

1-1 By: Nelson S.B. No. 281  
1-2 (In the Senate - Filed March 10, 2003; March 17, 2003, read  
1-3 first time and referred to Committee on Government Organization;  
1-4 April 15, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 15, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 281 By: Armbrister

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the continuation of the Council on Workforce and  
1-11 Economic Competitiveness as the Texas Workforce Investment Council  
1-12 and to the functions performed by the council.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 ARTICLE 1. CONTINUATION AS TEXAS WORKFORCE  
1-15 INVESTMENT COUNCIL

1-16 SECTION 1.01. The heading of Chapter 2308, Government Code,  
1-17 is amended to read as follows:

1-18 CHAPTER 2308. WORKFORCE INVESTMENT [~~AND ECONOMIC~~  
1-19 ~~COMPETITIVENESS~~] ACT

1-20 SECTION 1.02. Section 2308.001, Government Code, is amended  
1-21 to read as follows:

1-22 Sec. 2308.001. SHORT TITLE. This chapter may be cited as  
1-23 the Workforce Investment [~~and Economic Competitiveness~~] Act.

1-24 SECTION 1.03. Subdivision (1), Section 2308.002,  
1-25 Government Code, is amended to read as follows:

1-26 (1) "Council" means the Texas Workforce Investment  
1-27 Council [~~on Workforce and Economic Competitiveness~~].

1-28 SECTION 1.04. Section 2308.005, Government Code, is amended  
1-29 to read as follows:

1-30 Sec. 2308.005. APPLICATION OF SUNSET ACT. The Texas  
1-31 Workforce Investment Council [~~on Workforce and Economic~~  
1-32 ~~Competitiveness~~] is subject to Chapter 325 (Texas Sunset Act).  
1-33 Unless continued in existence as provided by that chapter, the  
1-34 council is abolished September 1, 2015 [~~2003~~].

1-35 SECTION 1.05. Subsection (a), Section 2308.006, Government  
1-36 Code, is amended to read as follows:

1-37 (a) If a change in law made by House Bill 3431, Acts of the  
1-38 76th Legislature, Regular Session, 1999, would have the effect of  
1-39 invalidating an exemption granted under the Workforce Investment  
1-40 Act of 1998 (Pub. L. No. 105-220), the Texas Workforce Investment  
1-41 Council [~~on Workforce and Economic Competitiveness~~] may not operate  
1-42 under that change in law but, instead, shall operate under the law  
1-43 as it existed before September 1, 1999 [~~the effective date of this~~  
1-44 ~~Act~~].

1-45 ARTICLE 2. COUNCIL MEMBERSHIP AND TRAINING

1-46 SECTION 2.01. Section 2308.052, Government Code, is amended  
1-47 by amending Subsections (b) and (c) and adding Subsection (e) to  
1-48 read as follows:

1-49 (b) The council is composed of:

1-50 (1) three voting members who represent education, one  
1-51 of whom represents local public education, one of whom represents  
1-52 public postsecondary education, and one of whom represents  
1-53 vocational education;

1-54 (2) five voting members who represent organized labor  
1-55 appointed from recommendations made by recognized labor  
1-56 organizations;

1-57 (3) five voting members who represent business and  
1-58 industry, including business members serving on local workforce  
1-59 development boards or private industry councils;

1-60 (4) one [~~two~~] voting member [~~members~~] who represents  
1-61 [~~represent~~] community-based organizations; and

1-62 (5) the following ex officio voting members:

1-63 (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:

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

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

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

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

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

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

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

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

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the council of the ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the council, who shall then notify the governor and the attorney general that a potential ground for removal exists.

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

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

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

(1) the legislation that created the council;

(2) the programs operated by the council;

(3) the role and functions of the council;

(4) the rules of the council, with an emphasis on the

rules that relate to disciplinary and investigatory authority;  
 (5) the current budget for the council;  
 (6) the results of the most recent formal audit of the council;  
 (7) the requirements of:  
 (A) the open meetings law, Chapter 551;  
 (B) the public information law, Chapter 552;  
 (C) the administrative procedure law, Chapter 2001; and  
 (D) other laws relating to public officials, including conflict-of-interest laws; and  
 (8) any applicable ethics policies adopted by the council or the Texas Ethics Commission.

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

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

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

(b) If, of the positions on the Texas Workforce Investment Council that must be filled by a member who represents community-based organizations, two members have terms that are next scheduled to expire, one of the positions is abolished on September 1, 2003. On or before September 1, 2003, both of the members shall determine by unanimous agreement or by lot which of the positions shall be abolished on September 1, 2003, and shall inform the 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, is amended by adding Section 2308.1015 to read as follows:

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

(1) evaluate programs administered by agencies represented on the council to identify:  
 (A) any duplication of or gaps in the services

provided by those programs; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5-1           ~~[(4)]~~ the Apprenticeship and Training Advisory  
5-2 Committee.

5-3           SECTION 3.04. Section 2308.104, Government Code, is amended  
5-4 by adding Subsection (h) to read as follows:

5-5           (h) The council shall include in the strategic plan  
5-6 long-range strategies developed by the council under Section  
5-7 2308.1015 to facilitate the seamless delivery of integrated  
5-8 workforce services in this state.

5-9           SECTION 3.05. Subchapter C, Chapter 2308, Government Code,  
5-10 is amended by adding Sections 2308.107 and 2308.108 to read as  
5-11 follows:

5-12           Sec. 2308.107. COMPLAINTS AGAINST COUNCIL. (a) The  
5-13 council shall maintain a file on each written complaint filed with  
5-14 the council. The file must include:

5-15                   (1) the name of the person who filed the complaint;  
5-16                   (2) the date the complaint is received by the council;  
5-17                   (3) the subject matter of the complaint;  
5-18                   (4) the name of each person contacted in relation to  
5-19 the complaint;

5-20                   (5) a summary of the results of the review or  
5-21 investigation of the complaint; and

5-22                   (6) an explanation of the reason the file was closed,  
5-23 if the council closed the file without taking action other than to  
5-24 investigate the complaint.

5-25           (b) The council shall provide to the person filing the  
5-26 complaint and to each person who is a subject of the complaint a  
5-27 copy of the council's policies and procedures relating to complaint  
5-28 investigation and resolution.

5-29           (c) The council, at least quarterly until final disposition  
5-30 of the complaint, shall notify the person filing the complaint and  
5-31 each person who is a subject of the complaint of the status of the  
5-32 investigation unless the notice would jeopardize an undercover  
5-33 investigation.

5-34           Sec. 2308.108. POLICY ON TECHNOLOGICAL SOLUTIONS. The  
5-35 members of the council shall develop and implement a policy  
5-36 requiring the executive director and council employees to research  
5-37 and propose appropriate technological solutions to improve the  
5-38 council's ability to perform its functions. The technological  
5-39 solutions must:

5-40                   (1) ensure that:  
5-41                           (A) the public is able to easily find information  
5-42 about the council on the Internet; and

5-43                           (B) persons who want to use the council's  
5-44 services are able to:

5-45                                   (i) interact with the council through the  
5-46 Internet; and

5-47                                   (ii) access any service that can be  
5-48 provided effectively through the Internet;

5-49                   (2) be cost-effective; and

5-50                   (3) be developed through the council's planning  
5-51 processes.

5-52           SECTION 3.06. Subchapter D, Chapter 2308, Government Code,  
5-53 is amended by adding Section 2308.159 to read as follows:

5-54           Sec. 2308.159. STATE EMPLOYEE INCENTIVE PROGRAM  
5-55 INFORMATION AND TRAINING. The executive director or the executive  
5-56 director's designee shall provide to council employees information  
5-57 and training on the benefits and methods of participation in the  
5-58 state employee incentive program.

5-59           SECTION 3.07. The Texas Workforce Investment Council shall  
5-60 implement Sections 2308.101, 2308.1015, 2308.104, 2308.108, and  
5-61 2308.159, Government Code, as amended or added by this article, not  
5-62 later than February 1, 2004.

5-63           SECTION 3.08. Section 2308.107, Government Code, as added  
5-64 by this article, applies only to a written complaint filed with the  
5-65 Texas Workforce Investment Council on or after the effective date  
5-66 of this Act, regardless of whether the conduct or act that is the  
5-67 subject of the complaint occurred or was committed before, on, or  
5-68 after the effective date of this Act.

ARTICLE 4. TRANSFER OF MAINTENANCE OF WORKFORCE  
DEVELOPMENT EVALUATION SYSTEM FROM COUNCIL TO  
TEXAS WORKFORCE COMMISSION

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

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

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

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

SECTION 4.03. Chapter 302, Labor Code, is amended by adding 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 collected by the commission. The commission may request employers, providers, and other appropriate sources to provide placement, employment, and earnings information to the commission.

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

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

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

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

(4) the division.

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

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

(1) evaluate the effectiveness of workforce education;

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

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

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

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

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

#### ARTICLE 5. REPEALER

SECTION 5.01. Subsections (a) and (b), Section 2308.151, 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 and Economic Competitiveness~~] shall by rule adopt a memorandum of understanding that establishes the respective responsibility of those entities to provide through local workforce development boards job training and employment assistance programs to children committed or formerly sentenced to the Texas Youth Commission. The Texas Youth Commission shall coordinate the development of the memorandum of understanding and include in its annual report information describing the number of children in the preceding year receiving services under the memorandum.

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

(f) The board shall encourage and develop new certificate programs in technical and vocational education in Texas public

technical institutes and public community colleges as the needs of technology and industry may demand and shall recommend the elimination of such programs for which a need no longer exists. The board shall conduct a review of the certificate programs at least every four years or on the request of the Texas Workforce Investment Council [~~on Workforce and Economic Competitiveness~~] and shall terminate a program that does not meet performance review standards and other criteria established by the board. The board shall assume the leadership role and administrative responsibilities for state level administration of postsecondary technical-vocational education programs in Texas public community colleges, public technical institutes, and other eligible public postsecondary institutions. The board shall ensure that standardized minimum technical and skill-specific competency and performance standards for each workforce education program, as developed by the Texas Workforce Investment Council [~~on Workforce and Economic Competitiveness~~], are used in the board's review, approval, or disapproval of a vocational and technical program financed by state and federal funds.

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

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

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

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

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

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

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

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

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

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

(E) the coordination of curricula, instructional



programs, research, and other functions as appropriate, including areas listed in Section 61.076 of this code, school-to-work and school-to-college transition programs, and professional development activities; and

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

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

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

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

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

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

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

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

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

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

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

(f) In this section, a "local workforce development board" means a local workforce development board created under Chapter 2308, Government Code ~~[Section 4.01, Workforce and Economic Competitiveness Act (Article 5190.7a, Vernon's Texas Civil Statutes)]~~.

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

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

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

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

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

provide:

(1) to those persons:

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

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

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

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

(E) information ~~[from the Texas Department of Human Services]~~ on tax refund voucher programs under Subchapter H ~~[D]~~, Chapter 301 ~~[31, Human Resources Code]~~; and

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

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

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

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

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

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

(3) the Texas Veterans Commission;

(4) the Texas Department of Human Services;

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

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

SECTION 6.11. Subsection (c), Section 313.025, Tax Code, is amended to read as follows:

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

(1) the comptroller;

(2) the Texas Department of Economic Development;

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

(4) the Texas Workforce Commission.

#### ARTICLE 7. TRANSITION PROVISIONS; EFFECTIVE DATE

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

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

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

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