

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

SENATE BILL NO. 222

(By Senator Unger, et al)

PASSED March ²⁹ 28, 2005

In Effect ninety days from Passage

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Senate Bill No. 222

(BY SENATORS UNGER, KESSLER, MCCABE,
SPOUSE, MINARD, SHARPE AND FOSTER)

29

[Passed March 26, 2005; in effect ninety days from passage.]

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KCL

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 (a) The West Virginia Workforce Investment Council is
- 2 hereby created and shall serve as the state's Workforce
- 3 Investment Board, as required by the federal Workforce
- 4 Investment Act, 29 U. S. C. §2801, *et seq.* The Council
- 5 shall make general recommendations regarding workforce
- 6 investment in the state to the Governor and the Legisla-
- 7 ture.

8 (b) The Council may consist of no more than thirty-nine
9 members, including ex officio members.

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

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

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

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

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

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

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

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

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

37 (6) Two members who represent individuals and organi-
38 zations having experience in youth activities, including at

39 least one youth from a post-secondary education institu-
40 tion; and

41 (7) Two members who represent labor organizations in
42 the state who have been nominated by state labor federa-
43 tions.

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

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

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

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

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

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

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

67 (7) The Executive Director of the West Virginia Develop-
68 ment Office;

69 (8) The Secretary of the Department of Health and
70 Human Resources, or his or her designee: *Provided*, That

71 the designee has policy-making authority over a workforce
72 investment program within the Department of Health and
73 Human Resources;

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

76 (10) The Chancellor for Higher Education.

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

80 (f) The President of the Senate shall appoint two mem-
81 bers of the Senate to serve on the Council, as nonvoting
82 members.

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

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

89 (i) The Council shall meet at least quarterly and ap-
90 pointed members of the Council may be reimbursed for
91 reasonable expenses incurred within the scope of their
92 service on the Council.

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

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

100 (l) No member of the Council may:

101 (1) Vote on a matter under consideration by the Council:

102 (A) Regarding the provision of services by the member or
103 by an entity that the member represents; or

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

106 (2) Engage in any other activity determined by the
107 Governor to constitute a conflict of interest as specified in
108 the strategic five-year state Workforce Investment Plan.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy White
.....
Chairman Senate Committee

W. Rob Burt
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

David Holmes
.....
Clerk of the Senate

Bruce W. Bow
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved..... this the *19th*.....
Day of *April*..... 2005.

[Signature]
.....
Governor

**PRESENTED TO THE
GOVERNOR**

Date 4/13/05

Time 10:48 am