WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

SENATE BILL NO. 222

(By Senator Unger, et al)

PASSED March 29, 2005

In Effect ninety days from Passage
AN ACT to amend and reenact §5B-2B-3 of the Code of West Virginia, 1931, as amended, relating to the membership of the West Virginia Workforce Investment Council.

**Be it enacted by the Legislature of West Virginia:**

That §5B-2B-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2B. WEST VIRGINIA WORKFORCE INVESTMENT ACT.**

**§5B-2B-3. West Virginia Workforce Investment Council; membership of Board; meetings; quorum requirements.**

1. The West Virginia Workforce Investment Council is hereby created and shall serve as the state's Workforce Investment Board, as required by the federal Workforce Investment Act, 29 U. S. C. §2801, et seq. The Council shall make general recommendations regarding workforce investment in the state to the Governor and the Legislature.
(b) The Council may consist of no more than thirty-nine
members, including ex officio members.

(c) The Governor shall appoint, with the advice and
consent of the Senate, members to the Council according
to the following criteria:

(1) Representatives of business in the state, including at
least one representing the tourism industry, who are:

(A) Owners of businesses, chief executive officers, chief
operating officers of business and other business execu-
tives or employers with optimum policy-making or hiring
authority, including members of regional workforce
investment boards;

(B) Representatives of businesses having employment
opportunities that reflect the employment opportunities of
the state; and

(C) Individuals nominated by state business organiza-
tions and business trade associations;

(2) No more than two members who are members of the
Council for Community and Technical College Education;

(3) Two members who are members of the West Virginia
Council for Community and Economic Development;

(4) Two members who are chief elected officials repre-
senting cities and counties;

(5) Two members who represent individuals and organi-
zations having experience and expertise in the delivery of
workforce investment programs, including one chief
executive officer of a community and technical college and
one chief executive officer of a community-based organi-
zation operating in the state;

(6) Two members who represent individuals and organi-
zations having experience in youth activities, including at
least one youth from a post-secondary education institution; and

(7) Two members who represent labor organizations in the state who have been nominated by state labor federations.

(d) The following shall serve on the Council as ex officio members:

(1) The Governor, or his or her designee;

(2) The Superintendent of the Department of Education, or his or her designee;

(3) The Director of the Division of Rehabilitation Services, or his or her designee: Provided, That the designee has policy-making authority over a workforce investment program within the Division of Rehabilitation Services;

(4) The Commissioner of the Bureau of Senior Services, or his or her designee: Provided, That the designee has policy-making authority over a workforce investment program within the Bureau of Senior Services;

(5) The Commissioner of the Bureau of Employment Programs, or his or her designee: Provided, That the designee has policy-making authority over a workforce investment program within the Bureau of Employment Programs;

(6) The Director of the Division of Veterans’ Affairs, or his or her designee: Provided, That the designee has policy-making authority over a workforce investment program within the Division of Veterans’ Affairs;

(7) The Executive Director of the West Virginia Development Office;

(8) The Secretary of the Department of Health and Human Resources, or his or her designee: Provided, That
the designee has policy-making authority over a workforce investment program within the Department of Health and Human Resources;

(9) The Chancellor of the West Virginia Council for Community and Technical College Education; and

(10) The Chancellor for Higher Education.

(e) The Speaker of the House of Delegates shall appoint two members of the House of Delegates to serve on the Council, as nonvoting members.

(f) The President of the Senate shall appoint two members of the Senate to serve on the Council, as nonvoting members.

(g) The Governor shall appoint a Chair and Vice Chair for the Council from among the members appointed pursuant to subdivision (1), subsection (c) of this section.

(h) Initial terms for appointed members of the Council are for up to three years as determined by the Governor. All subsequent terms are for three years.

(i) The Council shall meet at least quarterly and appointed members of the Council may be reimbursed for reasonable expenses incurred within the scope of their service on the Council.

(j) A majority of the members of the Council constitute a quorum: Provided, That a majority of the members making the quorum are members appointed pursuant to subdivision (1), subsection (c) of this section.

(k) The Council may create subcommittees to carry out any of its duties. Quorum requirements required by subsection (j) of this section also apply to subcommittees.

(l) No member of the Council may:

(1) Vote on a matter under consideration by the Council:
(A) Regarding the provision of services by the member or
by an entity that the member represents; or

(B) That would provide direct financial benefit to the
member or the immediate family of the member; or

(2) Engage in any other activity determined by the
Governor to constitute a conflict of interest as specified in
the strategic five-year state Workforce Investment Plan.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved...... this the...... Day of...... 2005.