

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 840

An Act to amend and reenact §§ 2.1-1.7, 2.1-51.21, 9-6.23, 9-6.25:1, 9-6.25:2, 9-329.1, 9-329.2, and 63.1-133.45 of the Code of Virginia and to repeal §§ 60.2-112 and 63.1-133.44 of the Code of Virginia, relating to the Statewide Workforce Training Council; membership; powers.

[H 2558]

Approved March 29, 1999

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.7, 2.1-51.21, 9-6.23, 9-6.25:1, 9-6.25:2, 9-329.1, 9-329.2, and 63.1-133.45 of the Code of Virginia are amended and reenacted 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
Aging, Commonwealth Council on
Agricultural Council, Virginia
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
Specialized Transportation Council
State Health Benefits Advisory Council
Status of Women, Council on the
Substance Abuse Services Council
Technology Council, Virginia
Virginia Business-Education Partnership Program, Advisory Council on the
Virginia Recycling Markets Development Council-
Workforce Training Council, Statewide Virginia.

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, the Virginia Advisory Council for Adult Education and Literacy, and the ~~Statewide~~ Virginia 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.

§ 9-6.23. Prohibition against service by legislators on boards, commissions, and councils within the executive branch.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch which are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch which is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position. The provisions of this section shall not apply, however, to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided for in § 9-138.1; to members of the Virginia Technology Council, who shall be appointed as provided for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Maternal and Child Health Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.1-750; to members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided for in § 9-326; to members of the ~~Advisory Commission on Welfare Reform~~, who shall be appointed as provided for in § 63.1-133.44; to members of the Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided for in § 53.1-45.3; to members appointed to the Virginia Veterans Cemetery Board pursuant to § 2.1-739.2; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 9-343; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.1-563.41; to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the Council on Coordinating Prevention, who shall be appointed as provided for in § 9-268; ~~or~~ to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 37.1-207; *or to members of the Virginia Workforce Council, who shall be appointed as provided for in § 9-329.1.*

§ 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 Deaf and Hard-of-Hearing
- Advisory Board on Child Abuse and Neglect
- Advisory Board on Medicare and Medicaid
- Advisory Board ~~on~~ of Occupational Therapy
- Advisory Board on Physical Therapy to the Board of Medicine
- Advisory Board on Rehabilitation Providers
- Advisory Board on Respiratory ~~Therapy~~ Care 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, *Virginia*
- 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

Charity Food Assistance Advisory 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
 Commonwealth Council on Aging
 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 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 Security Services Advisory Board
 Psychiatric Advisory Board
 Public Guardian and Conservator 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
Substance Abuse Services Council
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.

§ 9-6.25:2. Policy boards, commissions and councils.

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

Apprenticeship Council
Athletic Board
Auctioneers Board
Blue Ridge Regional Education and Training Council
Board for Accountancy
Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
Board for Barbers
Board for Contractors
Board for Cosmetology
Board for Geology
Board for Hearing Aid Specialists
Board for Opticians
Board for Professional and Occupational Regulation
Board for Professional Soil Scientists
Board for Waterworks and Wastewater Works Operators
Board of Agriculture and Consumer Services
Board of Audiology and Speech-Language Pathology
Board of Coal Mining Examiners
Board of Conservation and Recreation
Board of Correctional Education
Board of Dentistry
Board of Directors, Virginia Student Assistance Authorities
Board of Funeral Directors and Embalmers
Board of Health Professions
Board of Historic Resources
Board of Housing and Community Development
Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse

Treatment Professionals

Board of Medical Assistance Services
 Board of Medicine
 Board of Mineral Mining Examiners
 Board of Nursing
 Board of Nursing Home Administrators
 Board of Optometry
 Board of Pharmacy
 Board of Psychology
 Board of Recreation Specialists
 Board of Social Services
 Board of Social Work
 Board of Surface Mining Review
 Board of Veterinary Medicine
 Board on Conservation and Development of Public Beaches
 Cemetery Board
 Chesapeake Bay Local Assistance Board
 Child Day-Care Council
 Commission on Local Government
 Commonwealth Transportation Board
 Council on Human Rights
 Council on Information Management
 Criminal Justice Services Board
 Design-Build/Construction Management Review Board
 Disability Services Council
 Farmers Market Board, Virginia
 Interdepartmental Council on Rate-setting for Children's Facilities
 Library Board, The Library of Virginia
 Marine Resources Commission
 Milk Commission
 Pesticide Control Board
 Real Estate Appraiser Board
 Real Estate Board
 Reciprocity Board, Department of Motor Vehicles
 Safety and Health Codes Board
 Seed Potato Board
 Specialized Transportation Council
 State Air Pollution Control Board
 State Board of Corrections
 State Board of Elections
 State Board of Health
 State Board of Juvenile Justice
 State Health Department, Sewage Handling and Disposal Appeal Review Board
 State Library Board
 State Mental Health, Mental Retardation and Substance Abuse Services Board
 State Water Control Board
 Substance Abuse Certification Board
 Treasury Board, The, Department of the Treasury
 Virginia Aviation Board
 Virginia Board for Asbestos and Lead
 Virginia Fire Services Board
 Virginia Gas and Oil Board
 Virginia Health Planning Board
 Virginia Manufactured Housing Board
 Virginia Parole Board
 Virginia Public Broadcasting Board
 Virginia Soil and Water Conservation Board
 Virginia Voluntary Formulary Board
 Virginia Waste Management Board
 Virginia Workforce Council
 Waste Management Facility Operators, Board for.

CHAPTER 41.1.

~~STATEWIDE VIRGINIA WORKFORCE TRAINING COUNCIL.~~

§ 9-329.1. Virginia Workforce Council established; membership; terms; chairman and vice-chairman;

compensation; staff; Virginia Workforce Development Program established.

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

B. ~~The Secretary of Commerce and Trade and the Council shall assist the Governor in complying with the provisions of the federal Workforce Investment Act (P.L. 105-220), hereinafter referred to as "the WIA," including the creation of Virginia's Workforce Development Program.~~

~~B. C. The Council shall be composed of the following twenty-three~~ *forty-three* members: *the Governor; the Secretaries of Commerce and Trade, Education, Health and Human Resources, and Technology; 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 president of 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 and one other labor representative, appointed by the Governor.*

The Governor shall also appoint twenty-two members representing the business community, to include the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturer's Association; one representative of private nonprofit institutions; one representative of proprietary schools; and the remaining eighteen members who are business owners, chief executive officers, chief operating officers, 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; and members of the local workforce investment boards, representing businesses with employment opportunities that reflect the employment opportunities of the state, and who are appointed from among individuals nominated by state business organizations and business trade associations.

The Governor shall also appoint one mayor, one chairperson of a county board of supervisors, and one representative of a community-based organization delivering workforce activities.

The Council shall also include two members of the House of Delegates to be appointed by the Speaker of the House; and two members of the Senate to be appointed by the Senate Committee on Privileges and Elections.

Appointed members shall serve four-year terms, except that appointments Initially, of the twenty-one members who are serving as representatives of business and industry, other than the presidents of the Virginia Chamber of Commerce and the Virginia Manufacturer's Association, seven shall serve four-year terms; six shall serve three-year terms; and six shall serve two-year terms. Thereafter, all appointments shall be for four-year terms. Appointments to fill vacancies, other than by expiration of a term, 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. Legislative members shall serve terms coincident with their terms of office.

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. ~~The Governor shall select a chairman and vice-chairman from among the twenty-one business representatives appointed in accordance with subsection C.~~

~~D. E.~~ 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.

F. The Council shall assist the Governor in the following areas with respect to workforce development: development of the WIA State Plan; development and continuous improvement of a statewide system of activities that are funded under the WIA or carried out at a one-stop delivery system; development of linkages to ensure coordination and nonduplication among programs and activities; review of local plans; commenting at least once annually on the measures taken pursuant to

the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. § 2301 et seq.); designation of local areas; development of allocation formulas; development and continuous improvement of comprehensive state performance measures; preparation of the annual report to the U.S. Secretary of Labor; development of a statewide employment statistics system; and development of incentive grant applications.

The Council shall share information regarding its meetings and activities with the public.

G. Each local workforce investment board shall develop and submit a local plan to the Governor; designate or certify one-stop operators; identify eligible providers of youth activities; identify eligible providers of intensive services if unavailable at one-stop; develop a budget; conduct local program oversight in partnership with its local chief elected official; negotiate local performance measures; assist in developing statewide employment statistics; coordinate workforce investment activities with economic development strategies and develop linkages; develop and enter into memoranda of understanding with one-stop partners; and promote participation by the private sector.

Each local workforce investment board shall share information regarding its meetings and activities with the public.

H. Each chief local elected official shall consult with the Governor regarding designation of local workforce investment areas; appoint members to the local board in accordance with state criteria; serve as the local grant recipient unless another entity is designated in the local plan; negotiate local performance measures with the Governor; and collaborate with the local workforce investment board on local plans and program oversight.

I. The Virginia Secretary of Commerce and Trade, and at his direction, the Virginia Employment Commission, shall be responsible for the coordination of the Virginia Workforce Development Program and the implementation of the WIA.

J. The Virginia Employment Commission and the Virginia Community College System shall serve as 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.

K. Regional workforce training centers shall be established at institutions within the Virginia Community College System in the Peninsula, Southside, Central Virginia, and Western Tidewater regions to assist the Council in (i) coordinating specific high-skill training, (ii) developing industry standards and related curricula, and (iii) providing skills assessments.

The Virginia Community College System shall evaluate other regional workforce center locations and recommend their establishment as such needs are identified. The Virginia Community College System shall support regional workforce training centers created by the Regional Competitiveness Act (§ 15.2-1306 et seq.) in which community colleges participate.

§ 9-329.2. Meetings; powers and duties.

The Council shall meet regularly and shall also 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.*

The Council shall establish at least two committees as follows: one committee to accomplish the aims of the WIA and one committee to focus on high-technology workforce training needs.

§ 63.1-133.45. Participation; coordinated services.

A. In administering the Program, the Department shall ensure that local departments of social services provide delivery and coordination of all services through intensive case management. Program participants shall be referred to a case manager. The case manager shall fully explain the Program to the participant and shall provide the participant with written materials explaining the Program.

B. The Department shall assist local departments in improving the delivery of services, including intensive case management, through the utilization of public, private and nonprofit organizations, to the

extent permissible under federal law.

C. The Department shall be responsible for the coordination of the intensive case management. Job training shall be facilitated by the Governor's Employment and Training Department. Job finding and job matching leading to independent employment shall be facilitated by the Virginia Employment Commission and the Department of Business Assistance.

D. The Secretary of Health and Human Resources, assisted by the Secretary of Commerce and Trade, shall prepare and maintain an annual plan for coordinating and integrating all appropriate services in order to promote successful outcomes. The plan shall encourage the use of local and regional service providers and permit a variety of methods of providing services. Emphasis shall be placed on coordinating and integrating career counseling, job development, job training and skills, job placement, and academic and technical education. Public and private institutions of higher education and other agencies which offer similar or related services shall be invited to participate as fully as possible in developing, implementing and updating the annual coordination plan.

E. The Secretary of Health and Human Resources shall:

1. Increase public awareness of the federal earned income credit and encourage families who may be eligible to apply for this tax credit.

2. Pursue aggressive child-support initiatives as established by the General Assembly.

3. Work with community providers to develop adoption, education, family planning, marriage, parenting, and training options for Program participants.

4. Increase public awareness of the tax advantages of relocating one's residence in order to secure employment.

5. Provide leadership for the development of community work experience opportunities in VIEW.

6. Develop strategies to educate, assist and stimulate employers to hire participants and to provide community work experience opportunities, in consultation with ~~the Advisory Commission on Welfare Reform~~, representatives of employers, and other relevant public and private agencies on the state and local level.

7. Provide technical assistance to local departments of social services to assist them in working with employers in the community to develop job and community work experience opportunities for participants.

2. That §§ 60.2-112 and 63.1-133.44 of the Code of Virginia are repealed.

3. That the provisions of this act shall not be construed to affect existing appointments for which the terms have not expired. However, any new appointments made after July 1, 1999, shall be made in accordance with the provisions of this act.