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SENATE BILL NO. 685

Offered January 20, 2022

A *BILL to amend the Code of Virginia by adding in Title 23.1 a chapter numbered 12.2, consisting of sections numbered 23.1-1244 through 23.1-1248, relating to Advanced Manufacturing Talent Investment Program and Fund.*

 Patron—Mason

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 23.1 a chapter numbered 12.2, consisting of sections numbered 23.1-1244 through 23.1-1248, as follows:

CHAPTER 12.2.**ADVANCED MANUFACTURING TALENT INVESTMENT PROGRAM.****§ 23.1-1244. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Designated reviewers" means the Secretaries of Education, Finance, and Labor, the director of the Department of Planning and Budget, the president of the Virginia Economic Development Partnership, and the staff directors of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, or their designees.

"Eligible credential" means a noncredit workforce credential awarded by a qualified institution in a high demand advanced manufacturing field as identified by the Board of Workforce Development pursuant to § 23.1-627.5.

"Fund" means the Advanced Manufacturing Talent Investment Fund.

"Grant" means a grant paid from the Advanced Manufacturing Talent Investment Fund.

"Memorandum of understanding" means the negotiated instrument entered into by a qualified institution and the Commonwealth, regardless of whether the terms of the memorandum of understanding are encompassed or included within any other institutional partnership or performance agreement required by law. A memorandum of understanding shall contain criteria for eligible credentials, eligible expenses, and credential production goals for a period ending in 2042.

"New eligible credentials" means eligible credentials awarded by a qualified institution to meet the credential production goals set forth in a qualified institution's memorandum of understanding.

"Qualified institution" means a comprehensive community college, a career and technical education program operated by a local school board, a group of public school systems, or a public school, the Institute for Advanced Learning and Research, New College Institute, Richard Bland College, Roanoke Higher Education Center, Southern Virginia Higher Education Center, or Southwest Virginia Higher Education Center.

§ 23.1-1245. Advanced Manufacturing Talent Investment Fund created.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Advanced Manufacturing Talent Investment Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for the Fund shall be paid into the state treasury and credited to the Fund. 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. Moneys in the Fund shall be used solely to fund grants approved pursuant to the provisions of this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller.

B. The General Assembly establishes a long-term goal of supporting the efforts of qualified institutions to increase by fiscal year 2042 the number of new eligible credentials by at least 25,000 more credentials than the number of such credentials awarded in 2021. Moneys in the Fund shall be used to support this effort and to improve the readiness of graduates to be employed in advanced manufacturing fields and fields that align with advanced manufacturing growth opportunities identified by the Virginia Economic Development Partnership. Funds from the Fund may be used to support admissions and advising programs designed to convey labor market information to students to guide decisions to enroll in eligible credential programs and academic programs and to fund facility construction, renovation, and enhancement and equipment purchases related to the initiative to increase the number of eligible credentials awarded.

§ 23.1-1246. Approval and update of memorandum of understanding.

A. In order to support the goal of the creation of at least 25,000 new eligible credentials by 2042,

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59 the amount of grants available under this chapter shall be calculated in accordance with a
60 memorandum of understanding negotiated with each qualified institution. Each memorandum of
61 understanding shall contain criteria for eligible credentials, eligible expenses, and credential production
62 goals for the institution to reach by 2042.

63 B. Each memorandum of understanding shall be structured in accordance with and be consistent
64 with the objectives and purposes of this chapter and the criteria and requirements developed by, and in
65 the form and manner prescribed by, the Secretary of Finance in consultation with the other designated
66 reviewers. Such criteria and requirements shall include:

67 1. The submission of an enrollment plan by the qualified institution detailing the number of eligible
68 credentials produced between July 1, 2016, and June 30, 2021;

69 2. A detailed plan of (i) how the qualified institution proposes to materially increase the enrollment,
70 retention, and completion of students pursuing eligible credentials, (ii) the resources necessary to
71 accomplish such increase in enrollment, retention, and completion, and (iii) how the qualified institution
72 plans to track new enrollment;

73 3. An accounting of the anticipated number of students enrolling in eligible credential programs;

74 4. The existing capacity of current eligible credential programs, and an estimate of the amount of
75 funding necessary to grow the qualified institution's enrollment capacity pursuant to the plan submitted
76 pursuant to subdivision 2;

77 5. Where applicable, proposed plans to partner with other qualified institutions to provide courses or
78 programs that will lead to the completion of an eligible credential;

79 6. A proposed reallocation of existing funds held by or appropriated to the qualified institution to
80 meet increased enrollment, retention, and completion goals in eligible credential programs; and

81 7. Any other information deemed relevant.

82 C. The designated reviewers shall review each qualified institution's proposed memorandum of
83 understanding, or amendments thereto, provide comments or affirmation to the qualified institution by
84 September 1 of the applicable year, and forward the proposed memorandum of understanding and any
85 comments or affirmations to the Governor for approval of specific funding recommendations.

86 D. The Secretary of Finance, in consultation with the other designated reviewers, shall make a
87 recommendation regarding the amount of annual grant payments for which a qualified institution may
88 be eligible pursuant to its memorandum of understanding. In determining the appropriate amount of
89 such grants, the Secretary and the designated reviewers shall consider (i) the actual cost of eligible
90 credentials at the qualified institution, (ii) the number of students enrolled in qualified credential
91 programs adjusted for actual completion rates at the qualified institution, (iii) tuition revenues generated
92 by students in eligible credential programs at the qualified institution, and (iv) the reallocation of other
93 funds held by or appropriated to the qualified institution for eligible new credential programs. A
94 qualified institution shall be eligible to receive grants pursuant to this chapter, and subject to
95 appropriation, upon signature of the memorandum of understanding by the Governor.

96 E. A qualified institution with an approved memorandum of understanding may request an update to
97 its memorandum of understanding no more than once annually and no later than July 1 of each year.
98 The designated reviewers shall review the request and determine if an update is warranted. The
99 Secretary of Finance, in consultation with the other designated reviewers, may request that a qualified
100 institution update its agreement at any point during the year. No amendment to a memorandum of
101 understanding shall be final until signed by the Governor.

102 F. A new or amended memorandum of understanding shall be approved and signed pursuant to
103 subsection D no later than November 1 in order for a qualified institution to apply for a grant in the
104 next fiscal year.

105 **§ 23.1-1247. Eligibility for grant payments.**

106 A. A qualified institution with a memorandum of understanding approved and signed in accordance
107 with the provisions of § 23.1-1246 shall be eligible to apply for a grant each fiscal year beginning with
108 the Commonwealth's fiscal year beginning July 1, 2022, through the Commonwealth's fiscal year
109 beginning on July 1, 2041. Grants available under this chapter shall be paid to the qualified institution
110 from the Fund, subject to appropriation by the General Assembly, during each such fiscal year,
111 contingent upon the qualified institution's meeting the requirements set forth in its memorandum of
112 understanding. If the total amount of moneys appropriated to the Fund in a fiscal year is less than
113 anticipated, grants to all qualified institutions under this chapter may be prorated to reflect the actual
114 amount appropriated.

115 B. To apply for a grant each year, a qualified institution shall report to the Secretary of Finance
116 regarding the qualified institution's progress on increasing the number of eligible credentials and
117 meeting the requirements pursuant to its memorandum of understanding. Such report shall include, at a
118 minimum: (i) progress on increasing the number of eligible credentials, as set forth in the memorandum
119 of understanding, including actual enrollment in qualified credential programs; (ii) the aggregate
120 number of new eligible credentials created and maintained as of the last day of the calendar year that

121 immediately precedes the date of the application, including information related to the retention of
122 students who enrolled in the calendar year immediately preceding the application; and (iii) the average
123 annual cost incurred in the production of the new eligible credentials described in clause (ii). For
124 applications filed four years or more after the date of a qualified institution's original memorandum of
125 understanding, the qualified institution shall also include actual completion rates from qualified
126 credential programs. The report shall be filed with the Secretary no later than May 1 of the year
127 following the calendar year upon which the report is based, as an application for a grant in the fiscal
128 year beginning on the immediately following July 1. Failure to meet the reporting deadline shall result
129 in a deferral of a payment in the upcoming fiscal year.

130 C. A report received pursuant to subsection B shall be reviewed by the designated reviewers. Within
131 60 days of receipt of the report, the Secretary of Finance, in consultation with the other designated
132 reviewers, shall certify to the Comptroller and the qualified institution the amount of the grant payment
133 to be paid to the qualified institution, subject to appropriation. Payment of such grant shall be made by
134 check issued by the State Treasurer on warrant of the Comptroller in the fiscal year immediately
135 following the submission of such application, as provided in the memorandum of understanding. The
136 Comptroller shall not draw any warrants to issue checks for the grant installments under this section
137 without a specific appropriation for the same.

138 D. As a condition of receipt of grant payments, a qualified institution shall make available for
139 inspection to the designated reviewers all documents relevant and applicable to determining whether the
140 qualified institution has met the requirements for the receipt of a grant as set forth in this chapter and
141 subject to the memorandum of understanding.

142 E. Failure of a qualified institution to meet the goals, metrics, and requirements set forth in its
143 memorandum of understanding shall result in the adjustment of any future awards to the qualified
144 institution to reflect such discrepancy.

145 **§ 23.1-1248. Annual report.**

146 The Secretary of Finance, in consultation with the other designated reviewers, shall submit a report
147 by December 1 of each year to the Chairmen of the House Committee on Appropriations and the Senate
148 Committee on Finance and Appropriations. Such report shall provide an update as to the progress of
149 each qualified institution in meeting the goals set forth in its memorandum of understanding and the
150 aggregate amount of grants awarded to the qualified institution pursuant to this chapter.