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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992

ENROLLED
Committee Substitute for
SENATE BILL NO. 284

(By Senators *Handette Mr. President, and Bailey,*
By Request of the Executive)

PASSED March 16, 1992
In Effect 90 days from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 284

(BY SENATOR BURDETTE, MR. PRESIDENT, AND BOLEY,
BY REQUEST OF THE EXECUTIVE)

[Passed March 6, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article three-a, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section five, relating to creation of an applied technology education competitive grant program to meet the needs of business and industry within the state for a competitive, technically skilled work force; providing greater flexibility in appointments to the joint commission for vocational-technical-occupational education; creating an applied technology education fund to be administered by said joint commission; setting forth program goals, application criteria and funding priorities; specifying certain obligations of grant recipients including open records; and providing for termination of grants for failure to comply with terms and conditions.

Be it enacted by the Legislature of West Virginia:

That section two, article three-a, chapter eighteen-b of

the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section five, to read as follows:

ARTICLE 3A. WEST VIRGINIA JOINT COMMISSION FOR VOCATIONAL-TECHNICAL-OCCUPATIONAL EDUCATION.

§18B-3A-2. Composition of commission; terms of members; qualifications of members.

1 The members appointed by the governor shall
2 include all of the following:

3 (a) Seven individuals who shall be representatives
4 from business, industry and agriculture, including one
5 member representing small business concerns, one
6 member of whom shall represent the governor's office
7 of community and industrial development, one mem-
8 ber of whom shall represent proprietary schools and
9 one member of whom shall represent labor organiza-
10 tions. In selecting private sector individuals under this
11 subdivision, the governor shall give due consideration
12 to the appointment of individuals who serve on a
13 private industry council or other appropriate state
14 agencies.

15 (b) Six individuals, three of whom shall be represen-
16 tatives of secondary vocational-technical-occupational
17 education appointed by the governor with advice from
18 the state superintendent of schools, and three of whom
19 shall be representatives of post-secondary vocational-
20 technical-occupational education appointed by the
21 governor, with advice from the chancellor of the board
22 of directors.

23 In addition to the members appointed by the gover-
24 nor, the state superintendent of schools and the vice
25 chancellor of the board of directors shall serve as ex
26 officio members.

27 Members of the commission shall serve for overlap-
28 ping terms of four years, except that the original
29 appointments to the commission shall be for staggered
30 terms allocated in the following manner: One member
31 recommended for appointment by the chancellor, one

32 member recommended for appointment by the state
33 superintendent of schools and two members appointed
34 by the governor for terms of two years; one member
35 recommended for appointment by the chancellor, one
36 member recommended for appointment by the state
37 superintendent of schools and two members appointed
38 by the governor for terms of three years; and one
39 member recommended for appointment by the state
40 superintendent of schools, one member recommended
41 for appointment by the chancellor and three members
42 appointed by the governor for terms of four years.

§18B-3A-5. Applied technology education fund.

1 (a) There is hereby created in the state treasury, an
2 applied technology education fund to be administered
3 by the joint commission for vocational-technical-
4 occupational education, in conjunction with its other
5 duties as set forth in this article, to promote the
6 development of applied technology education and
7 training programs which meet the needs of new and
8 existing business and industry within West Virginia
9 for a competitive, technically skilled work force. The
10 major goals of the applied technology education fund
11 are: (1) To encourage the state college and university
12 system to develop a delivery system for instruction in
13 applied technology leading to a degree in which
14 specialty skill instruction is built around a common
15 core of basic skills so that the specialty areas may be
16 readily modified to meet the changing demands of the
17 workplace; (2) to provide partial funding for the start-
18 up or expansion of programs of instruction leading to
19 a degree in applied technology skills for which there is
20 a demonstrated and recurring need for skilled
21 employees; and (3) to respond to unique needs for
22 instruction in applied technology which are of limited
23 duration and for which adequate funding is not
24 available from other sources.

25 (b) The joint commission shall award grants to state
26 institutions of higher education from the applied
27 technology education fund based upon a competitive
28 application process which includes the following
29 criteria:

30 (1) The degree to which the course or program will
31 advance the economy of the state, region and/or local
32 area, including, but not limited to, the immediate and
33 potential economic impact, the effect on labor markets
34 and the linkages with other economic development
35 plans for the area;

36 (2) The program structure, including, but not limited
37 to, cost effectiveness in terms of maximum use of
38 existing resources of the institution, other public and
39 private educational institutions and the community,
40 and flexibility in terms of minimum changes neces-
41 sary to accommodate the addition, deletion and mod-
42 ification of degree specialties in response to changing
43 demands;

44 (3) The degree of direct and ongoing involvement in
45 the education and training program by other public
46 and private sector agencies, organizations and enter-
47 prises, including, but not limited to, direct matching
48 contributions, in-kind contributions, cost sharing, ad
49 hoc faculty, endowed chairs, mentorships, internships
50 for students and faculty, program scholarships and
51 other student aid;

52 (4) The amounts and sources of funding for the
53 entire project, including, but not limited to, all grant
54 moneys applied for and received for the program,
55 including notification to the joint commission of
56 moneys received after submission of the application,
57 all institutional costs associated directly or indirectly
58 with the education and training program, and all costs
59 for capital modernization and retooling to increase
60 competitiveness attendant with employment of the
61 program's graduates incurred by other public and
62 private agencies, organizations and enterprises with
63 direct and ongoing involvement in the program;

64 (5) The history of identified prospective employers of
65 program graduates, including, but not limited to, job
66 opportunities, stability of employment, past and
67 present condition and structure, present and future
68 market prospects and any other information deemed
69 necessary by the joint commission to judge the present

70 and future viability of such employers;

71 (6) The anticipated duration of the education and
72 training program, including, but not limited to,
73 whether and how such program is expected to become
74 self-supporting following completion of the grant and
75 the time period for which the grant is requested;

76 (7) The importance of state funding for the viability
77 of the program; and

78 (8) Any other information deemed necessary by the
79 joint commission for judging the relative merits of the
80 course or program.

81 (c) Priority for funding shall be given to courses or
82 programs which serve new areas of technical skills,
83 which serve underemployed and/or displaced workers
84 not served by other training programs, and/or which
85 leverage other public or private funds. Grants may be
86 awarded on a multiyear basis, generally not exceeding
87 three years, with funding in the second and succeed-
88 ing years contingent upon successfully fulfilling prior
89 year's objectives. Grant funds shall not be used to
90 supplant other applicable state, federal or local funds
91 for such purposes. Grant awards received by a state
92 institution of higher education shall not be used to
93 reduce the institution's base budget allocation.

94 (d) The joint commission shall establish a grant
95 application and review process, including any neces-
96 sary forms. The review process shall prioritize pro-
97 grams for funding on a competitive basis as, in the
98 judgment of the joint commission, they best serve the
99 purposes of this article and the needs of the state for
100 increasing the competitiveness of its work force. The
101 joint commission shall award funds to programs with
102 the highest priority rankings subject to the availability
103 of funds. Priority rankings may be periodically rea-
104 ligned based upon the review of new or modified grant
105 applications.

106 (e) Receipt of a grant shall obligate the recipient to
107 such terms and conditions as may be established by
108 the joint commission in connection with the grant

109 award. Such terms and conditions shall, at a mini-
110 mum, require the recipient to keep proper books of
111 record and account in accordance with generally
112 accepted accounting principles. Such books of record
113 and account shall be open to inspection and audit by
114 the joint commission at its request and to inspection
115 and copying by the public in accordance with the
116 provisions of the state freedom of information act set
117 forth in chapter twenty-nine-b of this code. The joint
118 commission may require an independent audit of such
119 books of record and account at the expense of the
120 grant recipient. Failure to comply with the terms and
121 conditions of a grant award may result in its
122 termination.

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

Somer Luck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Dassel E. Adams
.....
Clerk of the Senate

Donald L. Hopp
.....
Clerk of the House of Delegates

Walt Burton
.....
President of the Senate

Robert L. ...
.....
Speaker House of Delegates

The within *is approved* this the *3/84*
day of *March*, 1992.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR
Date 3/20/92
Time 5:30 p.m.