

1-1 By: Nelson S.B. No. 589
1-2 (In the Senate - Filed February 13, 2007; February 26, 2007,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 12, 2007, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; March 12, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to Temporary Assistance for Needy Families (TANF)
1-9 employment programs and participation in those programs by certain
1-10 parents who are not TANF recipients.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter A, Chapter 31, Human Resources Code,
1-13 is amended by adding Section 31.0021 to read as follows:

1-14 Sec. 31.0021. DEFINITION OF NONRECIPIENT PARENT.

1-15 (a) Except as provided by Subsection (b), in this chapter,
1-16 "nonrecipient parent" means an adult or minor parent who is not a
1-17 recipient of financial assistance but who is living with the
1-18 person's child who is a recipient of financial assistance.

1-19 (b) "Nonrecipient parent" does not include:

1-20 (1) a minor parent who is not the head of household;

1-21 (2) a person who is ineligible for financial
1-22 assistance because of the person's immigration status; or

1-23 (3) a parent who cares for a disabled family member
1-24 living in the home if the family member does not attend school
1-25 full-time and the need for the care is supported by medical
1-26 documentation.

1-27 SECTION 2. Section 31.0095, Human Resources Code, is
1-28 amended to read as follows:

1-29 Sec. 31.0095. NEEDS ASSESSMENT. The Health and Human
1-30 Services Commission [~~department~~] shall assist a recipient or a
1-31 nonrecipient parent in assessing the particular needs of that
1-32 person [~~recipient~~] and the person's [~~recipient's~~] family upon
1-33 notification of entry into a Temporary Assistance for Needy
1-34 Families employment program established under Part A, Subchapter
1-35 IV, Social Security Act (42 U.S.C. Section 601 et seq.) [~~the JOBS~~
1-36 program]. The Texas Workforce Commission [~~department~~] and the
1-37 recipient or the nonrecipient parent shall develop an employability
1-38 plan to help the recipient or nonrecipient parent achieve
1-39 independence from public assistance granted to the recipient and
1-40 the recipient's family, or to the child of the nonrecipient parent,
1-41 as applicable.

1-42 SECTION 3. Subsections (a) and (f), Section 31.010, Human
1-43 Resources Code, are amended to read as follows:

1-44 (a) Subject to the availability of funds, the Texas
1-45 Workforce Commission [~~department~~] shall provide a recipient or a
1-46 nonrecipient parent with support services designed to assist the
1-47 recipient or nonrecipient parent and the person's [~~recipient's~~]
1-48 family to attain and retain the capability of independence and
1-49 self-care.

1-50 (f) In providing work skills and job readiness training, the
1-51 Texas Workforce Commission [~~department~~] shall:

1-52 (1) emphasize training for sustainable wage jobs;

1-53 (2) promote understanding of nontraditional work
1-54 opportunities for recipients and nonrecipient parents; and

1-55 (3) offer micro-enterprise development and
1-56 self-employment assistance in rural areas and other areas in which
1-57 jobs are scarce.

1-58 SECTION 4. The heading to Section 31.0121, Human Resources
1-59 Code, is amended to read as follows:

1-60 Sec. 31.0121. SKILLS ASSESSMENT AND DEVELOPMENT FOR CERTAIN
1-61 RECIPIENTS AND CERTAIN NONRECIPIENT PARENTS.

1-62 SECTION 5. Subsections (a), (b), (d), and (e), Section
1-63 31.0121, Human Resources Code, are amended to read as follows:

1-64 (a) The Texas Workforce Commission shall ensure that each

2-1 local workforce development board assesses the skills development
 2-2 needs of recipients and of nonrecipient parents referred to the
 2-3 CHOICES program administered by the board.

2-4 (b) If, after assessing the [a—recipient's] skills
 2-5 development needs of a recipient or a nonrecipient parent, a local
 2-6 workforce development board determines that the recipient or the
 2-7 nonrecipient parent requires job-specific training for placement
 2-8 in a job paying wages that equal or exceed the self-sufficiency wage
 2-9 developed for the board under the Workforce Investment Act of 1998
 2-10 (29 U.S.C. Section 2801 et seq.), as amended, the board shall:

2-11 (1) to the extent allowed by federal law, place the
 2-12 recipient or the nonrecipient parent in training activities
 2-13 designed to improve employment and wage outcomes and job retention
 2-14 rates; and

2-15 (2) ensure that the training activities under
 2-16 Subdivision (1) target occupations that are in demand by local
 2-17 employers.

2-18 (d) A recipient or a nonrecipient parent participating in
 2-19 the CHOICES program who is placed in training activities under
 2-20 Subsection (b) may concurrently engage in those training activities
 2-21 and in work activities.

2-22 (e) To meet the requirements of this section, the Texas
 2-23 Workforce Commission shall use CHOICES program funds and, to the
 2-24 extent possible, existing funds from other training programs for
 2-25 which a recipient or a nonrecipient parent participating in the
 2-26 CHOICES program may qualify, including funds from:

2-27 (1) other training programs provided under the
 2-28 Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.),
 2-29 as amended, or their successor programs;

2-30 (2) the skills development fund created under Chapter
 2-31 303, Labor Code; or

2-32 (3) the self-sufficiency fund created under Section
 2-33 309.002, Labor Code.

2-34 SECTION 6. Subsections (a) and (c), Section 31.0126, Human
 2-35 Resources Code, are amended to read as follows:

2-36 (a) ~~The Texas Workforce Commission [In cooperation with the~~
 2-37 ~~state agency charged with primary responsibility for job training,~~
 2-38 ~~employment, and workforce development in this state, the~~
 2-39 ~~department]~~ by rule shall develop the following programs to assist
 2-40 recipients of financial assistance and services under this chapter
 2-41 and nonrecipient parents in finding and retaining employment:

2-42 (1) a work first program that provides a participant
 2-43 job readiness training and employment information and services that
 2-44 will motivate the participant to find and apply for a job through
 2-45 job clubs, job readiness activities, and job search activities;

2-46 (2) a business internship program that provides a
 2-47 participant the opportunity to obtain marketable job skills through
 2-48 an internship in a participating business;

2-49 (3) a Texas works program that:

2-50 (A) is operated by a nonprofit group or local
 2-51 governmental entity;

2-52 (B) provides to a participant motivational and
 2-53 job readiness training by placing the participant in a job for a
 2-54 period of several months;

2-55 (C) ensures that the participant is visited at
 2-56 work and receives counseling and help in resolving any work-related
 2-57 or personal problems; and

2-58 (D) receives funding on the basis of participants
 2-59 who are successfully hired for employment;

2-60 (4) a community work experience program that provides
 2-61 a participant job training and work experience through a temporary
 2-62 job in the public sector;

2-63 (5) a subsidized employment program that provides to a
 2-64 participant job training and work experience through a job in the
 2-65 private sector that pays the participant a subsidized salary; and

2-66 (6) a self-employment assistance program that
 2-67 provides to a participant entrepreneurial training, business
 2-68 counseling, and technical and financial assistance so that the
 2-69 participant can establish a business and become self-employed.

3-1 (c) In adopting rules governing a program prescribed by this
 3-2 section, the executive commissioner of the Health and Human
 3-3 Services Commission [~~department~~] shall:

3-4 (1) establish the criteria for determining which
 3-5 recipients and nonrecipient parents who are eligible to participate
 3-6 in the Temporary Assistance for Needy Families employment programs
 3-7 established under Part A, Subchapter IV, Social Security Act (42
 3-8 U.S.C. Section 601 et seq.), [~~JOBS training program~~] may be
 3-9 required to participate in a particular program; and

3-10 (2) ensure that a recipient or a nonrecipient parent
 3-11 who is incapable of participating in a particular program is not
 3-12 required to participate in that program[~~, and~~

3-13 [~~(3) provide technical assistance to local workforce~~
 3-14 ~~development boards~~].

3-15 SECTION 7. Subchapter A, Chapter 31, Human Resources Code,
 3-16 is amended by adding Section 31.01261 to read as follows:

3-17 Sec. 31.01261. PROVISION OF EMPLOYMENT SERVICES TO CERTAIN
 3-18 NONRECIPIENT PARENTS. The Texas Workforce Commission shall provide
 3-19 employment services, including needs assessment, job training,
 3-20 postemployment, and related support services, to nonrecipient
 3-21 parents to the same extent the services are provided to recipients
 3-22 under this chapter.

3-23 SECTION 8. Subsection (d), Section 301.063, Labor Code, is
 3-24 amended to read as follows:

3-25 (d) On request, the commission shall furnish to an agency of
 3-26 the United States responsible for the administration of public
 3-27 works or assistance through public employment the name, address,
 3-28 ordinary occupation, and employment status of each recipient of
 3-29 benefits, including each nonrecipient parent as defined by Section
 3-30 31.0021, Human Resources Code, who is receiving benefits, and shall
 3-31 inform the agency of the recipient's right to further benefits
 3-32 under Subtitle A.

3-33 SECTION 9. Section 302.001, Labor Code, is amended by
 3-34 adding Subdivision (3) to read as follows:

3-35 (3) "Nonrecipient parent" has the meaning assigned by
 3-36 Section 31.0021, Human Resources Code.

3-37 SECTION 10. Section 302.0025, Labor Code, is amended to
 3-38 read as follows:

3-39 Sec. 302.0025. EMPLOYMENT PLAN AND POSTEMPLOYMENT
 3-40 STRATEGIES. (a) The commission shall ensure that an individual
 3-41 employment plan developed for a recipient of financial assistance
 3-42 or a nonrecipient parent participating in an employment program
 3-43 under Chapter 31, Human Resources Code, includes specific
 3-44 postemployment strategies to assist the recipient or the
 3-45 nonrecipient parent in making a transition to stable employment at
 3-46 a wage that enables the person [recipient] and the person's
 3-47 [recipient's] family to maintain self-sufficiency.

3-48 (b) The individual employment plan must:

3-49 (1) consider the person's [a recipient's] individual
 3-50 circumstances and needs in determining the person's [recipient's]
 3-51 initial job placement;

3-52 (2) identify a target wage that enables the person
 3-53 [recipient] and the person's [recipient's] family to maintain
 3-54 self-sufficiency;

3-55 (3) provide specific postemployment goals and include
 3-56 methods and time frames by which the person [recipient] is to
 3-57 achieve those goals; and

3-58 (4) refer the person [recipient] to additional
 3-59 educational and training opportunities.

3-60 SECTION 11. Subsection (a), Section 302.0026, Labor Code,
 3-61 is amended to read as follows:

3-62 (a) The commission and local workforce development boards
 3-63 shall develop an employment services referral program for
 3-64 recipients of financial assistance and nonrecipient parents who
 3-65 participate in employment programs under Chapter 31, Human
 3-66 Resources Code, and have, in comparison to other recipients or
 3-67 nonrecipient parents, higher levels of barriers to employment. The
 3-68 referral program must be designed to provide to a recipient or a
 3-69 nonrecipient parent referrals to preemployment and postemployment

4-1 services offered by community-based organizations.

4-2 SECTION 12. Section 302.003, Labor Code, is amended to read
4-3 as follows:

4-4 Sec. 302.003. JOB RETENTION AND REEMPLOYMENT ASSISTANCE.
4-5 The division may provide ongoing job retention and reemployment
4-6 assistance for a recipient of public assistance or nonrecipient
4-7 parent who has participated in a job training program.

4-8 SECTION 13. Section 302.0036, Labor Code, is amended to
4-9 read as follows:

4-10 Sec. 302.0036. TRANSPORTATION ASSISTANCE. (a) To the
4-11 extent funds are available, the commission and local workforce
4-12 development boards shall provide transportation assistance to
4-13 recipients of financial assistance and nonrecipient parents
4-14 participating in employment programs under Chapter 31, Human
4-15 Resources Code, that enables the recipients and nonrecipient
4-16 parents to maintain a stable work history and attain financial
4-17 stability and self-sufficiency.

4-18 (b) The commission and local workforce development boards
4-19 may provide the assistance described by Subsection (a) by
4-20 implementing new initiatives or expanding existing initiatives
4-21 that provide transportation assistance to recipients of financial
4-22 assistance or nonrecipient parents for whom transportation is a
4-23 barrier to employment.

4-24 SECTION 14. Subsection (a), Section 302.0037, Labor Code,
4-25 is amended to read as follows:

4-26 (a) The commission and local workforce development boards
4-27 shall maximize the state's receipt of federal funds available to
4-28 provide transportation assistance to recipients of financial
4-29 assistance and nonrecipient parents participating in employment
4-30 programs under Chapter 31, Human Resources Code.

4-31 SECTION 15. The heading to Section 302.0038, Labor Code, is
4-32 amended to read as follows:

4-33 Sec. 302.0038. HOUSING RESOURCES FOR CERTAIN RECIPIENTS OF
4-34 FINANCIAL ASSISTANCE AND CERTAIN NONRECIPIENT PARENTS.

4-35 SECTION 16. Subsections (a) and (b), Section 302.0038,
4-36 Labor Code, are amended to read as follows:

4-37 (a) The commission, in cooperation with local workforce
4-38 development boards, shall, for a recipient of financial assistance
4-39 or nonrecipient parent participating in an employment program under
4-40 Chapter 31, Human Resources Code:

4-41 (1) identify unmet housing needs and assess whether
4-42 those needs are barriers to the person's [~~recipient's~~] full
4-43 participation in the workforce and attainment of financial
4-44 stability and self-sufficiency; and

4-45 (2) develop a service plan that takes into
4-46 consideration the person's [~~recipient's~~] unmet housing needs.

4-47 (b) The commission by rule shall develop and implement a
4-48 program through which a recipient or a nonrecipient parent
4-49 identified under Subsection (a) as having unmet housing needs is
4-50 referred by the commission or local workforce development board to
4-51 agencies and organizations providing housing programs and services
4-52 and connected to other housing resources. To provide those
4-53 referrals and connections, the commission shall establish
4-54 collaborative partnerships between:

4-55 (1) the commission;
4-56 (2) local workforce development boards;
4-57 (3) municipal, county, and regional housing
4-58 authorities; and

4-59 (4) sponsors of local housing programs and services.

4-60 SECTION 17. Subsections (a) and (d), Section 302.009, Labor
4-61 Code, are amended to read as follows:

4-62 (a) The commission by rule shall develop a job placement
4-63 incentive program under which persons with whom local workforce
4-64 development boards contract for employment services under Chapter
4-65 2308, Government Code, are provided incentives for placing
4-66 recipients of financial assistance and nonrecipient parents
4-67 participating in employment programs under Chapter 31, Human
4-68 Resources Code, in higher-wage jobs, as determined by the
4-69 commission.

5-1 (d) A local workforce development board that provides a
 5-2 monetary incentive under the job placement incentive program to a
 5-3 person with whom the board contracts for employment services shall
 5-4 require the person to use the money for expenses relating to
 5-5 education, training, and support services necessary to prepare,
 5-6 place, and maintain recipients of financial assistance and
 5-7 nonrecipient parents in jobs paying wages that allow those persons
 5-8 [recipients] to attain self-sufficiency.

5-9 SECTION 18. Subsections (a) and (b), Section 302.010, Labor
 5-10 Code, are amended to read as follows:

5-11 (a) The commission by rule shall develop guidelines under
 5-12 which local workforce development boards provide postemployment
 5-13 services to a recipient of financial assistance or nonrecipient
 5-14 parent participating in an employment program under Chapter 31,
 5-15 Human Resources Code.

5-16 (b) In developing the guidelines, the commission must
 5-17 consider the difficulties the recipient or nonrecipient parent is
 5-18 likely to encounter in acquiring additional education and training
 5-19 after becoming employed.

5-20 SECTION 19. Section 302.011, Labor Code, is amended to read
 5-21 as follows:

5-22 Sec. 302.011. POSTEMPLOYMENT CASE MANAGEMENT AND
 5-23 MENTORING. The commission shall encourage local workforce
 5-24 development boards to provide postemployment case management
 5-25 services for and use mentoring techniques to assist recipients of
 5-26 financial assistance and nonrecipient parents who participate in
 5-27 employment programs under Chapter 31, Human Resources Code, and
 5-28 have, in comparison to other recipients and nonrecipient parents,
 5-29 higher levels of barriers to employment. The case management
 5-30 services and mentoring techniques must be designed to increase the
 5-31 person's [recipient's] potential for wage growth and development of
 5-32 a stable employment history.

5-33 SECTION 20. Subchapter A, Chapter 302, Labor Code, is
 5-34 amended by adding Section 302.015 to read as follows:

5-35 Sec. 302.015. PROVISION OF EMPLOYMENT SERVICES TO CERTAIN
 5-36 NONRECIPIENT PARENTS. The commission shall provide employment
 5-37 services, including needs assessment, job training,
 5-38 postemployment, and related support services, to nonrecipient
 5-39 parents to the same extent the services are provided to recipients
 5-40 of financial assistance under Chapter 31, Human Resources Code.

5-41 SECTION 21. If before implementing any provision of this
 5-42 Act a state agency determines that a waiver or authorization from a
 5-43 federal agency is necessary for implementation of that provision,
 5-44 the agency affected by the provision shall request the waiver or
 5-45 authorization and may delay implementing that provision until the
 5-46 waiver or authorization is granted.

5-47 SECTION 22. This Act takes effect immediately if it
 5-48 receives a vote of two-thirds of all the members elected to each
 5-49 house, as provided by Section 39, Article III, Texas Constitution.
 5-50 If this Act does not receive the vote necessary for immediate
 5-51 effect, this Act takes effect September 1, 2007.

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