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HOUSE BILL NO. 2558**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on General Laws
on February 3, 1999)

(Patron Prior to Substitute—Delegate Reid)

*A BILL to amend and reenact §§ 2.1-1.7, 2.1-51.21, 9-6.23, 9-6.25:1, 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.***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, 9-329.1, 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.

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

67 § 9-6.23. Prohibition against service by legislators on boards, commissions, and councils within the
 68 executive branch.

69 Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils
 70 within the executive branch which are responsible for administering programs established by the General
 71 Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in
 72 policy studies or commemorative activities. If any law directs the appointment of any member of the
 73 General Assembly to a board, commission, or council in the executive branch which is responsible for
 74 administering programs established by the General Assembly, such portion of such law shall be void,
 75 and the Governor shall appoint another person from the Commonwealth at large to fill such a position.
 76 The provisions of this section shall not apply, however, to members of the Board for Branch Pilots, who
 77 shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who
 78 shall be appointed as provided for in § 2.1-741; to members of the Council on Indians, who shall be
 79 appointed as provided for in § 9-138.1; to members of the Virginia Technology Council, who shall be
 80 appointed as provided for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia
 81 Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the
 82 Maternal and Child Health Council, who shall be appointed as provided for in § 9-318; to members of
 83 the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.1-750; to
 84 members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be
 85 appointed as provided in § 9-326; ~~to members of the Advisory Commission on Welfare Reform, who~~
 86 ~~shall be appointed as provided for in § 63.1-133.44;~~ to members of the Virginia Correctional Enterprises
 87 Advisory Board, who shall be appointed as provided for in § 2.1-451.2; to members appointed to the
 88 Virginia Veterans Cemetery Board pursuant to § 2.1-739.2; to members appointed to the Board of
 89 Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the
 90 Commonwealth Competition Commission, who shall be appointed as provided for in § 9-343; to
 91 members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as
 92 provided for in § 2.1-563.41; to members of the Advisory Commission on the Virginia Schools for the
 93 Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the Council
 94 on Coordinating Prevention, who shall be appointed as provided for in § 9-268; ~~or~~ to members of the
 95 Substance Abuse Services Council, who shall be appointed as provided for in § 37.1-207; *or to members*
 96 *of the Virginia Workforce Council, who shall be appointed as provided for in § 9-329.1.*

97 § 9-6.25:1. Advisory boards, commissions and councils.

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

- 100 Advisory Board for the Department for the Deaf and Hard-of-Hearing
- 101 Advisory Board on Child Abuse and Neglect
- 102 Advisory Board on Medicare and Medicaid
- 103 Advisory Board ~~on~~ of Occupational Therapy
- 104 Advisory Board on Physical Therapy to the Board of Medicine
- 105 Advisory Board on Rehabilitation Providers
- 106 Advisory Board on Respiratory ~~Therapy~~ Care to the Board of Medicine
- 107 Advisory Board on Teacher Education and Licensure
- 108 Advisory Commission on the Virginia Schools for the Deaf and the Blind
- 109 Advisory Council on Revenue Estimates
- 110 Advisory Council on the Virginia Business-Education Partnership Program
- 111 Appomattox State Scenic River Advisory Board
- 112 Aquaculture Advisory Board
- 113 Art and Architectural Review Board
- 114 Board for the Visually Handicapped, *Virginia*
- 115 Board of Directors, Virginia Truck and Ornamentals Research Station
- 116 Board of Forestry
- 117 Board of Military Affairs
- 118 Board of Rehabilitative Services
- 119 Board of Transportation Safety
- 120 Board of Trustees of the Family and Children's Trust Fund
- 121 Board of Visitors, Gunston Hall Plantation

122	Board on Veterans' Affairs
123	Catoctin Creek State Scenic River Advisory Board
124	Cave Board
125	Charity Food Assistance Advisory Board
126	Chickahominy State Scenic River Advisory Board
127	Clinch Scenic River Advisory Board
128	Coal Surface Mining Reclamation Fund Advisory Board
129	Coastal Land Management Advisory Council, Virginia
130	Commonwealth Competition Council
131	Commonwealth Council on Aging
132	Council on Indians
133	Council on the Status of Women
134	Debt Capacity Advisory Committee
135	Emergency Medical Services Advisory Board
136	Falls of the James Committee
137	Goose Creek Scenic River Advisory Board
138	Governor's Mined Land Reclamation Advisory Committee
139	Hemophilia Advisory Board
140	Human Services Information and Referral Advisory Council
141	Interagency Coordinating Council on Housing for the Disabled
142	Interdepartmental Board of the State Department of Minority Business Enterprise
143	Litter Control and Recycling Fund Advisory Board
144	Local Advisory Board to the Blue Ridge Community College
145	Local Advisory Board to the Central Virginia Community College
146	Local Advisory Board to the Dabney S. Lancaster Community College
147	Local Advisory Board to the Danville Community College
148	Local Advisory Board to the Eastern Shore Community College
149	Local Advisory Board to the Germanna Community College
150	Local Advisory Board to the J. Sargeant Reynolds Community College
151	Local Advisory Board to the John Tyler Community College
152	Local Advisory Board to the Lord Fairfax Community College
153	Local Advisory Board to the Mountain Empire Community College
154	Local Advisory Board to the New River Community College
155	Local Advisory Board to the Northern Virginia Community College
156	Local Advisory Board to the Patrick Henry Community College
157	Local Advisory Board to the Paul D. Camp Community College
158	Local Advisory Board to the Piedmont Virginia Community College
159	Local Advisory Board to the Rappahannock Community College
160	Local Advisory Board to the Southside Virginia Community College
161	Local Advisory Board to the Southwest Virginia Community College
162	Local Advisory Board to the Thomas Nelson Community College
163	Local Advisory Board to the Tidewater Community College
164	Local Advisory Board to the Virginia Highlands Community College
165	Local Advisory Board to the Virginia Western Community College
166	Local Advisory Board to the Wytheville Community College
167	Maternal and Child Health Council
168	Medical Advisory Board, Department of Motor Vehicles
169	Migrant and Seasonal Farmworkers Board
170	Motor Vehicle Dealer's Advisory Board
171	North Meherrin State Scenic River Advisory Board
172	Nottoway State Scenic River Advisory Board
173	Personnel Advisory Board
174	Plant Pollination Advisory Board
175	Private College Advisory Board
176	Private Security Services Advisory Board
177	Psychiatric Advisory Board
178	Public Guardian and Conservator Advisory Board
179	Radiation Advisory Board
180	Rappahannock Scenic River Advisory Board
181	Recreational Fishing Advisory Board, Virginia
182	Reforestation Board

183 Rockfish State Scenic River Advisory Board
 184 Shenandoah State Scenic River Advisory Board
 185 Small Business Advisory Board
 186 Small Business Environmental Compliance Advisory Board
 187 St. Mary's Scenic River Advisory Committee
 188 ~~State Advisory Board for the Virginia Employment Commission~~
 189 State Advisory Board on Air Pollution
 190 State Building Code Technical Review Board
 191 State Health Benefits Advisory Council
 192 State Land Evaluation Advisory Council
 193 State Networking Users Advisory Board
 194 State Public Records Advisory Council
 195 Statewide Independent Living Council
 196 Statewide Rehabilitation Advisory Council
 197 Statewide Rehabilitation Advisory Council for the Blind
 198 ~~Statewide Workforce Training Council~~
 199 Staunton Scenic River Advisory Committee
 200 Substance Abuse Services Council
 201 Telecommunications Relay Service Advisory Board
 202 Virginia-Israel Advisory Board
 203 Virginia Advisory Commission on Intergovernmental Relations
 204 Virginia Advisory Council for Adult Education and Literacy
 205 Virginia Coal Mine Safety Board
 206 Virginia Coal Research and Development Advisory Board
 207 Virginia Commission for the Arts
 208 ~~Virginia Commission on the Bicentennial of the United States Constitution~~
 209 Virginia Correctional Enterprises Advisory Board
 210 Virginia Council on Coordinating Prevention
 211 Virginia Equal Employment Opportunity Council
 212 Virginia Geographic Information Network Advisory Board
 213 Virginia Interagency Coordinating Council
 214 Virginia Military Advisory Council
 215 Virginia Public Buildings Board
 216 Virginia Recycling Markets Development Council
 217 Virginia Technology Council
 218 Virginia Transplant Council
 219 Virginia Veterans Cemetery Board
 220 Virginia Water Resources Research Center, Statewide Advisory Board
 221 Virginia Winegrowers Advisory Board
 222 *Virginia Workforce Council.*

CHAPTER 41.1.

STATEWIDE VIRGINIA WORKFORCE TRAINING COUNCIL.

225 § 9-329.1. Virginia Workforce Council established; membership; terms; chairman and vice chairman;
 226 compensation; staff; Virginia Workforce Development Program established.

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

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

233 B. C. The Council shall be composed of the following ~~twenty-three~~ *forty-one* members: *the*
 234 *Governor; the Secretaries of Commerce and Trade, Education, and Health and Human Resources; the*
 235 *Director of the Department of Business Assistance; the Chancellor of the Virginia Community College*
 236 *System; the Director of the State Council of Higher Education; the President of the Center for*
 237 *Innovative Technology; the Executive Director of the Virginia Economic Development Partnership; the*
 238 *Director of the Governor's Employment and Training Department; the Commissioner of the Virginia*
 239 *Employment Commission; and the presidents of the Virginia Chamber of Commerce, the Virginia*
 240 *Manufacturer's Association, and the president of the Virginia AFL-CIO; three chief executive officers*
 241 *from businesses and industries representing one each from congressional districts numbered one through*
 242 *three, and a representative of proprietary schools shall be appointed by the Speaker of the House of*
 243 *Delegates; three chief executive officers from businesses and industries representing one each from*
 244 *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-one 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 seventeen 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 ~~non-profit~~ 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:

- 368 1. Increase public awareness of the federal earned income credit and encourage families who may be
- 369 eligible to apply for this tax credit.
- 370 2. Pursue aggressive child-support initiatives as established by the General Assembly.
- 371 3. Work with community providers to develop adoption, education, family planning, marriage,
- 372 parenting, and training options for Program participants.
- 373 4. Increase public awareness of the tax advantages of relocating one's residence in order to secure
- 374 employment.
- 375 5. Provide leadership for the development of community work experience opportunities in VIEW.
- 376 6. Develop strategies to educate, assist and stimulate employers to hire participants and to provide
- 377 community work experience opportunities, in consultation with the ~~Advisory Commission on Welfare~~
- 378 ~~Reform~~, representatives of employers, and ~~other~~ relevant public and private agencies on the state and
- 379 local level.
- 380 7. Provide technical assistance to local departments of social services to assist them in working with
- 381 employers in the community to develop job and community work experience opportunities for
- 382 participants.
- 383 2. That §§ 60.2-112 and 63.1-133.44 of the Code of Virginia are repealed.