vacancy, two additional four-year terms may be served by such member if appointed.

C. The Council shall select a chairman and a vice-chairman from among the eleven members who are chief executive officers from businesses and industries representing each of Virginia's congressional districts.

D. Appointed members of the Council shall not be compensated; however, they shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties on behalf of the Council.

E. Staff and administrative support for the Council shall be provided by the Virginia Community College System. The Virginia Community College System shall also serve as the Council's fiscal agent. Regional workforce training centers shall be established at institutions within the Virginia Community College System in Peninsula, Southside, Central Virginia, and Western Tidewater regions to assist the Council in coordinating specific high-skill training, to develop industry standards and related curricula, and to provide skills assessments.

§ 9-329.2. Meetings; powers and duties.

The Council shall meet regularly and shall undertake the following to implement and foster workforce training at the postsecondary to the associate degree level, exclusive of the vocational and technical education programs provided through and administered by the public school system:

- 1. Identify current and emerging workforce needs of the business community;*
- 2. Assess potential markets for increasing the number of workers available to business and industry;*
- 3. Forecast and identify training requirements for the new workforce;*
- 4. Create strategies that will match trained workers with available jobs;*
- 5. Certify noncredit courses and programs of training, exclusive of apprenticeship programs and federally sponsored programs conducted under Public Law 97-300, as appropriate offered by public, private, and proprietary institutions and responding to the needs of business and industry in the Commonwealth;*
- 6. Make alterations from time to time in such approved programs;*
- 7. With the assistance of regional workforce centers, seek to identify other specific and existing workforce needs in sectors of the economy, including public education, which have high potential for sustained demand or growth;*
- 8. Meet with representatives of each regional workforce center at least annually to assess and discuss subdivisions 1 through 4 of this section within their service region;*
- 9. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 4 and 7 of this section; and*
- 10. Perform any act or function that is in accord with the purposes of this chapter.*

§ 9-329.3. Authorization of facilities use and equipment rental; fees.

Workforce training students at local community college boards and public institutions of higher education may be required to pay facility use and equipment rental fees beyond regular tuition charges for workforce training programs requiring specialized facilities or equipment. Such fees shall either be

paid by such students directly to the provider of the facility or equipment or to the college for reimbursement to such provider. The fees shall be no more than the normal fees charged to the general public for the same or similar facilities or equipment. The nature of each fee authorized by this section shall be described in course schedules. All fees authorized by this section shall be reported annually to the Virginia Community College System and public institutions' boards.

§ 9-329.4. Trade secrets.

Trade secrets that a nonpublic body submits as an offeror in connection with a proposed workforce training program shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.1-340 et seq.). However, such offeror shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary.

§ 9-329.5. Funds for workforce training programs.

Approved noncredit workforce training programs offered by community colleges may receive general fund support as provided in the appropriation act.