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HOUSE BILL NO. 1340

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Labor and Commerce
on February 11, 2000)

(Patron Prior to Substitute—Delegate Byron)

A BILL to amend and reenact § 9-329.2 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 60.2 an article numbered 4, consisting of sections numbered 60.2-318 through 60.2-322, relating to the creation of a Workforce Development Training Fund.

Be it enacted by the General Assembly of Virginia:

1. That § 9-329.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 60.2 an article numbered 4, consisting of sections numbered 60.2-318 through 60.2-322, as follows:

§ 9-329.2. Meetings; powers and duties.

The Council shall meet regularly and shall also undertake the following to implement and foster workforce training, exclusive of the vocational and technical education programs provided through and administered by the public school system:

1. Identify current and emerging workforce needs of the business community;
2. Assess potential markets for increasing the number of workers available to business and industry;
3. Forecast and identify training requirements for the new workforce;
4. Create strategies that will match trained workers with available jobs;
5. Certify noncredit courses and programs of training, exclusive of apprenticeship programs and federally sponsored programs conducted under Public Law 97-300, as appropriate offered by public, private, and proprietary institutions and responding to the needs of business and industry in the Commonwealth;
6. Make alterations from time to time in such approved programs;
7. With the assistance of regional workforce centers, seek to identify other specific and existing workforce needs in sectors of the economy, including public education, which have high potential for sustained demand or growth;
8. Meet with representatives of each regional workforce center at least annually to assess and discuss subdivisions 1 through 4 of this section within their service region;
9. Establish the procedures, criteria and performance measures for the Workforce Training Development Fund as established pursuant to Article 4 (§ 60.2-318 et seq.) of Chapter 3 of Title 60.2.
10. Provide an annual report to the Governor concerning its actions and determinations under subdivisions 1 through 4 and, 7 and 9 of this section; and
11. Perform any act or function that is in accord with the purposes of this chapter.

The Council shall establish at least two committees as follows: one committee to accomplish the aims of the WIA and one committee to focus on high-technology workforce training needs.

Article 4.

Workforce Development Training Fund.

§ 60.2-318. Workforce Development Training Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Workforce Development Training Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller, and shall include such moneys as may be appropriated by the General Assembly from time to time. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

§ 60.2-319. Purpose.

A. The Fund is established for the purpose of paying workforce development training grants to provide or expand, in an expeditious and coordinated manner, training and retraining opportunities that would not otherwise exist for the Commonwealth's workforce. The Fund is intended to supplement, but not to supplant or compete with, money available through existing training programs.

B. The moneys in the Fund shall be used only for the following purposes:

1. To provide training for skills necessary for specific economic development opportunities and industrial expansion initiatives;
2. To provide training to upgrade the skills of those workers who are unemployed and receiving unemployment compensation;
3. To provide training to upgrade the skills of currently employed workers at risk of being permanently laid off;
4. To provide grants to local workforce investment areas designated under the federal Workforce

60 *Investment Act of 1998 (P. L. 105-220), hereafter referred to as "the Act," to provide training and*
61 *employment services to address specific employer needs within the local areas;*

62 *5. To provide grants to local workforce investment areas designated under the Act, to be used to*
63 *assist in the establishment of One-Stop Centers mandated by the Act;*

64 *6. To ensure the effective coordination of workforce services for employers and workers by designing*
65 *and implementing new technological interfaces among state agencies and local workforce investment*
66 *areas; and*

67 *7. To pay all expenses incurred by the Commission associated with the administration of the Fund*
68 *and the payment of workforce development training grants, provided that not more than seven and*
69 *one-half percent of the moneys in the Fund shall be used for such administrative expenses.*

70 *§ 60.2-320. Approval of expenditures.*

71 *Expenditures from the Workforce Development Training Fund for purposes authorized in subsection*
72 *B of § 60.2-319 shall be subject to the approval of the Commissioner or the Commissioner's designee,*
73 *based on procedures, criteria and performance measures established by the Virginia Workforce Council.*
74 *The amount of the grants eligible applicants will receive shall be determined by June 30 of each year.*
75 *Actions of the Commissioner relating to the allocation and awarding of grants shall be exempt from the*
76 *provisions of the Administrative Process Act pursuant to subdivision B 4 of § 9-6.14:4.1.*

77 *§ 60.2-321. Disbursements by State Treasurer upon warrants of Comptroller.*

78 *Disbursements from the Fund shall be made by the State Treasurer on warrants issued by the*
79 *Comptroller upon written request signed by the Commissioner or his designee.*

80 *§ 60.2-322. Moneys in Fund continuously available to Commission.*

81 *The moneys in the Fund shall be continuously available to the Commission for expenditure in*
82 *accordance with the provisions of this article.*