

1 AN ACT

2 relating to the establishment of certain programs to support adult
3 and postsecondary education and workforce development in
4 high-demand occupations and green jobs.

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

6 SECTION 1. Chapter 403, Government Code, is amended by
7 adding Subchapters O and P to read as follows:

8 SUBCHAPTER O. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM

9 Sec. 403.351. DEFINITIONS. In this subchapter:

10 (1) "Nonprofit organization" means an organization
11 exempt from federal income taxation under Section 501(a), Internal
12 Revenue Code of 1986, as an organization described by Section
13 501(c)(3) of that code.

14 (2) "Public junior college," "public state college,"
15 and "public technical institute" have the meanings assigned by
16 Section 61.003, Education Code.

17 Sec. 403.352. JOBS AND EDUCATION FOR TEXANS (JET) FUND. (a)
18 The comptroller shall establish and administer the Jobs and
19 Education for Texans (JET) fund as a dedicated account in the
20 general revenue fund.

21 (b) The following amounts shall be deposited in the fund:

22 (1) any amounts appropriated by the legislature for
23 the fund for purposes of this subchapter;

1 (2) interest earned on the investment of money in the
2 fund; and

3 (3) gifts, grants, and other donations received for
4 the fund.

5 Sec. 403.353. ADVISORY BOARD. (a) An advisory board of
6 education and workforce stakeholders is created to assist the
7 comptroller in administering this subchapter.

8 (b) The advisory board is composed of seven members who
9 serve two-year terms and are appointed as follows:

10 (1) one member appointed by the governor;

11 (2) one member appointed by the lieutenant governor;

12 (3) one member appointed by the speaker of the house of
13 representatives;

14 (4) one member appointed by the Texas Higher Education
15 Coordinating Board;

16 (5) one member appointed by the Texas Workforce
17 Commission;

18 (6) one member of the public appointed by the
19 comptroller; and

20 (7) the comptroller, who serves as the presiding
21 officer.

22 (c) The advisory board shall meet at least once each quarter
23 to review received applications and recommend awarding grants under
24 this subchapter.

25 Sec. 403.354. JOBS AND EDUCATION FOR TEXANS (JET) GRANT
26 PROGRAM. The comptroller shall establish and administer the Jobs
27 and Education for Texans (JET) grant program to provide grants to

1 public junior colleges, public technical institutes, and eligible
2 nonprofit organizations that apply to the advisory board in the
3 manner prescribed by the advisory board. The comptroller shall
4 award the grants on the advice and recommendations of the advisory
5 board. Grants may be awarded under this subchapter from the JET
6 fund for the following purposes:

7 (1) to develop, support, or expand programs of
8 nonprofit organizations that meet the requirements of Section
9 403.355 and that prepare low-income students for careers in
10 high-demand occupations;

11 (2) to defray the startup costs associated with the
12 development of new career and technical education programs at
13 public junior colleges and public technical institutes that meet
14 the requirements of Section 403.356; and

15 (3) to provide scholarships for students in career and
16 technical education programs who meet the requirements of Section
17 403.357.

18 Sec. 403.355. GRANTS TO NONPROFIT ORGANIZATIONS FOR
19 INNOVATIVE AND SUCCESSFUL PROGRAMS. (a) The comptroller may award
20 a grant to a nonprofit organization eligible under Subsection (b)
21 for the development, support, or expansion of programs to prepare
22 low-income students for careers in high-demand occupations.

23 (b) To be eligible to receive a grant under this section, a
24 nonprofit organization must:

25 (1) provide a program to offer assistance to
26 low-income students in preparing for, applying to, and enrolling in
27 a public junior college or public technical institute;

1 (2) be governed by a board or other governing
2 structure that includes recognized leaders of broad-based
3 community organizations and members of the local business
4 community;

5 (3) demonstrate to the satisfaction of the advisory
6 board that the organization's program has achieved or will achieve
7 the following measures of success among program participants, to
8 the extent applicable to the type of program the organization
9 provides:

10 (A) above average completion of developmental
11 education among participating public junior college or public
12 technical institute students;

13 (B) above average persistence rates among
14 participating public junior college or public technical institute
15 students; and

16 (C) above average certificate or degree
17 completion rates by participating students within a three-year
18 period compared to demographically comparable public junior
19 college and public technical institute students; and

20 (4) provide matching funds in accordance with rules
21 adopted under Section 403.358.

22 (c) The matching funds required under Subsection (b)(4) may
23 be obtained from any source available to the nonprofit
24 organization, including in-kind contributions, community or
25 foundation grants, individual contributions, and local
26 governmental agency operating funds.

27 (c-1) In determining which eligible nonprofit organizations

1 should be awarded a grant under this section among two or more
2 eligible nonprofit organizations offering similar programs, the
3 comptroller shall give priority to any of those organizations that:

4 (1) has an existing program in place to assist
5 veterans; or

6 (2) demonstrates employment of participating students
7 at an average full-time starting wage that is equal to or greater
8 than the prevailing wage for the occupation entered.

9 (d) Grants awarded under this section must be awarded in a
10 manner that takes a balanced geographical distribution into
11 consideration.

12 (e) This section does not authorize the comptroller to award
13 a grant to:

14 (1) a nonprofit organization to provide a
15 comprehensive educational program to students that serves as a
16 substitute for a regular educational program provided by a school
17 district or open-enrollment charter school; or

18 (2) a private elementary or secondary school.

19 Sec. 403.356. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER
20 AND TECHNICAL EDUCATION PROGRAMS. (a) The comptroller may award a
21 grant for the development of new career and technical education
22 courses or programs at public junior colleges and public technical
23 institutes.

24 (b) A grant received under this section may be used only:

25 (1) to support courses or programs that prepare
26 students for career employment in occupations that are identified
27 by local businesses as being in high demand;

1 (2) to finance initial costs of career and technical
2 education course or program development, including the costs of
3 constructing or renovating facilities, purchasing equipment, and
4 other expenses associated with the development of a new course; and

5 (3) to finance a career and technical education course
6 or program that leads to a license, certificate, or postsecondary
7 degree.

8 (c) In awarding a grant under this section, the comptroller
9 shall primarily consider the potential economic returns to the
10 state from the development of the career and technical education
11 course or program. The comptroller may also consider whether the
12 course or program:

13 (1) is part of a new, emerging industry or high-demand
14 occupation;

15 (2) offers new or expanded dual credit career and
16 technical educational opportunities in public high schools; or

17 (3) is provided in cooperation with other public
18 junior colleges or public technical institutes across existing
19 service areas.

20 (d) To be eligible to receive a grant under this section, a
21 public junior college or public technical institute must provide
22 matching funds in accordance with rules adopted under Section
23 403.358. The matching funds may be obtained from any source
24 available to the college, including in-kind contributions,
25 industry consortia, community or foundation grants, individual
26 contributions, and local governmental agency operating funds.

27 Sec. 403.357. SCHOLARSHIPS. (a) The comptroller may award

1 a scholarship to a public junior college or public technical
2 institute student.

3 (b) To be eligible to receive a scholarship under this
4 section, a student must:

5 (1) demonstrate financial need; and

6 (2) be enrolled in a training program for a
7 high-demand occupation, as determined by the comptroller on the
8 recommendation of the advisory board.

9 Sec. 403.358. RULES. The comptroller shall adopt rules as
10 necessary for the administration of this subchapter.

11 Sec. 403.359. STUDY. (a) The comptroller shall conduct a
12 study of the feasibility of:

13 (1) basing a portion of all public postsecondary
14 technical training program funding on the economic benefit of the
15 program to the state; and

16 (2) for purposes of Subdivision (1), estimating the
17 amount of any additional tax revenue generated by employers that
18 results from the ability of public junior colleges, public state
19 colleges, or public technical institutes to prepare students for
20 employment fields for which there is employer demand.

21 (b) The comptroller shall begin the study not later than
22 January 1, 2010. Not later than January 1, 2011, the comptroller
23 shall make recommendations to the lieutenant governor and the
24 speaker of the house of representatives for legislative action
25 based on the results of the study.

26 (c) This section expires September 1, 2011.

27 SUBCHAPTER P. GREEN JOB SKILLS DEVELOPMENT FUND AND TRAINING

PROGRAM

Sec. 403.401. PURPOSE. The purpose of this subchapter is to:

(1) promote green industry employment opportunities, including through the establishment of training programs to enhance green job skills and create career opportunities that result in high-wage jobs;

(2) foster regional collaboration for the development of green industry employment opportunities;

(3) assist in the development of a highly skilled, high-wage, and productive workforce in the green industry; and

(4) assist workers with obtaining education, skills training, and labor market information to enhance their employability, earnings, and standard of living.

Sec. 403.402. DEFINITIONS. In this subchapter:

(1) "Development fund" means the Texas green job skills development fund.

(2) "Green job" means a job in the field of renewable energy or energy efficiency, including a job relating to:

(A) energy-efficient building, construction, and retrofitting;

(B) renewable energy, including biomass, hydroelectric, geothermal, and ocean energy, and wind and solar power;

(C) research and development or manufacturing of advanced battery or energy storage technologies;

(D) biofuels from non-feed food stocks;

1 (E) techniques to reduce, reuse, or recycle
2 waste;

3 (F) techniques to recycle products and convert
4 used materials into new products;

5 (G) energy efficiency assessments;

6 (H) manufacturing of sustainable products using
7 sustainable processes and materials; and

8 (I) water conservation and water efficiency.

9 (3) "Recycle" means the process of extracting
10 resources or value from waste by recovering or reusing the
11 material, including the collection and reuse of everyday waste
12 materials.

13 Sec. 403.403. TEXAS GREEN JOB SKILLS DEVELOPMENT FUND.

14 (a) The Texas green job skills development fund is an account in
15 the general revenue fund. The account is composed of:

16 (1) legislative appropriations;

17 (2) gifts, grants, donations, and matching funds
18 received under Subsection (b); and

19 (3) other money required by law to be deposited in the
20 account.

21 (b) The comptroller may solicit and accept gifts, grants,
22 and donations of money from the federal government, local
23 governments, private corporations, or other persons to be used for
24 the purposes of this subchapter.

25 (c) Income from money in the account shall be credited to
26 the account.

27 (d) Money in the development fund may be used only for the

1 purposes of this subchapter.

2 Sec. 403.404. ESTABLISHMENT OF GREEN JOB SKILLS GRANT
3 PROGRAM. The comptroller shall establish a green job skills grant
4 program, funded by the development fund under Section 403.403,
5 through which the comptroller may award grants in cooperation with
6 the Texas Workforce Commission through the State Energy
7 Conservation Office for the implementation, expansion, and
8 operation of green job skills training programs.

9 Sec. 403.405. GRANT PROGRAM REQUIREMENTS. (a) A training
10 program funded through a grant awarded under this subchapter must:

11 (1) be hosted by a regional partnership that presents
12 a plan to implement training programs that lead trainees to
13 economic self-sufficiency and career pathways and includes at
14 least:

15 (A) one university, college, technical school,
16 or other nonprofit workforce training provider;

17 (B) one chamber of commerce, local workforce
18 agency, local employer, or other public or private participating
19 entity;

20 (C) one economic development authority; and

21 (D) one community or faith-based nonprofit
22 organization that works with one or more targeted populations;

23 (2) assist an eligible individual in obtaining
24 education, skills training, and labor market information to enhance
25 the individual's employability in green industries; and

26 (3) assist in the development of a highly skilled and
27 productive workforce in green industries.

1 (b) A training program awarded a grant under this subchapter
2 shall target a population of eligible individuals for training that
3 includes:

4 (1) workers in high-demand green industries who are in
5 or are preparing for high-wage occupations;

6 (2) workers in declining industries who may be
7 retrained for high-wage occupations in a high-demand green
8 industry;

9 (3) agriculture, timber, or energy sector workers who
10 may be retrained for high-wage occupations in a high-demand green
11 industry;

12 (4) veterans or past or present members of the armed
13 forces of the United States, including the state military forces,
14 or a reserve component of the armed forces or the national guard;

15 (5) unemployed workers;

16 (6) low-income workers, unemployed youth and adults,
17 individuals who did not complete high school, or other underserved
18 sectors of the workforce in high poverty areas; or

19 (7) individuals otherwise determined by the
20 comptroller in cooperation with the Texas Workforce Commission to
21 be disadvantaged and in need of training to obtain employment.

22 (c) A training program may receive funding under this
23 subchapter for a period not to exceed three years.

24 (d) A training program may use grant funds for support
25 services, including basic skills, literacy, GED, English as a
26 second language, and job readiness training, career guidance, and
27 referral services.

1 (e) A percentage of the grant, to be determined by the
2 comptroller, must be devoted to administrative costs, costs related
3 to hiring instructors and purchasing equipment, and tuition
4 assistance.

5 Sec. 403.406. APPLICATION. (a) A regional partnership, as
6 described by Section 403.405, may apply for a grant under this
7 subchapter in the manner prescribed by the comptroller.

8 (b) The grant application must require the applicant to
9 provide to the comptroller the applicant's plan to continue to
10 operate the training program after the grant expires.

11 Sec. 403.407. ADDITIONAL CONSIDERATIONS IN AWARDING
12 GRANTS. (a) In addition to the factors described by Sections
13 403.404 and 403.405, in determining whether to award a grant to an
14 applicant under this subchapter, the comptroller shall give
15 preference to a training program that:

16 (1) provides certification and a career advancement
17 mechanism to a worker who receives green job skills training under
18 the program; and

19 (2) leverages additional public and private resources
20 to fund the program, including cash or in-kind matches.

21 (b) Grants shall be awarded in a manner that ensures
22 geographic diversity.

23 Sec. 403.408. RESERVATION FOR CERTAIN PROGRAMS. Twenty
24 percent of the funds available for grant programs under this
25 subchapter must be reserved for job skills training programs that
26 serve the unemployed and individuals whose incomes are at or below
27 200 percent of the federal poverty level.

1 Sec. 403.409. REPORT. (a) Not later than the 30th day
2 after the date funding for a grant under this subchapter ends, the
3 grant recipient shall submit a report to the comptroller that
4 contains the following information:

5 (1) the number of participants who entered the
6 program;

7 (2) the demographics of the participants, including
8 race, gender, age, and significant barriers to education such as
9 limited English proficiency, a criminal record, or a physical or
10 mental disability;

11 (3) services received by participants, including
12 training, education, and support services;

13 (4) the amount of program spending per participant;

14 (5) program completion rates;

15 (6) factors determined to interfere significantly
16 with program participation or completion;

17 (7) the average wage at placement, including benefits,
18 and the rate of average wage increases after one year; and

19 (8) any post-employment support services provided.

20 (b) Not later than October 1 of each even-numbered year, the
21 comptroller shall submit a report to the governor, the lieutenant
22 governor, and the speaker of the house of representatives that
23 includes a summary of all information submitted under Subsection
24 (a).

25 Sec. 403.410. STANDARDS. The comptroller by rule shall
26 adopt standards for a green job skills training program awarded a
27 grant under this subchapter.

1 SECTION 2. The comptroller shall adopt rules for the
2 program under Subchapter P, Chapter 403, Government Code, as added
3 by this Act, not later than March 1, 2010.

4 SECTION 3. Grants provided through the Texas Adult Career
5 Education Grant Program established under Section 403.351,
6 Government Code, as added by this Act may only benefit a permanent
7 legal resident or citizen of the United States.

8 SECTION 4. This Act does not make an appropriation. This
9 Act takes effect only if a specific appropriation for the
10 implementation of the Act is provided in a general appropriations
11 act of the 81st Legislature.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1935 was passed by the House on May 7, 2009, by the following vote: Yeas 92, Nays 51, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1935 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1935 on May 31, 2009, by the following vote: Yeas 84, Nays 52, 2 present, not voting.

Chief Clerk of the House

H.B. No. 1935

I certify that H.B. No. 1935 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1935 on June 1, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor