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**HOUSE BILL NO. 569**

House Amendments in [ ] — February 10, 1996

A *BILL to amend and reenact §§ 2.1-1.7, 2.1-20.4, 2.1-51.15, 9-6.25:2, 9-268, 9-271, 9-291.1, 63.1-196.5, 63.1-211.2, and 63.1-314.8 of the Code of Virginia and to repeal Chapter 32 (§§ 9-281 through 9-291) of Title 9 of the Code of Virginia, abolishing the Council on Child Day Care and Early Childhood Programs.*

Patrons—Cox, Callahan and Crouch; Senators: Colgan and Stosch

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.1-1.7, 2.1-20.4, 2.1-51.15, 9-6.25:2, 9-268, 9-271, 9-291.1, 63.1-196.5, 63.1-211.2, and 63.1-314.8 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  
Agricultural Council, Virginia  
Alcohol and Drug Abuse Problems, Governor's Council on  
Apprenticeship Council  
Blue Ridge Regional Education and Training Council  
~~Child Day Care and Early Childhood Programs, Virginia Council on~~  
Child Day-Care Council  
Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion  
Commonwealth Competition Council  
Commonwealth's Attorneys' Services Council  
Developmental Disabilities Planning Council, Virginia  
Disability Services Council  
Equal Employment Opportunity Council, Virginia  
Health Services Cost Review 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  
Local Debt, State Council on  
Maternal and Child Health Council  
Military Advisory Council, Virginia  
Needs of Handicapped Persons, Overall Advisory Council on the  
Prevention, Virginia Council on Coordinating  
Public Records Advisory Council, State  
Rate-setting for Children's Facilities, Interdepartmental Council on  
Revenue Estimates, Advisory Council on  
Southside Virginia Marketing Council  
Specialized Transportation Council  
State Health Benefits Advisory Council  
Status of Women, Council on the  
Technology Council, Virginia  
Virginia Business-Education Partnership Program, Advisory Council on the  
Virginia Recycling Markets Development Council.

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

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60 Rehabilitation Advisory Council, Statewide  
61 Rehabilitation Advisory Council for the Blind, Statewide  
62 World Trade Council, Virginia.  
63 § 2.1-20.4. Bodies receiving compensation.  
64 A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be  
65 those which receive compensation from state funds pursuant to § 2.1-20.3:  
66 Accountancy, Board for  
67 Agriculture and Consumer Services, Board of  
68 Air Pollution Control Board, State  
69 Airports Authority, Virginia  
70 Apprenticeship Council  
71 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for  
72 Athletic Board, Virginia  
73 Auctioneers Board  
74 Audiology and Speech-Language Pathology, Board of  
75 Aviation Board, Virginia  
76 Barbers, Board for  
77 Branch Pilots, Board for  
78 Building Code Technical Review Board, State  
79 Charitable Gaming Commission  
80 Chesapeake Bay Local Assistance Board  
81 ~~Child Day Care and Early Childhood Programs, Virginia Council on~~  
82 Coal Mining Examiners, Board of  
83 College Building Authority  
84 Commonwealth Competition Council  
85 Commonwealth Transportation Board  
86 Conservation and Development of Public Beaches, Board on  
87 Conservation and Recreation, Board of  
88 Contractors, Board for  
89 Correctional Education, Board of  
90 Corrections, Board of  
91 Cosmetology, Board for  
92 Criminal Justice Services Board  
93 Deaf and Hard-of-Hearing, Advisory Board for the  
94 Dentistry, Board of  
95 Education, State Board of  
96 Education Loan Authority, Virginia - Board of Directors  
97 Elections, State Board of  
98 Environment, Council on the  
99 Fire Services Board, Virginia  
100 Funeral Directors and Embalmers, Board of  
101 Game and Inland Fisheries, Board of  
102 Geology, Board for  
103 Health, State Board of  
104 Health Professions, Board of  
105 Hearing Aid Specialists, Board for  
106 Higher Education, State Council of  
107 Historic Resources, Board of  
108 Housing and Community Development, Board of  
109 Information Management, Council on  
110 Marine Resources Commission  
111 Medical Assistance Services, Board of  
112 Medical Complaint Investigation Committee  
113 Medicine, Board of  
114 Mental Health, Mental Retardation and Substance Abuse Services Board, State  
115 Milk Commission  
116 Mineral Mining Examiners, Board of  
117 Motor Vehicle Dealer Board  
118 Nursing, Board of  
119 Nursing Home Administrators, Board of  
120 Occupational Therapy, Advisory Board on  
121 Oil and Gas Conservation Board, Virginia

122 Opticians, Board for  
 123 Optometry, Board of  
 124 Pesticide Control Board  
 125 Pharmacy, Board of  
 126 Physical Therapy, Advisory Board on  
 127 Port Authority, Board of Commissioners of the Virginia  
 128 Professional and Occupational Regulation, Board for  
 129 Professional Counselors, Board of  
 130 Professional Soil Scientists, Board for  
 131 Psychology, Board of  
 132 Public Defender Commission  
 133 Public School Authority, Virginia  
 134 Purchases and Supply Appeals Board  
 135 Real Estate Appraiser Board  
 136 Real Estate Board  
 137 Recreation Specialists, Board of  
 138 Rehabilitative Services, Board of  
 139 Respiratory Therapy, Advisory Board on  
 140 Safety and Health Codes Board  
 141 Seed Potato Board  
 142 Social Services, Board of  
 143 Social Work, Board of  
 144 State Health Department Sewage Handling and Disposal Appeal Review Board  
 145 Substance Abuse Certification Board  
 146 Surface Mining Review, Board of  
 147 Treasury Board  
 148 Veterans' Affairs, Board on  
 149 Veterinary Medicine, Board of  
 150 Virginia Board for Asbestos Licensing  
 151 Virginia Health Planning Board  
 152 Virginia Manufactured Housing Board  
 153 Virginia Veterans Care Center Board of Trustees  
 154 Virginia Waste Management Board  
 155 Visually Handicapped, Virginia Board for the  
 156 (Contingent repeal) Waste Management Facility Operators, Board for  
 157 Water Control Board, State  
 158 Waterworks and Wastewater Works Operators, Board for  
 159 Well Review Board, Virginia  
 160 Youth and Family Services, State Board of.  
 161 B. Individual members of boards, commissions, committees, councils, and other similar bodies  
 162 appointed at the state level and receiving compensation for their services on January 1, 1980, but who  
 163 will not receive compensation under the provisions of this article, shall continue to receive compensation  
 164 at the January 1, 1980, rate until such member's current term expires.  
 165 § 2.1-51.15. Agencies for which responsible.  
 166 The Secretary of Health and Human Resources shall be responsible to the Governor for the following  
 167 agencies: Department of Health, Department for the Visually Handicapped, Department of Health  
 168 Professions, Department for the Aging, Department of Mental Health, Mental Retardation and Substance  
 169 Abuse Services, Department of Rehabilitative Services, Department of Social Services, Virginia Health  
 170 Services Cost Review Council, Department for Rights of Virginians With Disabilities, Department of  
 171 Medical Assistance Services, the Council on Indians, Governor's Employment and Training Department,  
 172 Child Day-Care Council, Virginia Department for the Deaf and Hard-of-Hearing, *and* the Virginia  
 173 Council on Coordinating Prevention ~~and the Virginia Council on Child Day Care and Early Childhood~~  
 174 ~~Programs~~. The Governor may, by executive order, assign any other state executive agency to the  
 175 Secretary of Health and Human Resources, or reassign any agency listed above to another secretary.  
 176 § 9-6.25:2. Policy boards, commissions and councils.  
 177 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the  
 178 following policy boards, commissions and councils:  
 179 Apprenticeship Council  
 180 Athletic Board  
 181 Auctioneers Board  
 182 Blue Ridge Regional Education and Training Council

183	Board for Accountancy
184	Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
185	Board for Barbers
186	Board for Contractors
187	Board for Cosmetology
188	Board for Geology
189	Board for Hearing Aid Specialists
190	Board for Opticians
191	Board for Professional and Occupational Regulation
192	Board for Professional Soil Scientists
193	Board for Waterworks and Wastewater Works Operators
194	Board of Agriculture and Consumer Services
195	Board of Audiology and Speech-Language Pathology
196	Board of Coal Mining Examiners
197	Board of Conservation and Recreation
198	Board of Correctional Education
199	Board of Dentistry
200	Board of Directors, Virginia Student Assistance Authorities
201	Board of Funeral Directors and Embalmers
202	Board of Health Professions
203	Board of Historic Resources
204	Board of Housing and Community Development
205	Board of Medical Assistance Services
206	Board of Medicine
207	Board of Mineral Mining Examiners
208	Board of Nursing
209	Board of Nursing Home Administrators
210	Board of Optometry
211	Board of Pharmacy
212	Board of Professional Counselors
213	Board of Psychology
214	Board of Recreation Specialists
215	Board of Social Services
216	Board of Social Work
217	Board of Surface Mining Review
218	Board of Veterinary Medicine
219	Board on Conservation and Development of Public Beaches
220	Chesapeake Bay Local Assistance Board
221	<del>Child Day Care and Early Childhood Programs, Virginia Council on</del>
222	Child Day-Care Council
223	Commission on Local Government
224	Commonwealth Transportation Board
225	Council on Human Rights
226	Council on Information Management
227	Criminal Justice Services Board
228	Disability Services Council
229	Farmers Market Board, Virginia
230	Immigrant and Refugee Policy Council
231	Interdepartmental Council on Rate-setting for Children's Facilities
232	Library Board, the Library of Virginia
233	Marine Resources Commission
234	Milk Commission
235	Pesticide Control Board
236	Real Estate Appraiser Board
237	Real Estate Board
238	Reciprocity Board, Department of Motor Vehicles
239	Safety and Health Codes Board
240	Seed Potato Board
241	Southside Virginia Marketing Council
242	Specialized Transportation Council
243	State Air Pollution Control Board
244	State Board of Corrections

State Board of Elections  
 State Board of Health  
 State Board of Youth and Family Services  
 State Health Department, Sewage Handling and Disposal Appeal Review Board  
 State Library Board  
 State Mental Health, Mental Retardation and Substance Abuse Services Board  
 State Water Control Board  
 Substance Abuse Certification Board  
 Treasury Board, The, Department of the Treasury  
 Virginia Aviation Board  
 Virginia Board for Asbestos Licensing  
 Virginia Fire Services Board  
 Virginia Gas and Oil Board  
 Virginia Health Planning Board  
 Virginia Health Services Cost Review Council  
 Virginia Manufactured Housing Board  
 Virginia Parole Board  
 Virginia Public Telecommunications Board  
 Virginia Soil and Water Conservation Board  
 Virginia Voluntary Formulary Board  
 Virginia Waste Management Board  
 Virginia World Trade Council.  
 Waste Management Facility Operators, Board for.

§ 9-268. Virginia Council on Coordinating Prevention; members; terms.

The Virginia Council on Coordinating Prevention is hereby established. There shall be one member each from the Advisory Board for the Aging, ~~Council on Child Day Care and Early Childhood Programs~~, Board of Correctional Education, State Board of Corrections, State Board of Youth and Family Services, Criminal Justice Services Board, State Board of Education, State Board of Health, Board of Medical Assistance Services, State Mental Health, Mental Retardation and Substance Abuse Services Board, Virginia Board for People with Disabilities, and Board of Social Services, to be appointed by the chairman of the respective board or council. Persons appointed to the Council by virtue of their membership on a board or council listed above may serve on the Council only while a member of the respective board or council and may not serve on the Council for more than two consecutive terms.

Five members shall be representatives of the private sector who are interested in prevention, to be appointed by the Governor. Representatives of the private sector shall serve for terms of four years; ~~except that two of the five members initially appointed shall be appointed for three-year terms~~. Members appointed to the Council by the Governor shall not be eligible to serve more than two consecutive full terms.

The Secretary of Health and Human Resources shall be an ex officio member of the Council. The Governor shall appoint a chairman from the membership of the Council.

§ 9-271. Comprehensive Prevention Plan.

A Comprehensive Prevention Plan shall be jointly developed biennially by the following agencies: Department for the Aging, ~~Council on Child Day Care and Early Childhood Programs~~, Department of Correctional Education, Department of Corrections, Department of Youth and Family Services, Department of Criminal Justice Services, Department of Education, Department of Health, Department of Medical Assistance Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department for Rights of Virginians With Disabilities, and Department of Social Services. The Secretary of Health and Human Resources shall designate an agency to coordinate development of the Plan. The Comprehensive Prevention Plan shall coordinate and integrate the planning efforts of the state agencies listed above and the private sector in order to provide a broad prevention agenda for the Commonwealth, enable communities to design and implement prevention programs that meet the identified needs of the community and facilitate the development of interagency and broad-based community involvement in the development of prevention programs. The Comprehensive Prevention Plan shall identify priority prevention issues and challenges, prevention goals and objectives and public and private strategies to achieve goals and objectives. For the purposes of the Plan, prevention activities, issues and programs shall be those activities which promote the objective identified in subsection B of § 9-270. The Plan with a cost analysis of the proposed strategies shall be submitted to the House Committee on Health, Welfare and Institutions and the Senate Committees on Rehabilitation and Social Services and Education and Health for the purpose of analysis, review and comment prior to implementation.

§ 9-291.1. (Effective until July 1, 1996) Commission created; powers and duties; appointment and terms of members; vacancies, etc.

A. There is hereby created the Commission on Early Childhood and Child Day Care Programs, hereinafter referred to as the Commission. The purpose of the Commission shall be, through its powers and performance of duties set forth in this chapter, to study and provide recommendations addressing the need for quality developmental early childhood and child day care programs and services. In so doing, it shall encourage the development of uniform policies and services to ensure the availability of quality, affordable and accessible early childhood and child day care programs and provide a forum for continuing the review and study of such programs and services. In addition to its own proposals, the Commission shall coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting such programs and services.

B. The Commission shall be composed of ~~twenty~~ *nineteen* members. ~~The first members of the Commission so to serve shall be the members of the Joint Commission on Health Care Studying Early Childhood and Day Care Programs who served from January 1, 1990, to December 31, 1990. Thereafter,~~ Appointments shall be made as follows: seven members from the House of Delegates to be appointed by the Speaker of the House; four members from the Senate to be appointed by the Senate Committee on Privileges and Elections; and three citizens to be appointed by the Governor, one of whom shall be a representative of the business community, and one of whom shall be a representative of local government. In addition, the Commissioner of Social Services, the Superintendent of Public Instruction, the Director of the State Council of Higher Education, the Chancellor of the Virginia Community College System, ~~the Executive Director of the Virginia Council on Child Day Care and Early Childhood Programs,~~ and the Chairman of the Child Day Care Council shall serve as ex officio members with full voting privileges. The members of the Commission shall elect a chairman and a vice-chairman annually.

All such members of the Commission shall serve until the expiration of their terms of office or until their successors shall qualify. However, the appointments of citizen members shall be for a term of five years. Subsequent appointments shall be made for similar terms, and vacancies shall be filled for the unexpired terms by the persons authorized to make the original appointments.

Commission members shall be compensated as specified in § 14.1-18, and shall be reimbursed for expenses incurred in the performance of their duties.

C. The Commission shall have the power and duty to:

1. Determine the number of at-risk four-year-olds in the Commonwealth and the number of such children who are not enrolled in developmental early childhood or child day care programs;

2. Determine the number of school age children in the Commonwealth and the extent of the need for public school day care programs;

3. Develop a mechanism for the phased integration of and funding for quality developmental early childhood and child day care programs;

4. Assess the need for additional child day care services, and the types of program options desired by families, including the need for employer-sponsored child day care services for state employees;

5. Recommend ways to promote significant parental, state and local, public-private sector, and corporate involvement in and support of early childhood and child day care programs;

6. Monitor and evaluate the implementation of programs to provide appropriate education and training for early childhood professionals and child day care providers;

7. Recommend eligibility criteria for participation in and appropriate ways by which early childhood and day care programs may be provided which minimize the potentiality for competition between the Commonwealth and private day care providers;

8. Review the status of agency efforts to promote the coordination and dissemination of child care information and day care services;

9. Develop incentives to promote the recruitment and retention of qualified early childhood professionals and child day care providers;

10. Review the provisions of and monitor the implementation of the Family Support Act of 1988, the Child Care Act, P.L. 101-508, the Head Start Authorization Increase, P.L. 101-120, and such other federal legislation and regulations concerning early childhood and child day care programs as may be enacted, and recommend such amendments to relevant state statutes as may be necessary to ensure consistency between state and federal law and regulations;

11. Analyze the several policy and legal issues related to early childhood and day care programs, e.g., establishment of entitlement programs, effect on the compulsory school attendance laws, modifications in licensing requirements, and program content, and determine the need for the development of appropriate policy or changes in current state policy and laws pertaining to such issues;

12. Determine the appropriate mechanism for and level of funding necessary to assist low income families and the working poor in obtaining quality, affordable child day care services, including the impact of any state, local, or federal fiscal exigency on early childhood and child day care programs and services;

13. Coordinate the revision and implementation of child day care licensing laws and review such related matters as may be referred to it;

14. Monitor and coordinate health and early intervention programs for young children and such children with special needs to ensure the delivery of appropriate services; and

15. Recommend any statutory, regulatory, or policy changes as it deems necessary to ensure the viability of quality, affordable and accessible early childhood and child day care programs.

D. The Division of Legislative Services shall provide such staff support, both administrative and professional, as the Commission may require. The Commission may request and shall receive from every department, division, board, bureau, commission, authority or other agency created by this Commonwealth, or to which the Commonwealth is party, or from any political subdivision of the Commonwealth, cooperation and assistance as it may deem necessary in the performance of its duties.

E. The Commission shall report its findings and recommendations regarding early childhood and child day care programs and services to the 1992 Session of the General Assembly, and thereafter, report annually on the status and needs concerning such programs and services in the Commonwealth to the Governor and the General Assembly.

[ F. This section shall expire on July 1, 1996. ]

§ 63.1-196.5. Application fees; regulations and schedules; use of fees; certain facilities exempt.

The State Board is authorized to establish regulations and schedules for fees to be charged for processing applications for licenses to operate child welfare agencies. Such schedules shall specify minimum and maximum fees and, where appropriate, gradations based on the capacity for children of the facility making application. Such fees shall be used for development and delivery of training for operators and staffs of child welfare agencies. These fees shall not be applicable to facilities operated by federal entities.

The State Board, in consultation with the Child Day Care Council ~~and the Council on Child Day Care and Early Childhood Programs~~, shall develop training programs for operators and staffs of child care agencies. Such programs shall include formal and informal training offered by institutions of higher education, state and national associations representing child care professionals, local and regional early childhood educational organizations and licensed child care providers. To the maximum extent possible, the State Board shall ensure that all provider interests are represented and that no single approach to training will be given preference.

§ 63.1-211.2. Public funds to be withheld for serious or persistent violations.

The State Board of Social Services, ~~and the State Board of Education, and the Virginia Council on Child Day Care and Early Childhood Programs~~ may adopt policies, as permitted by state and federal law, to restrict the eligibility of a licensed child welfare agency to receive or continue to receive funds when such agency is found to be in serious or persistent violation of regulations.

§ 63.1-314.8. Technical Assistance Committee created; duties; membership.

A. There is hereby created a Technical Assistance Committee, which shall provide technical and support services on the operations of the information and referral system as the Council may deem appropriate and shall advise the Council in performing its powers and duties.

B. The membership of the Technical Assistance Committee shall include but not be limited to:

1. Two directors of local departments of public welfare or social services, one serving a rural and one an urban locality, to be appointed by the Commissioner of Social Services; *and*

2. The Commissioners or Directors, or their designees, of the Department of Medical Assistance Services; Department of Health; Department of Mental Health, Mental Retardation and Substance Abuse Services; Department of Rehabilitative Services; Department for the Aging; Department for the Visually Handicapped; Department for Rights of Virginians With Disabilities; Department of Information Technology; Department for the Deaf and Hard-of-Hearing; Department of Health Professions; Department of Corrections; Department of Education; Department of Youth and Family Services; and the Virginia Employment Commission; ~~and~~

3. The Director of the Virginia Council on Child Day Care and Early Childhood Programs.

**2. That Chapter 32 (§§ 9-281 through 9-291) of Title 9 of the Code of Virginia is repealed.**