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HOUSE BILL NO. 2626

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Commerce and Labor
on February 1, 2005)

(Patron Prior to Substitute—Delegate Byron)

A *BILL to amend and reenact §§ 2.2-204, 2.2-900, 2.2-902, 2.2-2282, 2.2-2284, 2.2-2413, 2.2-2414, 2.2-2667, 2.2-2669, 2.2-2670, 2.2-3705.6, 3.1-18.10, 10.1-1425.7, 15.2-4904, 23-135.7:7, 36-139.6, 46.2-749.69:1, 58.1-439.6, 58.1-439.8, 59.1-284.1, 59.1-284.16, 60.2-110, 60.2-115, 60.2-613, 63.2-601, and 63.2-610 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 9 of Title 2.2 sections numbered 2.2-904.1, 2.2-904.2, and 2.2-904.3, and to repeal §§ 60.2-309, 60.2-310, and 60.2-400 of the Code of Virginia, relating to coordinating administration of workforce training programs.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-204, 2.2-900, 2.2-902, 2.2-2282, 2.2-2284, 2.2-2413, 2.2-2414, 2.2-2667, 2.2-2669, 2.2-2670, 2.2-3705.6, 3.1-18.10, 10.1-1425.7, 15.2-4904, 23-135.7:7, 36-139.6, 46.2-749.69:1, 58.1-439.6, 58.1-439.8, 59.1-284.1, 59.1-284.16, 60.2-110, 60.2-115, 60.2-613, 63.2-601, and 63.2-610 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 9 of Title 2.2 sections numbered 2.2-904.1, 2.2-904.2, and 2.2-904.3 as follows:

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Business Assistance *and Workforce Services*, Virginia Economic Development Partnership Authority, Virginia Tourism Authority, Department of Labor and Industry, Department of Mines, Minerals and Energy, Virginia Employment Commission, Department of Professional and Occupational Regulation, Department of Housing and Community Development, Department of Minority Business Enterprise, Virginia Housing Development Authority, Virginia Resources Authority, Virginia Racing Commission, Tobacco Indemnification and Community Revitalization Commission, and Board of Accountancy. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500 et seq.).

CHAPTER 9.**DEPARTMENT OF BUSINESS ASSISTANCE AND WORKFORCE SERVICES.**

§ 2.2-900. Creation of Department; appointment of Director; powers and duties.

A. There is created a Department of Business Assistance *and Workforce Services* (the "Department") that shall be headed by a Director appointed by the Governor to serve at his pleasure.

B. The Director of the Department shall, under the direction and control of the Governor, exercise the powers and perform the duties conferred or imposed upon him by law and perform such other duties as may be required by the Governor.

§ 2.2-902. Duties of the Department; state agencies to furnish information.

A. The Department shall serve as (i) the liaison between the Commonwealth's existing business and state government in order to promote the development of Virginia's economy, and (ii) *the fiscal agent and coordinator of policy development, planning and program evaluation for the programs identified in § 2.2-904.1, which together shall be known as the Workforce Development Program.* To that end, the Department shall:

1. Provide for training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses; ~~and~~

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth;

6. *Serve as the liaison among state government, the Virginia Workforce Council and local workforce investment boards in order to implement the Workforce Development Program efficiently;*

60 7. Coordinate policy development, planning, and program evaluation for the Workforce Development
61 Program, and ensure that the programs and initiatives encompassed in that Program are made partners
62 in the local workforce investment boards and one-stop centers;

63 8. Serve as the fiscal agent for, and disburse all funds allocated to, the Workforce Development
64 Program;

65 9. In coordination with the Virginia Workforce Council, (i) develop uniform policies and procedures
66 for one-stop centers, including standardized forms and applications, (ii) monitor the effectiveness of
67 each one-stop center and recommend any necessary improvements, and (iii) establish measures to
68 evaluate the performance of the local workforce investment boards;

69 10. Monitor the expenditure data of local workforce investment boards, including details of
70 expenditures on training vouchers and supportive services, and report such data to the Virginia
71 Workforce Council;

72 11. Establish minimum standards for recertification of training providers;

73 12. Clarify and monitor the policy for participants exiting from the WIA programs;

74 13. Develop and implement program policies and draft and revise program regulations so as to
75 further the effective coordination of workforce training resources;

76 14. Monitor federal legislation and policy in order to maximize the Commonwealth's effective use of
77 program funds;

78 15. Perform any other duties in furtherance of the goal of statewide coordination of workforce
79 development activities; and

80 16. Preserve and leverage the role of the Virginia Community College System as defined in § 23-215.

81 B. All agencies of the Commonwealth shall assist the Department upon request and furnish such
82 information and assistance as the Department may require in the discharge of its duties.

83 C. The Director shall meet regularly with the Secretaries of Education, Commerce and Trade, and
84 Health and Human Resources or their designees to discuss (i) policy development and coordinated
85 planning and program evaluation for the Workforce Development Program and (ii) coordination of local
86 service delivery and resources provided through the Virginia Workforce Network as set forth in a
87 state-level memorandum of understanding for the programs identified in subsection G of § 2.2-2670.

88 § 2.2-904.1. Authority to administer other programs.

89 The Department shall serve as the fiscal agent and provide coordinated policy and planning
90 development and program evaluation for programs authorized under Title I of the WIA.

91 § 2.2-904.2. Virginia State Job Service; cooperation with U.S. Employment Service agencies.

92 A. The Department shall have all rights, powers and duties with respect to the establishment,
93 maintenance and operation of free employment offices in the Commonwealth and shall possess, exercise
94 and perform the same through a division known as the Virginia State Job Service. The Department,
95 through the Virginia State Job Service, shall establish and maintain free public employment offices in
96 such number and in such places as may be necessary for the proper administration of this title.

97 B. The Department, through the Virginia State Job Service, is designated as the state agency and
98 vested with all powers necessary to cooperate with the United States Employment Service in accordance
99 with the terms and conditions expressed in Chapter 4B (§ 49 et seq.) of Title 29 of the United States
100 Code.

101 C. The Director may cooperate with or enter into agreements with the Railroad Retirement Board, or
102 any other agency of the United States charged with the administration of an unemployment
103 compensation law, with respect to the maintenance and use of free employment service facilities.

104 D. Chapter 13 of the Acts of Assembly of 1933, providing for cooperation between the
105 Commonwealth and the United States Employment Service, is, subject to the provisions of this chapter,
106 continued in effect.

107 E. A special employment service account shall be maintained as a part of the Unemployment
108 Compensation Administration Fund for the purposes of (i) maintaining the public employment offices
109 established pursuant to this section and (ii) cooperating with the United States Employment Service.

110 F. The State Treasurer is authorized to receive all grants of money apportioned to the
111 Commonwealth under the federal law referred to in this section. All funds so received shall be paid into
112 the separate employment service account in the Unemployment Compensation Administration Fund, and
113 are to be held for appropriation to the Department for the purposes for which they are granted to the
114 Commonwealth. As a part of any such agreement referenced in subsection C, the Department may
115 accept moneys, services or quarters as a contribution to the employment service account.

116 § 2.2-904.3. Definitions.

117 As used in this chapter, unless otherwise specified:

118 "Director" means the Director of the Department of Business Assistance and Workforce Services.

119 "Local workforce investment board" means a local workforce investment board established under
120 § 117 of the WIA.

121 "Department" means the Department of Business Assistance and Workforce Services.

"One-stop center," "one-stop operator," or "one-stop" means one or more centers that provide comprehensive workforce services to employers, employees, and job seekers, and includes entities designated or certified under § 121 (d) of the WIA.

"WIA" means the federal Workforce Investment Act of 1998 (P.L. 105-220).

§ 2.2-2282. Board of directors; membership; terms, compensation and expenses; chairman, vice-chairman, secretary and treasurer; quorum; staff.

A. The Board shall consist of the State Treasurer or his designee, the Director of the Department of Business Assistance *and Workforce Services*, and nine members who are not employees of the Commonwealth or of any political subdivision thereof who shall be appointed by the Governor and who shall have such small business experience as he deems necessary or desirable. The appointment of members of the Board by the Governor shall be subject to confirmation by the General Assembly. All members of the Board shall be residents of the Commonwealth and shall have full voting privileges. Appointments shall be for terms of four years, except that appointments to fill vacancies shall be made for the unexpired terms. No member appointed by the Governor shall serve more than two complete terms in succession. The members of the Board shall receive no salaries but shall be paid travel and other expenses incurred to attend meetings or while otherwise engaged in the discharge of their duties, all as may be deemed appropriate by the Board.

B. The Governor shall appoint one member as chairman. Five members of the Board shall constitute a quorum for the transaction of all business of the Authority. The Board shall elect one member from the group of nine members appointed by the Governor as vice-chairman who shall exercise the powers of the chairman in the absence of the chairman. The Board shall elect a secretary and a treasurer, or a secretary-treasurer, who need not be members of the Board and who shall continue to hold such office until their respective successors are elected. The Department of Business Assistance *and Workforce Services* of the Commonwealth shall serve as staff to the Authority.

§ 2.2-2284. Executive Director; appointment; duties.

The Director of the Department of Business Assistance *and Workforce Services* shall appoint the Executive Director of the Authority. The Executive Director shall administer, manage and direct the affairs and activities of the Authority in accordance with the policies and under the control and the direction of the Board and the Director of the Department of Business Assistance *and Workforce Services*. Except as otherwise stated in this article, the Executive Director shall approve all accounts for allowable expenses for the Authority or of any employee or consultant or other person providing services to the Board, and for expenses incidental to the operation of the Authority subject to approval of the Director of the Department of Business Assistance *and Workforce Services*. The Executive Director shall maintain and be custodian of all books, documents and papers of or filed with the Authority, including but not limited to the minute book or journal of the Authority, and of its official seal. The Executive Director may cause copies to be made of all minutes and other records and documents of the Authority and may in the place and stead of the Secretary of the Authority give certificates under seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely on such certificates. The Executive Director also shall perform such other duties as prescribed by the Board in carrying out the purposes of this article.

§ 2.2-2413. Small Business Advisory Board; membership; terms; quorum; compensation.

A. The Small Business Advisory Board (the "Board") is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of the following members: fourteen members appointed by the Governor and subject to confirmation by the General Assembly; the Chairman of the Small Business Financing Authority and the Director of the Department of Business Assistance *and Workforce Services* and the District Director for Virginia of the U.S. Small Business Administration or their designees as nonvoting ex officio members. The appointed members of the Board shall represent small businesses as defined by the Small Business Financing Act (§ 2.2-2279 et seq.). There shall be at least one member appointed from each congressional district who does business in that district and three members appointed at large from within the Commonwealth.

B. Terms of the appointed members shall be for four years except that appointments to fill vacancies shall be for the unexpired terms. No member appointed by the Governor shall serve more than two complete terms in succession.

C. The Governor shall appoint one member of the Board to be chairman. The Board shall annually elect one of its members as vice-chairman, and shall also elect annually a secretary, who need not be a member of the Board. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. In the absence of both the chairman and the vice-chairman at any meeting, the Board shall elect a chairman pro tempore, who shall preside at such meeting.

D. The Board shall meet at least semiannually, at the call of the chairman, Director of the Department of Business Assistance *and Workforce Services* or Governor or at the request of a majority of the Board members. A majority of the members of the Board shall constitute a quorum.

183 E. Members of the Board shall serve without compensation but shall be reimbursed for all reasonable
184 and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

185 § 2.2-2414. Duties of the Board.

186 The Board shall advise the Department of Business Assistance *and Workforce Services* on the small
187 business programs, including, but not limited to, locally based centers to assist and develop small
188 businesses. It shall make recommendations to the Director, the Secretary of Commerce and Trade, and
189 the Governor concerning the actions that the Department of Business Assistance *and Workforce Services*
190 and the state government might take to enhance the growth of small businesses. Additionally, the Board
191 shall be a resource to the Department of Business Assistance *and Workforce Services*, the Secretary of
192 Commerce and Trade, the Executive Director of the Virginia Economic Development Partnership, and
193 the Governor as they conduct the economic development efforts of the Commonwealth.

194 § 2.2-2667. The Virginia Recycling Markets Development Council; membership; meetings; staff.

195 A. The Virginia Recycling Markets Development Council (the Council) is established as an advisory
196 council, within the meaning of § 2.2-2100, in the executive branch of state government. The Council
197 shall be composed of 20 members as follows: the Directors, or a policy-making designee, of the
198 Departments of Business Assistance *and Workforce Services*, Environmental Quality, General Services
199 and Transportation, who shall serve ex officio with voting privileges; and 16 nonlegislative citizen
200 members appointed by the Governor. The nonlegislative citizen members shall be appointed from among
201 residents of the Commonwealth who are knowledgeable about recycling and the development of markets
202 for recyclable materials and shall be comprised of: one member representing county governments
203 appointed following the consideration of nominations, if any, submitted by the Virginia Association of
204 Counties; one member representing municipal governments appointed following the consideration of
205 nominations, if any, submitted by the Virginia Municipal League; one member representing urban
206 Planning District Commissions and one member representing rural Planning District Commissions
207 appointed following the consideration of nominations, if any, submitted by the Association of Planning
208 Districts; one member from the general public; and one representative each, appointed following the
209 consideration of nominations, if any, submitted by recognized industry associations representing solid
210 waste collection and disposal, recycling, glass, paper, aluminum, plastic, tire, oil, scrap metal,
211 electronics, and organic waste.

212 B. Citizen members of the Council shall serve four-year terms. Directors and their policy designees
213 shall serve terms coincident with the terms of office of the director. Appointments to fill vacancies shall
214 be for the unexpired terms. All members may be reappointed. However, no citizen member of the
215 Council shall be eligible to serve more than two consecutive four-year terms. The remainder of any term
216 to which a citizen member is appointed to fill a vacancy shall not constitute a term in determining the
217 member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original
218 appointments.

219 Notwithstanding any provision to the contrary, citizen members of the Council shall not receive
220 expenses as defined in § 2.2-2813 and shall serve without compensation.

221 C. The Council shall elect a chairman and vice-chairman annually from among its members. The
222 Council shall meet at least quarterly on such dates and at such times as they determine. A majority of
223 the appointed members of the Council shall constitute a quorum.

224 D. Staff support shall be provided by the members of the Council.

225 § 2.2-2669. Virginia Workforce Council; purpose; membership; terms; compensation and expenses;
226 staff.

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

230 B. The Council shall consist of 29 members as follows:

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

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

238 3. The Governor shall appoint members as follows: one mayor and one chairperson of a county
239 board of supervisors; one representative of labor in addition to the president of the Virginia AFL-CIO;
240 and 15 nonlegislative citizen members representing the business community, to include the presidents of
241 the Virginia Chamber of Commerce and the Virginia Manufacturer's Association, one representative of
242 proprietary employment training schools, one representative of health care employers, and the remaining
243 members who are business owners, chief executive officers, chief operating officers, chief financial
244 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.

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

1. 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.

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.

F. ~~The Virginia Employment Commission, the Virginia Community College System, and the Department of Business Assistance and Workforce Services shall serve as identify, designate, and house in its offices the staff to the Council, and act as fiscal agent for the Council and the WIA, as directed by the Secretary of Commerce and Trade. The Virginia Employment Commission shall act as fiscal agent for the Council and the WIA.~~

§ 2.2-2670. Powers and duties of the Council; Virginia Workforce Network created.

A. The Council, *in coordination with the Department of Business Assistance and Workforce Services, pursuant to Chapter 9 (§ 2.2-900 et seq.) of this title shall work with the Special Advisor for Workforce Development pursuant to Chapter 4.1 (§ 2.2-435.1 et seq.) of this title to undertake the following actions to implement and foster workforce training; exclusive of the career and technical education programs provided through and administered by the public school system:*

1. Provide policy advice to the Governor on workforce and workforce development issues;
2. Provide policy direction to local workforce investment boards;
3. Identify current and emerging statewide workforce needs of the business community;
4. Forecast and identify training requirements for the new workforce;
5. Create strategies that will match trained workers with available jobs;
6. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 5;
7. Create procedures, guidelines, and directives applicable to local workforce investment boards and the operation of one-stops, as necessary and appropriate to carry out the purposes of this article; and
8. Perform any act or function in accordance with the purposes of this article.

The Special Advisor for Workforce Development shall assist the Council in carrying out the powers and duties enumerated by this subsection.

B. 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.

C. The Secretary of Commerce and Trade, *the Department of Business Assistance and Workforce Services, the Council, and the Special Advisor for Workforce Development shall assist the Governor in complying with the provisions of the WIA, including the creation of a Virginia workforce development system to be known as the Virginia Workforce Network.*

D. The Council, *the Department of Business Assistance and Workforce Services, and the Special Advisor for Workforce Development 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 workforce development system; development of linkages to ensure coordination and nonduplication among programs and activities; review of local plans; designation of local areas; development of local discretionary allocation formulas; development and continuous improvement of comprehensive state performance measures including, without limitation, performance measures reflecting the degree to which one-stop centers provide comprehensive services with all mandatory*

306 partners and the degree to which local workforce investment boards have obtained funding from sources
307 other than the WIA; preparation of the annual report to the U.S. Secretary of Labor; development of a
308 statewide employment statistics system; development of incentive grant applications; and development of
309 a statewide system of one-stop centers that provide comprehensive workforce services to employers,
310 employees, and job seekers.

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

312 E. Each local workforce investment board shall develop and submit to the *Department of Business*
313 *Assistance and Workforce Services*, the Special Advisor for Workforce Development, and the Virginia
314 Workforce Council an annual workforce demand plan for its workforce investment board area based on
315 a survey of local and regional businesses that reflects the local employers' needs and requirements and
316 the availability of trained workers to meet those needs and requirements; designate or certify one-stop
317 operators; identify eligible providers of youth activities; identify eligible providers of intensive services
318 if unavailable at one-stop; develop a budget; conduct local oversight of one-stop operators and training
319 providers in partnership with its local chief elected official; negotiate local performance measures,
320 including incentives for good performance and penalties for inadequate performance; assist in developing
321 statewide employment statistics; coordinate workforce investment activities with economic development
322 strategies and the annual demand plan, and develop linkages among them; develop and enter into
323 memoranda of understanding with one-stop partners and implement the terms of such memoranda;
324 promote participation by the private sector; actively seek sources of financing in addition to WIA funds;
325 report performance statistics to the Virginia Workforce Council; and certify local training providers in
326 accordance with criteria provided by the Virginia Workforce Council.

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

329 F. Each chief local elected official shall consult with the Governor regarding designation of local
330 workforce investment areas; appoint members to the local board in accordance with state criteria; serve
331 as the local grant recipient unless another entity is designated in the local plan; negotiate local
332 performance measures with the Governor; ensure that all mandated partners are active participants in the
333 local workforce investment board and one-stop center and collaborate with the local workforce
334 investment board on local plans and program oversight.

335 G. Each local workforce investment board shall develop and enter into a memorandum of
336 understanding concerning the operation of the one-stop delivery system in the local area with each entity
337 that carries out any of the following programs or activities:

- 338 1. Programs authorized under Title I of the WIA;
- 339 2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.);
- 340 3. Adult education and literacy activities authorized under Title II of the WIA;
- 341 4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. § 720 et seq.);
- 342 5. Welfare-to-work programs authorized under § 403 (a) (5) of the Social Security Act (42 U.S.C.
343 § 603 (a) (5));
- 344 6. Activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. § 3056 et seq.);
- 345 7. Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and
346 Applied Technology Education Act (20 U.S.C. § 2301 et seq.);
- 347 8. Activities authorized under chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. § 2271 et
348 seq.);
- 349 9. Activities pertaining to employment and training programs for veterans authorized under chapter
350 41 of title 38, United States Code;
- 351 10. Employment and training activities carried out under the Community Services Block Grant Act
352 (42 U.S.C. § 9901 et seq.);
- 353 11. Employment and training activities carried out by the United States Department of Housing and
354 Urban Development;
- 355 12. Programs authorized under Title 60.2, in accordance with applicable federal law;
- 356 13. Workforce development activities or work requirements of the Temporary Assistance to Needy
357 Families (TANF) program known in Virginia as the Virginia Initiative for Employment, not Welfare
358 (VIEW) program established pursuant to § 63.2-608; and
- 359 14. The workforce development activities or work programs authorized under the Food Stamp Act of
360 1977 (7 U.S.C. § 2011 et seq.).

361 H. The Virginia Secretary of Commerce and Trade, and at his direction, the ~~Virginia Employment~~
362 ~~Commission~~ *Department of Business Assistance and Workforce Services*, shall be responsible for the
363 coordination of the Virginia Workforce Network and the implementation of the WIA.

364 § 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

365 The following records are excluded from the provisions of this chapter but may be disclosed by the
366 custodian in his discretion, except where such disclosure is prohibited by law:

- 367 1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4

or § 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from the Department of Business Assistance *and Workforce Services*, the Virginia Economic Development Partnership, the Virginia Tourism Authority, or local or regional industrial or economic development authorities or organizations, used by the Department, the Partnership, the Authority, or such entities for business, trade and tourism development; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by such entities, where competition or bargaining is involved and where, if such records are made public, the financial interest of the governmental unit would be adversely affected.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exemption provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection D of § 2.2-4342 as trade secrets or proprietary information by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. Confidential proprietary records that are voluntarily provided by a private entity pursuant to a proposal filed with a public entity or an affected local jurisdiction under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.), pursuant to a promise of confidentiality from the responsible public entity or affected local jurisdiction, used by the responsible public entity or affected local jurisdiction for purposes related to the development of a qualifying transportation facility or qualifying project; and memoranda, working papers or other records related to proposals filed under the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002, where, if such records were made public, the financial interest of the public or private entity involved with such proposal or the process of competition or bargaining would be adversely affected. In order for confidential proprietary information to be excluded from the provisions of this chapter, the private entity shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary. For the purposes of this subdivision, the terms "affected local jurisdiction," "public entity" and "private entity" shall be defined as they are defined in the Public-Private Transportation Act of 1995 or in the Public-Private Education Facilities and Infrastructure Act of 2002. However, nothing in this subdivision shall be construed to prohibit the release of procurement records as required by § 56-573.1 or § 56-575.16. Procurement records shall not be interpreted to include proprietary, commercial or financial information, balance sheets, financial statements, or trade secrets that may be provided by the private entity as evidence of its qualifications.

429 12. Confidential proprietary information or trade secrets, not publicly available, provided by a private
430 person or entity to the Virginia Resources Authority or to a fund administered in connection with
431 financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such
432 information were made public, the financial interest of the private person or entity would be adversely
433 affected, and, after June 30, 1997, where such information was provided pursuant to a promise of
434 confidentiality.

435 13. Confidential proprietary records that are provided by a franchisee under § 15.2-2108 to its
436 franchising authority pursuant to a promise of confidentiality from the franchising authority that relates
437 to the franchisee's potential provision of new services, adoption of new technologies or implementation
438 of improvements, where such new services, technologies or improvements have not been implemented
439 by the franchisee on a nonexperimental scale in the franchise area, and where, if such records were
440 made public, the competitive advantage or financial interests of the franchisee would be adversely
441 affected. In order for confidential proprietary information to be excluded from the provisions of this
442 chapter, the franchisee shall (i) invoke such exclusion upon submission of the data or other materials for
443 which protection from disclosure is sought, (ii) identify the data or other materials for which protection
444 is sought, and (iii) state the reason why protection is necessary.

445 14. Documents and other information of a proprietary nature furnished by a supplier of charitable
446 gaming supplies to the Department of Charitable Gaming pursuant to subsection E of § 18.2-340.34.

447 15. Records and reports related to Virginia apple producer sales provided to the Virginia State Apple
448 Board pursuant to §§ 3.1-622 and 3.1-624.

449 16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1,
450 submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery
451 Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

452 17. Records submitted as a grant application, or accompanying a grant application, to the
453 Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the
454 extent such records contain proprietary business or research-related information produced or collected by
455 the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific,
456 technical or scholarly issues, when such information has not been publicly released, published,
457 copyrighted or patented, if the disclosure of such information would be harmful to the competitive
458 position of the applicant.

459 § 3.1-18.10. Powers and duties of Office of Farmland Preservation.

460 The Office of Farmland Preservation shall have the following powers and duties:

461 1. To develop, in cooperation with the Department of Business Assistance *and Workforce Services*,
462 the Virginia Farm Bureau Federation, the American Farmland Trust, the Virginia Land Conservation
463 Foundation, the Virginia Outdoors Foundation, the Virginia Association of Counties, and the Virginia
464 Cooperative Extension, (i) model policies and practices that may be used as a guide to establish local
465 purchase of development rights programs; (ii) criteria for the certification of local purchase of
466 development rights programs as eligible to receive grants, loans or other funds from public sources; and
467 (iii) methods and sources of revenue for allocating funds to localities to purchase agricultural
468 conservation easements;

469 2. To create programs to educate the public about the importance of farmland preservation to the
470 quality of life in the Commonwealth;

471 3. To provide technical, professional, and other assistance to farmers on matters related to farmland
472 preservation; and

473 4. To administer the Virginia Farm Link program established pursuant to § 3.1-18.11.

474 § 10.1-1425.7. Duty of the Department of Business Assistance and Workforce Services.

475 The Department of Business Assistance *and Workforce Services* shall assist the Department by
476 encouraging and promoting the establishment of appropriate recycling industries in the Commonwealth.

477 § 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records;
478 certification and distribution of report concerning bond issuance.

479 A. The authority shall be governed by a board of directors in which all powers of the authority shall
480 be vested and which board shall be composed of seven directors, appointed by the governing body of
481 the locality. The seven directors shall be appointed initially for terms of one, two, three and four years;
482 two being appointed for one-year terms; two being appointed for two-year terms; two being appointed
483 for three-year terms and one being appointed for a four-year term. Subsequent appointments shall be for
484 terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All
485 terms of office shall be deemed to commence upon the date of the initial appointment to the authority,
486 and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of
487 any term of office of any director a successor thereto has not been appointed, then the director whose
488 term of office has expired shall continue to hold office until his successor is appointed and qualified.
489 Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint
490 eight members to serve on the board of the authority, with terms staggered as agreed upon by the board

of supervisors, the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council, the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors and the town council of the Town of South Boston shall appoint two at-large members and Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except in towns under 3,500 people where members of the town governing body may serve as directors provided they do not comprise a majority of the board. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Business Assistance *and Workforce Services*.

§ 23-135.7:7. Advisory Committee continued as Advisory Board.

The Virginia Coal Research and Development Advisory Committee is continued and shall hereafter be known as the Virginia Coal Research and Development Advisory Board. The Advisory Board shall serve in an advisory capacity to the Executive Director of the Virginia Center for Coal and Energy Research.

1. The Advisory Board shall be authorized to advise on those matters set forth in § 23-135.7:2.

2. Representatives to the Advisory Board shall be appointed by the Board of Visitors of Virginia Polytechnic Institute and State University.

3. The Board of Visitors of Virginia Polytechnic Institute and State University shall also appoint such other individuals as they deem necessary to the work of the Advisory Board.

4. Representatives from the Department of Conservation and Historic Resources, the Department of Business Assistance *and Workforce Services*, the Department of Mines, Minerals and Energy, the Department of Labor and Industry, the Virginia Port Authority, the institutions of higher education, excluding Virginia Polytechnic Institute and State University, and the Community College System shall serve as the Advisory Board.

§ 36-139.6. Additional powers and duties of Director; oversight of planning district commissions.

The Director of the Department of Housing and Community Development shall have the following powers and duties relating to oversight of planning district commissions:

1. To recommend to the Governor the level of state general appropriation funding for each planning district commission, taking into consideration the minimum funding level necessary for operation, the population of each district, and other factors considered appropriate;

2. To distribute state general appropriation funding to planning district commissions consistent with

552 the provisions of this chapter and Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2;

553 3. To administer the Regional Cooperation Incentive Fund in accordance with § 15.2-4217;

554 4. To provide technical assistance to planning district commissions regarding regional approaches to
555 area-wide problems. Assistance may be initiated by the Department, individual local governments, or
556 planning district commissions;

557 5. To require the submission of annual programmatic and financial information by each planning
558 district commission in a format prescribed by the Director;

559 6. To prepare a biennial report to the Governor and the General Assembly which identifies the
560 activities and other information deemed appropriate by the Director concerning planning district
561 commissions, including findings as to planning district commissions which are not complying with
562 Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2. Copies of the biennial report shall also be sent to the
563 Commission on Local Government, Department of Business Assistance *and Workforce Services*,
564 Department of Conservation and Recreation, Department of Environmental Quality, Department of
565 Planning and Budget, Department of Transportation, Virginia Economic Development Partnership, and
566 others upon request; and

567 7. To establish the Virginia Planning District Commission Council made up of the chairman or
568 designated representative from each planning district commission to advise Department staff on
569 programs, rules and regulations for the planning district commissions. Technical committees of planning
570 district commission staff, state and local agency staff, and private sector individuals as needed, may be
571 created. Specified document could not be found: 46.2-749.68:1 Specified document could not be found:
572 46.2-749.68:1

573 § 46.2-749.69:1. Special license plates for supporters of the Virginia Motor Sports Initiative; special
574 license plates bearing the names, numbers, and color schemes used by professional stock car drivers;
575 fees.

576 A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner
577 shall issue special license plates to supporters of the Virginia Motor Sports Initiative.

578 The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 shall apply to license plates
579 issued under this subsection.

580 B. On receipt of a minimum of 350 prepaid applications and a design therefor, together with signed
581 releases from the driver, his team, and sponsors permitting the use of such design and all elements
582 thereof without cost, including the payment of royalties, to the Commonwealth, the Commissioner may
583 develop and issue one or more series of special license plates bearing the name of a specific
584 professional stock car driver and the race car number and color scheme used by that driver. Each
585 driver-specific series developed and issued under this subsection shall be subject to the requirements of
586 this subsection. In the event that a race car number, color scheme, or both, change for a driver with a
587 currently issued series, a new series for that driver may be issued subject to the requirements of this
588 subsection.

589 The provisions of subdivision 1 of subsection B of § 46.2-725 shall not apply to license plates issued
590 under this subsection.

591 C. The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed
592 fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to
593 this section, \$15 shall be paid into the state treasury and credited to the special nonreverting fund known
594 as the Virginia Motor Sports Initiative Fund established within the Department of Accounts and paid
595 annually in equal amounts to the Virginia Economic Development Partnership Authority and the
596 Virginia Department of Business Assistance *and Workforce Services* and used to support their programs
597 related to the Virginia Motor Sports Initiative.

598 § 58.1-439.6. Worker retraining tax credit.

599 A. As used in this section, unless the context clearly requires otherwise:

600 "Eligible worker retraining" means retraining of a qualified employee that promotes economic
601 development in the form of (i) noncredit courses at any of the Commonwealth's community colleges or
602 a private school or (ii) worker retraining programs undertaken through an apprenticeship agreement
603 approved by the Virginia Apprenticeship Council.

604 "Qualified employee" means an employee of an employer eligible for a credit under this section in a
605 full-time position requiring a minimum of 1,680 hours in the entire normal year of the employer's
606 operations if the standard fringe benefits are paid by the employer for the employee. Employees in
607 seasonal or temporary positions shall not qualify as qualified employees. A qualified employee (i) shall
608 not be a relative of any owner or the employer claiming the credit and (ii) shall not own, directly or
609 indirectly, more than five percent in value of the outstanding stock of a corporation claiming the credit.
610 As used herein, "relative" means a spouse, child, grandchild, parent or sibling of an owner or employer,
611 and "owner" means, in the case of a corporation, any person who owns five percent or more of the
612 corporation's stock.

613 B. For taxable years beginning on and after January 1, 1999, an employer shall be allowed a credit

against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 of this title in an amount equal to thirty percent of all expenditures paid or incurred by the employer during the taxable year for eligible worker retraining. However, if the eligible worker retraining consists of courses conducted at a private school, the credit shall be in an amount equal to the cost per qualified employee, but the amount of the credit shall not exceed \$100 per qualified employee annually. The total amount of tax credits granted to employers under this section for each fiscal year shall not exceed \$2,500,000.

C. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

D. An employer shall be entitled to the credit granted under this section only for those courses at a community college or a private school which courses have been certified as eligible worker retraining to the Department of Taxation by the Department of Business Assistance *and Workforce Services*. The Tax Commissioner shall promulgate regulations, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), (i) establishing procedures for claiming the credit provided by this section, (ii) defining eligible worker retraining, which shall include only those courses and programs that are substantially related to the duties of a qualified employee or that enhance the qualified employee's job-related skills, and that promote economic development, and (iii) providing for the allocation of credits among employers requesting credits in the event that the amount of credits for which requests are made exceeds the available amount of credits in any year. The Department of Business Assistance *and Workforce Services* shall review requests for certification submitted by employers and shall advise the Tax Commissioner whether a course or program qualifies as eligible worker retraining.

E. Any credit not usable for the taxable year may be carried over for the next three taxable years. The amount of credit allowed pursuant to this section shall not exceed the tax imposed for such taxable year. No credit shall be carried back to a preceding taxable year. If an employer that is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of this Code, or has a credit carryover from a preceding taxable year, such employer shall be considered to have first utilized any credit allowed which does not have a carryover provision, and then any credit which is carried forward from a preceding taxable year, prior to the utilization of any credit allowed pursuant to this section.

F. No employer shall be eligible to claim a credit under this section for worker retraining undertaken by any program operated, administered, or paid for by the Commonwealth.

G. The Director of the Department of Business Assistance *and Workforce Services* shall report annually to the chairmen of the House Finance and Senate Finance Committees on the status and implementation of the credit established by this section, including certifications for eligible worker retraining.

§ 58.1-439.8. Alternate tax credit for purchase of machinery and equipment for processing recyclable materials.

A. Beginning on and after January 1, 1998, a corporation making an investment of at least \$350 million within the Commonwealth before January 1, 2003, shall be allowed a credit against the tax imposed pursuant to § 58.1-400 in an amount equal to ten percent of the purchase price paid during the taxable year for machinery and equipment used exclusively in or on the premises of manufacturing facilities or plant units which manufacture, process, compound, or produce items of tangible personal property from recyclable materials, within the Commonwealth, for sale. For purposes of determining "purchase price paid" under this section, the taxpayer may use the original total capitalized cost of such machinery and equipment, less capitalized interest. The Department of Environmental Quality shall certify that such machinery and equipment are integral to the recycling process before the corporation shall be entitled to the tax credit under this section. The Department of Business Assistance *and Workforce Services* shall certify that the corporation has made the required investment within the Commonwealth. The Department of Business Assistance *and Workforce Services* shall develop guidelines which define investment for purposes of this credit. The corporation shall also submit purchase receipts, invoices, and such other documentation as may be necessary to confirm the taxpayer's statement of purchase price paid, with the income tax return to verify the amount of purchase price paid for the recycling machinery and equipment.

B. The total credit allowed under this section in any taxable year shall not exceed sixty percent of the Virginia income tax liability of such taxpayer.

C. Any tax credit not used for the taxable year in which the purchase price on recycling machinery and equipment was paid may be carried over for credit against the corporation's income taxes in the twenty succeeding taxable years until the total credit amount is used.

675 D. A taxpayer claiming the tax credit provided by § 58.1-439.7 shall not be eligible for the tax credit
676 provided by this section.

677 § 59.1-284.1. Definitions.

678 As used in this chapter, unless a different meaning clearly appears from the context:

679 "Authority" means the Virginia Small Business Financing Authority established in subsection B of
680 § 2.2-2280.

681 "Board" means the Board of Directors of the Authority.

682 "Department" means the Virginia Department of Business Assistance *and Workforce Services*.

683 "Fund" means the Virginia Economic Development Revolving Fund.

684 "Local government" means any county, city, town, municipal corporation, authority, district
685 commission, or political subdivision created by the General Assembly or pursuant to the Constitution or
686 laws of the Commonwealth or any combination of any two or more of the foregoing.

687 "Project" means any economic development project undertaken by a local government or a business
688 to assist in creation or retention of jobs.

689 § 59.1-284.16. (For contingent repeal, see Editor's note) Definitions.

690 As used in this chapter:

691 "Business firm" means any corporation, partnership, electing small business (Subchapter S)
692 corporation, limited liability company, or sole proprietorship authorized to do business in this
693 Commonwealth.

694 "Department" means the Department of Business Assistance *and Workforce Services*.

695 "Eligible firm" means an information technology firm employing at least fifty individuals in
696 permanent full-time positions within an eligible region for a period of 36 consecutive months
697 commencing on or after July 1, 1999.

698 "Eligible region" means the area within the geographic boundaries of (i) the planning district
699 established pursuant to § 15.2-4203 that had the highest annual average unemployment rate in the
700 Commonwealth for the most recent calendar year preceding the effective date of this chapter or (ii) any
701 planning district adjacent to the planning district described in clause (i).

702 "Information technology firm" means a business firm engaging in a business classified in code 36
703 (electronics and other electric equipment) or code 737 (computer and data processing services), as
704 defined in the Standard Industrial Classification Manual issued by the U.S. Office of Management and
705 Budget, within an eligible region for a period of 36 consecutive months commencing on or after July 1,
706 1999.

707 "Permanent full-time position" means a job of an indefinite duration at an information technology
708 firm, for which the standard fringe benefits are paid by the firm for the employee, requiring a minimum
709 of either (i) 35 hours of an employee's time a week for the entire normal year of the firm's operations,
710 which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per year. Seasonal or
711 temporary positions, or a position created when a job function is shifted from an existing location in this
712 Commonwealth to an information technology firm located within an eligible region, shall not qualify as
713 permanent full-time positions.

714 § 60.2-110. Unemployment Insurance Services Division.

715 The Commission may establish ~~two coordinate divisions: the Virginia State Job Service, created~~
716 ~~pursuant to § 60.2-400, and the Unemployment Insurance Services Division. Each~~ The division shall be
717 responsible for the discharge of its distinctive functions. ~~Each~~ The division shall be a separate
718 administrative unit, with respect to personnel, budget, and duties, except insofar as the Commission may
719 find that such separation is impracticable. In lieu, however, of establishing the ~~two divisions~~ division, the
720 Commission may cooperate with and utilize the personnel and services of employment offices or
721 services operated by the United States or any of its authorized agencies but only to the extent necessary
722 for the federal employment offices or services to perform the functions imposed upon employment
723 offices by § 60.2-601 and subdivision 5 of § 60.2-612.

724 § 60.2-115. State-federal cooperation.

725 A. ~~In~~ Except with respect to any workforce training programs for which the Department of Business
726 Assistance and Workforce Services serves as fiscal agent and provides coordinated planning and policy
727 development and program evaluation pursuant to Chapter 9 (§ 2.2-900 et seq.) of Title 2.2, including
728 programs authorized under Title I of the WIA, the Commission shall have responsibility for
729 administration of federal programs and other resources necessary for the administration of this title, ~~the~~.
730 The Commission shall cooperate with the United States Department of Labor to the fullest extent
731 consistent with the provisions of this title. The Commission shall make such reports, in such form and
732 containing such information as the United States Department of Labor may require, and shall comply
733 with such provisions as the United States Department of Labor may find necessary to assure the
734 correctness and verification of such reports. The Commission shall take such action, through the
735 adoption of appropriate rules, regulations, administrative methods and standards, as may be necessary to
736 secure to this Commonwealth and its citizens all advantages available under the provisions of the Social

Security Act that relate to unemployment compensation, the Federal Unemployment Tax Act, the Wagner-Peyser Act (29 U.S.C. § 49 et seq.), and the Federal-State Extended Unemployment Compensation Act (See notes following 26 U.S.C. § 3304) *except as otherwise provided in this section.*

B. In the administration of the provisions in §§ 60.2-610 and 60.2-611, which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act (See notes following 26 U.S.C. § 3304), the Commission shall take such action as may be necessary (i) to ensure that the provisions are so interpreted and applied as to meet the requirements of such federal act as interpreted by the United States Department of Labor, and (ii) to secure to this Commonwealth the full reimbursement of the federal share of extended benefits paid under this title that are reimbursable under the federal act.

C. The Commission shall further make its records available to the Railroad Retirement Board and shall furnish to the Railroad Retirement Board at the expense of the Railroad Retirement Board, such copies thereof as the Board shall deem necessary for its purposes in accordance with the provisions of § 303 (c) of the Social Security Act (42 U.S.C. § 503 (c)).

D. The Commission shall afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law.

E. Upon request therefor, the Commission shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this title.

§ 60.2-613. Benefits not denied to individuals in training with approval of Director of the Department of Business Assistance and Workforce Services.

A. No otherwise eligible individual shall be denied benefits for any week because he is in training with the approval of the ~~Commission~~ *Department of Business Assistance and Workforce Services*, including training under Section 134 of the Workforce Investment Act, nor shall such individual be denied benefits for any week in which he is in training with the approval of the ~~Commission~~ *Department of Business Assistance and Workforce Services*, including training under Section 134 of the Workforce Investment Act, by reason of the application of the provisions in subdivision 7 of § 60.2-612 relating to availability for work, or the provisions of subdivision 3 of § 60.2-618 relating to failure to apply for, or a refusal to accept, suitable work.

B. Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week because he is in training approved under § 2296 of the Trade Act (19 U.S.C. § 2101 et seq.), nor shall such individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work.

C. For purposes of this section, "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the Trade Act, and wages for such work at not less than eighty percent of the individual's average weekly wage as determined for the purposes of the Trade Act.

§ 63.2-601. Virginia Temporary Assistance for Needy Families Program; goals.

The goals of the Temporary Assistance for Needy Families Program are to:

1. Offer Virginians living in poverty the opportunity to achieve economic independence by removing barriers and disincentives to work and providing positive incentives to work;

2. Provide families living in poverty with the opportunities and work skills necessary for self-sufficiency;

3. Allow families living in poverty to contribute materially to their own self-sufficiency;

4. Set out the responsibilities of and expectations for recipients of public assistance and the government; and

5. Provide families living in poverty with the opportunity to obtain work experience through the Virginia Initiative for Employment Not Welfare (VIEW).

None of the provisions of this chapter shall be construed or interpreted to create any rights, causes of action, administrative claims or exemptions to the provisions of the Program, except as specifically provided in §§ 63.2-609, 63.2-613 and 63.2-618.

The Department of Business Assistance *and Workforce Services* and the Virginia Employment Commission shall assist the Department in the administration of the Program.

§ 63.2-610. Participation in VIEW; coordinated services.

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

798 B. The Department shall assist local departments in improving the delivery of services, including
799 intensive case management, through the utilization of public, private and nonprofit organizations, to the
800 extent permissible under federal law.

801 C. The Department shall be responsible for the coordination of the intensive case management. Job
802 finding and job matching leading to independent employment shall be facilitated by the Virginia
803 Employment Commission and the Department of Business Assistance *and Workforce Services*.

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

812 E. The Secretary of Health and Human Resources shall:

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

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

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

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

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

821 6. Develop strategies to educate, assist and stimulate employers to hire participants and to provide
822 community work experience opportunities, in consultation with representatives of employers and relevant
823 public and private agencies on the state and local level; and

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

826 **2. That the Governor may transfer an appropriation or any portion thereof within a state agency**
827 **established, abolished or otherwise affected by the provisions of this act, or from one such agency**
828 **to another, to support the changes in organization or responsibility resulting from or required by**
829 **the provisions of this act.**

830 **3. That as of the effective dates specified in clause 5 of this act, the Department of Business**
831 **Assistance and Workforce Services shall be deemed successor in interest, with respect to the**
832 **programs named herein, to the Virginia Employment Commission and the Virginia Department of**
833 **Business Assistance.**

834 **4. That §§ 60.2-309, 60.2-310, and 60.2-400 of the Code of Virginia are repealed effective July 1,**
835 **2006.**

836 **5. That the provisions of this act contained in §§ 2.2-204, 2.2-900, 2.2-902, 2.2-904.3, 2.2-2669,**
837 **2.2-2670, subdivisions 1 and 3 of § 2.2-904.1, and clause (i) of subsection A of § 60.2-115 shall**
838 **become effective on December 1, 2005, and the remaining provisions of this act shall become**
839 **effective July 1, 2006.**

840 **6. That it is the intent of the General Assembly that the local program delivery structure for**
841 **workforce development training activities, programs, and initiatives specified in § 2.2-904.1**
842 **remains intact, while planning, funding, and reporting activities for such programs are**
843 **coordinated at the state level through the Department of Business Assistance and Workforce**
844 **Services.**