

By: Nelson

S.B. No. 281

A BILL TO BE ENTITLED

AN ACT

relating to the continuation of the Council on Workforce and Economic Competitiveness as the Texas Workforce Investment Council and to the functions performed by the council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. CONTINUATION AS TEXAS WORKFORCE

INVESTMENT COUNCIL

SECTION 1.01. The heading of Chapter 2308, Government Code, is amended to read as follows:

CHAPTER 2308. WORKFORCE INVESTMENT [~~AND ECONOMIC COMPETITIVENESS~~] ACT

SECTION 1.02. Section 2308.001, Government Code, is amended to read as follows:

Sec. 2308.001. SHORT TITLE. This chapter may be cited as the Workforce Investment [~~and Economic Competitiveness~~] Act.

SECTION 1.03. Subdivision (1), Section 2308.002, Government Code, is amended to read as follows:

(1) "Council" means the Texas Workforce Investment Council [~~on Workforce and Economic Competitiveness~~].

SECTION 1.04. Section 2308.005, Government Code, is amended to read as follows:

Sec. 2308.005. APPLICATION OF SUNSET ACT. The Texas Workforce Investment Council [~~on Workforce and Economic Competitiveness~~] is subject to Chapter 325 (Texas Sunset Act).

1 Unless continued in existence as provided by that chapter, the  
2 council is abolished September 1, 2015 [2003].

3 SECTION 1.05. Subsection (a), Section 2308.006, Government  
4 Code, is amended to read as follows:

5 (a) If a change in law made by House Bill 3431, Acts of the  
6 76th Legislature, Regular Session, 1999, would have the effect of  
7 invalidating an exemption granted under the Workforce Investment  
8 Act of 1998 (Pub. L. No. 105-220), the Texas Workforce Investment  
9 Council [~~on Workforce and Economic Competitiveness~~] may not operate  
10 under that change in law but, instead, shall operate under the law  
11 as it existed before September 1, 1999 [~~the effective date of this~~  
12 ~~Act~~].

13 ARTICLE 2. COUNCIL MEMBERSHIP AND TRAINING

14 SECTION 2.01. Section 2308.052, Government Code, is amended  
15 by amending Subsections (b) and (c) and adding Subsection (e) to  
16 read as follows:

17 (b) The council is composed of:

18 (1) three voting members who represent education, one  
19 of whom represents local public education, one of whom represents  
20 public postsecondary education, and one of whom represents  
21 vocational education;

22 (2) five voting members who represent organized labor  
23 appointed from recommendations made by recognized labor  
24 organizations;

25 (3) five voting members who represent business and  
26 industry, including business members serving on local workforce  
27 development boards or private industry councils;

(4) one ~~[two]~~ voting member ~~[members]~~ who represents  
~~[represent]~~ community-based organizations; and

(5) the following ex officio voting members:

(A) the commissioner of education ~~[chair of the  
State Board of Education]~~;

(B) the commissioner of higher education ~~[chair  
of the Texas Higher Education Coordinating Board]~~;

(C) the commissioner of human services  
~~[presiding officer of the Texas Board of Human Services]~~;

(D) the executive director ~~[presiding officer of  
the policy advisory board]~~ of the Texas Department of Economic  
Development; and

(E) the executive director ~~[chair]~~ of the Texas  
Workforce Commission.

(c) The membership of the council must represent the ~~[ethnic  
and]~~ geographic diversity of this state.

(e) Appointments to the council shall be made without regard  
to the race, color, disability, sex, religion, age, or national  
origin of the appointees.

SECTION 2.02. Subsection (a), Section 2308.053, Government  
Code, is amended to read as follows:

(a) The governor shall designate one of the business or  
labor representatives on the council ~~[to serve]~~ as the presiding  
officer of the council to serve in that capacity at the pleasure of  
the governor.

SECTION 2.03. Subsection (a), Section 2308.054, Government  
Code, is amended to read as follows:

1           (a) A member of the council who does not serve as an ex  
2 officio member serves a six-year term. Approximately one-third  
3 ~~[One-third]~~ of these members' terms expire in each odd-numbered  
4 year.

5           SECTION 2.04. Subsections (a) and (c), Section 2308.056,  
6 Government Code, are amended to read as follows:

7           (a) It is a ground for removal from the council that a member  
8 who is not an ex officio member:

9                 (1) does not have at the time of appointment the  
10 qualifications required by Section 2308.052;

11                (2) does not maintain during service on the council  
12 the qualifications required by Section 2308.052;

13                (3) cannot, because of illness or disability,  
14 discharge the member's duties for a substantial part of the member's  
15 term ~~[for which the member is appointed because of illness or~~  
16 ~~disability]~~;

17                (4) is absent from more than one-fourth of the  
18 regularly scheduled council meetings that the member is eligible to  
19 attend during a calendar year without an excuse approved by a  
20 majority vote of the council's members; or

21                (5) is absent from two consecutive council meetings  
22 for which the member received notice not less than 48 hours before  
23 the time of the meeting.

24           (c) If the executive director has knowledge that a potential  
25 ground for removal exists, the executive director shall notify the  
26 presiding officer of the council of the ground. The presiding  
27 officer shall then notify the governor and the attorney general

1 that a potential ground for removal exists. If the potential ground  
2 for removal involves the presiding officer, the executive director  
3 shall notify the next highest ranking officer of the council, who  
4 shall then notify the governor and the attorney general that a  
5 potential ground for removal exists.

6 SECTION 2.05. Section 2308.158, Government Code, is amended  
7 to read as follows:

8 Sec. 2308.158. COUNCIL TRAINING; STANDARDS OF CONDUCT  
9 INFORMATION. (a) A person who is appointed to and qualifies for  
10 office as a council member may not vote, deliberate, or be counted  
11 as a member in attendance at a meeting of the council until the  
12 person completes a training program that complies with this  
13 section.

14 (b) The training program must provide the person with  
15 information regarding:

16 (1) the legislation that created the council;  
17 (2) the programs operated by the council;  
18 (3) the role and functions of the council;  
19 (4) the rules of the council, with an emphasis on the  
20 rules that relate to disciplinary and investigatory authority;

21 (5) the current budget for the council;  
22 (6) the results of the most recent formal audit of the  
23 council;

24 (7) the requirements of:  
25 (A) the open meetings law, Chapter 551;  
26 (B) the public information law, Chapter 552;  
27 (C) the administrative procedure law, Chapter

1 2001; and

2 (D) other laws relating to public officials,  
3 including conflict-of-interest laws; and

4 (8) any applicable ethics policies adopted by the  
5 council or the Texas Ethics Commission.

6 (c) Each council member shall comply with the member  
7 training requirements established by any other state agency that is  
8 given authority to establish the requirements for the council.

9 (d) ~~[(b)]~~ The executive director shall provide to the  
10 council's members and employees, as often as necessary, information  
11 regarding the requirements ~~[their qualifications]~~ for office or  
12 employment under this chapter, including information regarding a  
13 person's ~~[and their]~~ responsibilities under applicable laws  
14 relating to standards of conduct for state officers and employees.

15 SECTION 2.06. (a) Of the positions on the Texas Workforce  
16 Investment Council that must be filled by a member who represents  
17 community-based organizations, the position of the member whose  
18 term on the council is next scheduled to expire is abolished on  
19 September 1, 2003.

20 (b) If, of the positions on the Texas Workforce Investment  
21 Council that must be filled by a member who represents  
22 community-based organizations, two members have terms that are next  
23 scheduled to expire, one of the positions is abolished on September  
24 1, 2003. On or before September 1, 2003, both of the members shall  
25 determine by unanimous agreement or by lot which of the positions  
26 shall be abolished on September 1, 2003, and shall inform the  
27 presiding officer of the Texas Workforce Investment Council of that

determination.

SECTION 2.07. As soon as practicable after the effective date of this Act, the ex officio voting members of the Texas Workforce Investment Council described by Subsection (b), Section 2308.052, Government Code, as amended by this article, shall begin to serve on the council.

SECTION 2.08. The changes in law made by this article in the prohibitions or qualifications applying to members of the Texas Workforce Investment Council do not affect the entitlement of a member serving on the council immediately before September 1, 2003, to continue to serve and function as a member of the council for the remainder of the member's term. Those changes in law apply only to a member appointed on or after September 1, 2003.

#### ARTICLE 3. COUNCIL DUTIES

SECTION 3.01. Section 2308.101, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The members of the council shall develop and implement policies that:

(1) clearly separate:

(A) the policy-making responsibilities of the members of the council; and

(B) the management responsibilities of the executive director and the staff of the council; and

(2) provide the public with a reasonable opportunity to appear before the council and to speak on any issue under the jurisdiction of the council.

SECTION 3.02. Subchapter C, Chapter 2308, Government Code,

1 is amended by adding Section 2308.1015 to read as follows:

2 Sec. 2308.1015. DUTY TO FACILITATE DELIVERY OF INTEGRATED  
3 WORKFORCE SERVICES. (a) To facilitate the seamless delivery of  
4 integrated workforce services in this state, the council shall:

5 (1) evaluate programs administered by agencies  
6 represented on the council to identify:

7 (A) any duplication of or gaps in the services  
8 provided by those programs; and

9 (B) any other problems that adversely affect the  
10 seamless delivery of those services; and

11 (2) develop and implement immediate and long-range  
12 strategies to address problems identified by the council under  
13 Subdivision (1).

14 (b) The council shall include in the council's annual report  
15 to the governor and to the legislature:

16 (1) a list of specific problems identified by the  
17 council under Subsection (a) to be addressed by the council in the  
18 following year; and

19 (2) the results of any measures taken by the council to  
20 address problems identified by the council under Subsection (a).

21 (c) The long-range strategies developed by the council  
22 under Subsection (a) must:

23 (1) identify each agency represented on the council  
24 that is responsible for implementing each strategy; and

25 (2) include a time frame for the implementation of  
26 each strategy.

27 SECTION 3.03. Section 2308.102, Government Code, is amended

to read as follows:

Sec. 2308.102. ASSUMPTION OF DUTIES AND RESPONSIBILITIES.

(a) The council shall assume the duty to:

(1) develop, with the assistance of each appropriate state agency, recommend to the governor, and report to the legislature state plans required by applicable federal law in order for the state to receive federal funds;

(2) make policy recommendations to the governor and the legislature on goals and priorities for formula and discretionary funds for all applicable programs; and

~~(3) [participate directly in the development of the state plan for career and technology education, as required by law, and recommend the plan to the Texas Education Agency;~~

~~[(4) ensure that general revenue funds previously available to the Texas Literacy Council are used to support the efforts of local literacy councils in a manner consistent with the state strategic plan;~~

~~[(5) recommend to the State Board for Career and Technology Education the division of federal funds between secondary and postsecondary educational agencies under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. Section 2301 et seq.); and~~

~~[(6)]~~ make recommendations to the Texas Workforce Commission on unemployment insurance issues pertinent to the responsibilities of the council.

(b) ~~[The council shall assume the responsibilities assigned to the state advisory council under the following federal laws:~~

1           ~~[(1) the Job Training Partnership Act (29 U.S.C.~~  
2     ~~Section 1501 et seq.)];~~

3           ~~[(2) the Carl D. Perkins Vocational and Applied~~  
4     ~~Technology Education Act (20 U.S.C. Section 2301 et seq.)];~~

5           ~~[(3) the National and Community Service Act of 1990~~  
6     ~~(42 U.S.C. Section 12501 et seq.)];~~

7           ~~[(4) the Adult Education Act (20 U.S.C. Section 1201~~  
8     ~~et seq.)];~~

9           ~~[(5) the Wagner-Peyser Act (29 U.S.C. Section 49 et~~  
10    ~~seq.)];~~

11          ~~[(6) Part F, Subchapter IV, Social Security Act (42~~  
12    ~~U.S.C. Section 681 et seq.)];~~

13          ~~[(7) the employment program established under Section~~  
14    ~~6(d)(4), Food Stamp Act of 1977 (7 U.S.C. Section 2015(d)(4)); and~~

15          ~~[(8) the National Literacy Act of 1991 (20 U.S.C.~~  
16    ~~Section 1201 et seq.).~~

17          ~~[(c)]~~ The council shall assume the responsibilities  
18    formerly exercised by ~~[the following state advisory councils and~~  
19    ~~committees:~~

20           ~~[(1) the State Job Training Coordinating Council;~~

21           ~~[(2) the Texas Council on Vocational Education;~~

22           ~~[(3) the Texas Literacy Council; and~~

23           ~~[(4)]~~ the Apprenticeship and Training Advisory  
24    Committee.

25          SECTION 3.04. Section 2308.104, Government Code, is amended  
26    by adding Subsection (h) to read as follows:

27          (h) The council shall include in the strategic plan

1 long-range strategies developed by the council under Section  
2 2308.1015 to facilitate the seamless delivery of integrated  
3 workforce services in this state.

4 SECTION 3.05. Subchapter C, Chapter 2308, Government Code,  
5 is amended by adding Sections 2308.107 and 2308.108 to read as  
6 follows:

7 Sec. 2308.107. COMPLAINTS AGAINST COUNCIL. (a) The  
8 council shall maintain a file on each written complaint filed with  
9 the council. The file must include:

10 (1) the name of the person who filed the complaint;  
11 (2) the date the complaint is received by the council;  
12 (3) the subject matter of the complaint;  
13 (4) the name of each person contacted in relation to  
14 the complaint;

15 (5) a summary of the results of the review or  
16 investigation of the complaint; and

17 (6) an explanation of the reason the file was closed,  
18 if the council closed the file without taking action other than to  
19 investigate the complaint.

20 (b) The council shall provide to the person filing the  
21 complaint and to each person who is a subject of the complaint a  
22 copy of the council's policies and procedures relating to complaint  
23 investigation and resolution.

24 (c) The council, at least quarterly until final disposition  
25 of the complaint, shall notify the person filing the complaint and  
26 each person who is a subject of the complaint of the status of the  
27 investigation unless the notice would jeopardize an undercover

1 investigation.

2 Sec. 2308.108. POLICY ON TECHNOLOGICAL SOLUTIONS. The  
3 members of the council shall develop and implement a policy  
4 requiring the executive director and council employees to research  
5 and propose appropriate technological solutions to improve the  
6 council's ability to perform its functions. The technological  
7 solutions must:

8 (1) ensure that:

9 (A) the public is able to easily find information  
10 about the council on the Internet; and

11 (B) persons who want to use the council's  
12 services are able to:

13 (i) interact with the council through the  
14 Internet; and

15 (ii) access any service that can be  
16 provided effectively through the Internet;

17 (2) be cost-effective; and

18 (3) be developed through the council's planning  
19 processes.

20 SECTION 3.06. Subchapter D, Chapter 2308, Government Code,  
21 is amended by adding Section 2308.159 to read as follows:

22 Sec. 2308.159. STATE EMPLOYEE INCENTIVE PROGRAM  
23 INFORMATION AND TRAINING. The executive director or the executive  
24 director's designee shall provide to council employees information  
25 and training on the benefits and methods of participation in the  
26 state employee incentive program.

27 SECTION 3.07. The Texas Workforce Investment Council shall

1 implement Sections 2308.101, 2308.1015, 2308.104, 2308.108, and  
2 2308.159, Government Code, as amended or added by this article, not  
3 later than February 1, 2004.

4 SECTION 3.08. Section 2308.107, Government Code, as added  
5 by this article, applies only to a written complaint filed with the  
6 Texas Workforce Investment Council on or after the effective date  
7 of this Act, regardless of whether the conduct or act that is the  
8 subject of the complaint occurred or was committed before, on, or  
9 after the effective date of this Act.

10 ARTICLE 4. TRANSFER OF MAINTENANCE OF WORKFORCE

11 DEVELOPMENT EVALUATION SYSTEM FROM COUNCIL TO

12 TEXAS WORKFORCE COMMISSION

13 SECTION 4.01. The heading of Section 2308.151, Government  
14 Code, is amended to read as follows:

15 Sec. 2308.151. ESTABLISHMENT OF FUNDING FORMULA FOR  
16 EVALUATION SYSTEM[~~, FUNDING~~].

17 SECTION 4.02. Subsection (c), Section 2308.151, Government  
18 Code, is amended to read as follows:

19 [~~(c)~~] The council shall establish, with the approval of the  
20 governor, a funding formula to determine the level of support each  
21 agency administering a workforce program must provide to operate  
22 the automated follow-up and evaluation system administered by the  
23 Texas Workforce Commission under Subchapter E, Chapter 302, Labor  
24 Code [~~required by this section~~].

25 SECTION 4.03. Chapter 302, Labor Code, is amended by adding  
26 Subchapter E to read as follows:

SUBCHAPTER E. WORKFORCE DEVELOPMENT EVALUATION SYSTEM

Sec. 302.081. MAINTENANCE AND OPERATION OF WORKFORCE DEVELOPMENT EVALUATION SYSTEM. (a) The commission shall maintain and operate an automated follow-up and evaluation system derived from appropriate available information, including:

(1) unemployment insurance wage records maintained by the commission; and

(2) student follow-up information available through the Texas Higher Education Coordinating Board.

(b) The agencies represented on the council shall fund the maintenance and operation of the evaluation system by using funds available to the agencies for evaluation of each agency's workforce development programs.

Sec. 302.082. INFORMATION AND DATA FOR EVALUATION SYSTEM.

(a) Each state agency represented on the council shall provide information to support the commission's follow-up and evaluation system as requested.

(b) Evaluation data in the system must include:

(1) placement rates;

(2) wages paid;

(3) retention in employment statistics;

(4) the number of education and training-related placements; and

(5) other appropriate factors, including public welfare dependency and the pursuit of additional education.

(c) The commission may develop a method for collecting occupational information to supplement wage record information

1 collected by the commission. The commission may request employers,  
2 providers, and other appropriate sources to provide placement,  
3 employment, and earnings information to the commission.

4 Sec. 302.083. ANALYSIS. (a) At least annually, the  
5 commission shall issue an analysis, by occupation and by the  
6 provider of the job placement performance, of each workforce  
7 development program for the previous one-year, three-year, and  
8 five-year periods to:

9 (1) each provider of workforce education or workforce  
10 training and services;

11 (2) the Texas Higher Education Coordinating Board for  
12 each provider of workforce education approved and administered by  
13 the coordinating board;

14 (3) each local workforce development board for each  
15 provider of workforce training and services in the workforce  
16 development area; and

17 (4) the division.

18 (b) The commission shall post each analysis issued under  
19 Subsection (a) on the commission's Internet website in a format  
20 that is readily accessible to and understandable by a member of the  
21 public.

22 Sec. 302.084. USE BY TEXAS HIGHER EDUCATION COORDINATING  
23 BOARD. The Texas Higher Education Coordinating Board shall use the  
24 job placement information received under this subchapter and other  
25 information to:

26 (1) evaluate the effectiveness of workforce  
27 education;

1           (2) determine whether a public or private workforce  
2 education program is effective in placing persons who successfully  
3 complete the program in jobs related to the persons' training; and

4           (3) determine whether to continue, expand, or  
5 terminate a program established under Section 61.051, Education  
6 Code.

7           Sec. 302.085. USE BY COUNCIL AND WORKFORCE DEVELOPMENT  
8 BOARD. The council and each local workforce development board  
9 shall use the information developed under this subchapter and other  
10 information to determine whether a specific workforce training and  
11 services program administered by or funded by the local board is  
12 effective and whether to continue the training and services  
13 program.

14           Sec. 302.086. USE OF EVALUATION SYSTEM. The follow-up and  
15 evaluation system shall be used to assist the commission, the  
16 council, local workforce development boards, institution boards,  
17 the Texas Higher Education Coordinating Board, the Texas Education  
18 Agency, and other agencies in evaluating the labor market success  
19 and effectiveness of workforce development in this state.

20           SECTION 4.04. As soon as practicable after the effective  
21 date of this Act, the Texas Workforce Investment Council shall  
22 transfer all records and information relating to the maintenance  
23 and operation of the workforce development evaluation system to the  
24 Texas Workforce Commission.

25                               ARTICLE 5. REPEALER

26           SECTION 5.01. Subsections (a) and (b), Section 2308.151,  
27 Government Code, are repealed.

SECTION 5.02. Sections 2308.152 through 2308.156, Government Code, are repealed.

ARTICLE 6. CONFORMING AMENDMENTS

SECTION 6.01. Section 19.011, Education Code, is amended to read as follows:

Sec. 19.011. COORDINATION WITH OTHER STATE AGENCIES.

(a) In order to achieve the goals stated in Section 19.003, the district with the cooperation of the Health and Human Services Commission, the Texas Workforce Investment Council [~~on Workforce and Economic Competitiveness~~], the Texas Department of Economic Development [~~Commerce~~], and the department shall provide persons confined or imprisoned in the department:

(1) information from local workforce and development boards on job training and employment referral services; and

(2) information on the tax refund voucher program under Subchapter H [~~D~~], Chapter 301 [~~31~~], Labor [~~Human Resources~~] Code[, ~~and~~

~~[(3) information on the smart jobs fund program].~~

(b) The district may coordinate vocational education and job training programs with a local workforce development board authorized by the Texas Workforce Investment Council [~~on Workforce and Economic Competitiveness~~].

SECTION 6.02. Section 30.103, Education Code, is amended to read as follows:

Sec. 30.103. MEMORANDUM OF UNDERSTANDING. The Texas Youth Commission with the assistance of the Texas Workforce [~~Employment~~] Commission and the Texas Workforce Investment Council [~~on Workforce~~

1 ~~and Economic Competitiveness~~] shall by rule adopt a memorandum of  
 2 understanding that establishes the respective responsibility of  
 3 those entities to provide through local workforce development  
 4 boards job training and employment assistance programs to children  
 5 committed or formerly sentenced to the Texas Youth Commission. The  
 6 Texas Youth Commission shall coordinate the development of the  
 7 memorandum of understanding and include in its annual report  
 8 information describing the number of children in the preceding year  
 9 receiving services under the memorandum.

10 SECTION 6.03. Subsection (f), Section 61.051, Education  
 11 Code, is amended to read as follows:

12 (f) The board shall encourage and develop new certificate  
 13 programs in technical and vocational education in Texas public  
 14 technical institutes and public community colleges as the needs of  
 15 technology and industry may demand and shall recommend the  
 16 elimination of such programs for which a need no longer exists. The  
 17 board shall conduct a review of the certificate programs at least  
 18 every four years or on the request of the Texas Workforce Investment  
 19 Council [~~on Workforce and Economic Competitiveness~~] and shall  
 20 terminate a program that does not meet performance review standards  
 21 and other criteria established by the board. The board shall assume  
 22 the leadership role and administrative responsibilities for state  
 23 level administration of postsecondary technical-vocational  
 24 education programs in Texas public community colleges, public  
 25 technical institutes, and other eligible public postsecondary  
 26 institutions. The board shall ensure that standardized minimum  
 27 technical and skill-specific competency and performance standards

1 for each workforce education program, as developed by the Texas  
2 Workforce Investment Council [~~on Workforce and Economic~~  
3 ~~Competitiveness~~], are used in the board's review, approval, or  
4 disapproval of a vocational and technical program financed by state  
5 and federal funds.

6 SECTION 6.04. Section 61.077, Education Code, is amended to  
7 read as follows:

8 Sec. 61.077. JOINT ADVISORY COMMITTEE. (a) A joint  
9 advisory committee shall advise the Texas Higher Education  
10 Coordinating Board and the State Board of Education in coordinating  
11 postsecondary career and technology activities, career and  
12 technology teacher education programs offered or proposed to be  
13 offered in the colleges and universities of this state, and other  
14 relevant matters, including those listed in Section 61.076 of this  
15 code. The committee shall be composed of three members from the  
16 State Board of Education[~~7~~] appointed by the chair [~~chairman~~]  
17 the board, [~~and~~] three members from the Texas Higher Education  
18 Coordinating Board[~~7~~] appointed by the chairman of the board, one  
19 member designated by the presiding officer of the Texas Workforce  
20 Investment Council [~~on Workforce and Economic Competitiveness~~],  
21 and one member representing business designated by the chair of the  
22 Texas Partnership for Economic Development. A member of the board  
23 shall be designated as chairman of the joint advisory committee by  
24 the chairman of the board. The committee shall hold regular annual  
25 meetings as called by the chairman.

26 (b) The purposes of this committee shall include the  
27 following:

1           (1) to advise the two boards on the coordination of  
2 postsecondary career and technology education and the articulation  
3 between postsecondary career and technology education and  
4 secondary career and technology education;

5           (2) to facilitate the transfer of responsibilities for  
6 the administration of postsecondary career and technology  
7 education from the State Board of Education to the board in  
8 accordance with Section 111(a)(I) of the Carl D. Perkins Vocational  
9 Education Act, Public Law 98-524;

10          (3) to advise the State Board of Education, when it  
11 acts as the State Board for Career and Technology Education, on the  
12 following:

13               (A) the transfer of federal funds to the board  
14 for allotment to eligible public postsecondary institutions of  
15 higher education;

16               (B) the career and technology education funding  
17 for projects and institutions as determined by the board when the  
18 State Board for Career and Technology Education is required by  
19 federal law to endorse such determinations;

20               (C) the development and updating of the state  
21 plan for career and technology education and the evaluation of  
22 programs, services, and activities of postsecondary career and  
23 technology education and such amendments to the state plan for  
24 career and technology education as may relate to postsecondary  
25 education;

26               (D) other matters related to postsecondary  
27 career and technology education; and

1           (E) the coordination of curricula, instructional  
2 programs, research, and other functions as appropriate, including  
3 areas listed in Section 61.076 of this code, school-to-work and  
4 school-to-college transition programs, and professional  
5 development activities; and

6           (4) to advise the Texas Workforce Investment Council  
7 [~~on Workforce and Economic Competitiveness~~] on educational policy  
8 issues related to workforce preparation.

9           SECTION 6.05. Subsections (a) and (c), Section 76.014,  
10 Government Code, are amended to read as follows:

11           (a) A department, with the assistance of the Texas Workforce  
12 Commission, the Texas Workforce Investment Council [~~on Workforce~~  
13 ~~and Economic Competitiveness~~], local workforce development boards,  
14 and other appropriate public and private entities, may establish a  
15 developmental program for a defendant under the supervision of the  
16 department on the basis of information obtained in the presentence  
17 investigation report prepared for the defendant.

18           (c) To decrease expenditures by departments for the  
19 educational and vocational skills assessment and enhancement  
20 program established under this section, the Texas Department of  
21 Economic Development [~~Commerce~~] shall provide information to  
22 departments, the Texas Workforce Commission, the Texas Workforce  
23 Investment Council [~~on Workforce and Economic Competitiveness~~],  
24 local workforce development boards, and other appropriate public  
25 and private entities for obtaining financial assistance through  
26 programs under Chapter 301, Labor Code, and other applicable  
27 programs of public or private entities.

1           SECTION 6.06. Subsection (a), Section 481.168, Government  
2 Code, is amended to read as follows:

3           (a) The attorney general, the comptroller, the Texas  
4 Department of Economic Development, and the Texas Workforce  
5 Investment Council [~~on Workforce and Economic Competitiveness~~]  
6 shall:

7                   (1) conduct a survey of tax incentive laws and  
8 economic development laws enacted in other states since 1990; and

9                   (2) deliver to the governor, the lieutenant governor,  
10 and the speaker of the house of representatives a joint report of  
11 the results of the survey.

12          SECTION 6.07. Subsection (b), Section 497.094, Government  
13 Code, is amended to read as follows:

14          (b) The department and the Texas Workforce Investment  
15 Council [~~on Workforce and Economic Competitiveness~~] by rule shall  
16 adopt a memorandum of understanding that establishes the respective  
17 responsibility of those entities to provide through local workforce  
18 development boards job training and employment assistance to  
19 persons formerly sentenced to the institutional division or the  
20 state jail division and information on services available to  
21 employers or potential employers of those persons. The department  
22 shall coordinate the development of the memorandum of  
23 understanding.

24          SECTION 6.08. Subsection (f), Section 31.0126, Human  
25 Resources Code, is amended to read as follows:

26          (f) In this section, a "local workforce development board"  
27 means a local workforce development board created under Chapter

1 2308, Government Code [~~Section 4.01, Workforce and Economic~~  
2 ~~Competitiveness Act (Article 5190.7a, Vernon's Texas Civil~~  
3 ~~Statutes)~~].

4 SECTION 6.09. Subdivisions (3) and (6), Subsection (d),  
5 Section 301.001, Labor Code, are amended to read as follows:

6 (3) "Council" means the Texas Workforce Investment  
7 Council [~~on Workforce and Economic Competitiveness~~].

8 (6) "Local workforce development board" means an  
9 entity formed under Chapter 2308, Government Code [~~Section 4.01,~~  
10 ~~Workforce and Economic Competitiveness Act (Article 5190.7a,~~  
11 ~~Vernon's Texas Civil Statutes)~~].

12 SECTION 6.10. Subsections (a) and (b), Section 306.007,  
13 Labor Code, are amended to read as follows:

14 (a) To assist in the reintegration into the labor force of  
15 persons formerly sentenced to the institutional division or the  
16 state jail division, the commission through Project RIO shall  
17 provide:

18 (1) to those persons:

19 (A) information from local workforce development  
20 boards on job training and employment referral services;

21 (B) information from the Texas Commission on  
22 Alcohol and Drug Abuse on substance abuse treatment services;

23 (C) information from the Texas Department of  
24 Housing and Community Affairs on housing services;

25 (D) information from the Texas Veterans  
26 Commission on services for veterans; and

27 (E) information [~~from the Texas Department of~~

1 ~~Human Services~~] on tax refund voucher programs under Subchapter H  
2 ~~[D]~~, Chapter 301 ~~[31, Human Resources Code]~~; and

3 (2) to the employers and potential employers of those  
4 persons:

5 (A) information from the Texas Department of  
6 Economic Development ~~[Commerce]~~ on the enterprise zone program ~~[and~~  
7 ~~smart jobs fund program]~~; and

8 (B) information from local workforce development  
9 boards on services listed in Section 2308.304, Government Code.

10 (b) The commission shall adopt a memorandum of  
11 understanding with each of the following agencies that establishes  
12 the respective responsibilities of the commission and the agencies  
13 in providing information described by Subsection (a) to persons  
14 formerly sentenced to the institutional division or the state jail  
15 division of the Texas Department of Criminal Justice, to employers  
16 or potential employers of those persons, and to local workforce  
17 development boards:

18 (1) the Texas Commission on Alcohol and Drug Abuse;

19 (2) the Texas Department of Housing and Community  
20 Affairs;

21 (3) the Texas Veterans Commission;

22 (4) the Texas Department of Human Services;

23 (5) the Texas Department of Economic Development  
24 ~~[Commerce]~~; and

25 (6) the Texas Workforce Investment Council ~~[on~~  
26 ~~Workforce and Economic Competitiveness]~~.

27 SECTION 6.11. Subsection (c), Section 313.025, Tax Code, is

1 amended to read as follows:

2 (c) In determining whether to grant an application, the  
3 governing body of the school district is entitled to request and  
4 receive assistance from:

5 (1) the comptroller;

6 (2) the Texas Department of Economic Development;

7 (3) the Texas Workforce Investment Council [~~on~~  
8 ~~Workforce and Economic Competitiveness~~]; and

9 (4) the Texas Workforce Commission.

10 ARTICLE 7. TRANSITION PROVISIONS; EFFECTIVE DATE

11 SECTION 7.01. The name of the Council on Workforce and  
12 Economic Competitiveness is changed to the Texas Workforce  
13 Investment Council. Any reference in law to the Council on  
14 Workforce and Economic Competitiveness means the Texas Workforce  
15 Investment Council.

16 SECTION 7.02. All appropriations made by the legislature  
17 for the use and benefit of the Council on Workforce and Economic  
18 Competitiveness are available for the use and benefit of the Texas  
19 Workforce Investment Council.

20 SECTION 7.03. This Act takes effect September 1, 2003.