

By: Strama, Marquez, Rodriguez

H.B. No. 2492

Substitute the following for H.B. No. 2492:

By: Strama

C.S.H.B. No. 2492

A BILL TO BE ENTITLED

AN ACT

relating to the creation, operation, and funding of the Texas Sustainable Youth Program.

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

SECTION 1. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 312 to read as follows:

CHAPTER 312. TEXAS SUSTAINABLE YOUTH PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 312.001. DEFINITIONS. In this chapter:

(1) "Energy-efficient" means, with respect to a project, sustainable, long-lasting construction, rehabilitation, or retrofitting that reduces the energy costs of conventional construction, rehabilitation, or retrofitting by not less than 20 percent.

(2) "Participant" means an individual who is enrolled in a project under this chapter and is receiving training and other services through the program.

(3) "Program" means the Texas Sustainable Youth Program established under this chapter.

(4) "Project" means a construction, rehabilitation, or retrofitting project eligible for funding through a grant awarded under this chapter.

[Sections 312.002-312.050 reserved for expansion]

1 SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION

2 Sec. 312.051. PROGRAM; ADMINISTRATION. (a) The Texas
3 Sustainable Youth Program is established in the Texas Workforce
4 Commission as a workforce training and development program.

5 (b) The commission shall administer the program and may
6 employ personnel as necessary to administer the program.

7 Sec. 312.052. PROGRAM FUNDING. (a) The program is funded by
8 appropriations from the legislature and other available money,
9 including funds from federal agencies, identified by the
10 commission, the Texas Youth Commission, the Texas Juvenile
11 Probation Commission, the Texas Department of Criminal Justice, the
12 Texas Education Agency, or other state agencies.

13 (b) The commission may solicit and accept gifts, grants, and
14 other donations for operation of the program.

15 (c) The commission may not provide more than 75 percent of
16 the money budgeted for a project.

17 Sec. 312.053. RULES. The commission shall adopt rules as
18 necessary to implement the program, including rules for auditing
19 grants awarded under this chapter and accountability requirements
20 for grant recipients.

21 Sec. 312.054. ANNUAL REPORT. (a) The commission shall
22 report to the governor and the legislature in January of each year
23 on the status of the program as of the end of the previous state
24 fiscal year.

25 (b) The annual report must include for that fiscal year:

26 (1) the number of grants awarded;

27 (2) the total dollar amount of grants awarded;

1 (3) the geographical distribution of grants awarded;

2 (4) the number of youths and other participants
3 enrolled in projects funded by grants;

4 (5) the number of youths and other participants who
5 are projected to secure full-time jobs at the conclusion of
6 participation in projects funded by grants;

7 (6) the number of youths who are projected to graduate
8 from high school or receive a high school equivalency certificate
9 while participating in the program;

10 (7) the number of housing units and other buildings
11 constructed, rehabilitated, or retrofitted through projects funded
12 by grants; and

13 (8) the estimated dollar savings due to improved
14 energy efficiency in projects funded by grants.

15 [Sections 312.055-312.100 reserved for expansion]

16 SUBCHAPTER C. TEXAS SUSTAINABLE YOUTH PROGRAM

17 Sec. 312.101. PROGRAM PURPOSES. The Texas Sustainable
18 Youth Program shall:

19 (1) promote the economic self-sufficiency of youth and
20 young veterans by providing those persons with opportunities to
21 acquire job skills while performing community service activities;

22 (2) create opportunities for communities to restore
23 abandoned properties and historic areas, enhance public places, and
24 increase the availability of affordable, energy-efficient housing
25 for individuals and families of low income; and

26 (3) create training and employment opportunities for
27 eligible veterans.

1 Sec. 312.102. PARTICIPANT ELIGIBILITY. (a) To be eligible
2 to participate in the program, a participant must be an individual
3 who is at least 16 years of age but not older than 24 years of age on
4 the date of enrollment in a project and who:

5 (1) is not attending high school and has not received a
6 high school diploma or high school equivalency certificate; or

7 (2) is:

8 (A) attending high school or a program leading to
9 a high school equivalency certificate but is at risk of dropping out
10 of high school or the equivalency certification program; and

11 (B) recommended for enrollment in the project by
12 the high school or the equivalency certification program.

13 (b) In addition to meeting the requirements of Subsection
14 (a), a program participant must be:

15 (1) an individual who is:

16 (A) a member of a household that receives public
17 assistance and earns not more than 80 percent of the area median
18 income;

19 (B) educationally disadvantaged, as defined by
20 commission rule; or

21 (C) referred to the program by a school district,
22 state agency, or court; or

23 (2) a veteran who is not older than 24 years of age on
24 initial participation in the program.

25 [Sections 312.103-312.150 reserved for expansion]

26 SUBCHAPTER D. PROGRAM GRANTS

27 Sec. 312.151. GRANTS. (a) The executive director shall

1 award grants under the program to eligible entities for projects
2 that meet the requirements of this subchapter.

3 (b) To be eligible to receive a grant from the program, a
4 grant recipient must use the grant for a project that provides
5 services specified in Sections 312.154 and 312.155 to individuals
6 eligible to participate in the program under Section 312.102.

7 Sec. 312.152. ELIGIBLE ENTITIES. (a) Subject to
8 Subsection (b), the following entities may apply to receive a grant
9 for an eligible project under this subchapter:

10 (1) a private, nonprofit, tax-exempt organization
11 listed in Section 501(c)(3), Internal Revenue Code of 1986;

12 (2) a public agency that operates a community-based
13 youth employment training program;

14 (3) a community housing development organization
15 certified by the state;

16 (4) a community educational facility as an alternative
17 to placement to the Texas Youth Commission and the Texas Department
18 of Criminal Justice;

19 (5) a corps-based community service organization
20 including AmeriCorps, Southwest Conservation Corps, American
21 Youthworks, and similar corps-based service organizations;

22 (6) an open-enrollment charter school approved by the
23 Texas Education Agency that serves students 16 years of age or
24 older; or

25 (7) a public school that serves students 16 years of
26 age or older.

27 (b) To be eligible to receive a grant, an applicant must

1 demonstrate that the applicant has:

2 (1) at least three years of successful experience
3 operating programs that benefit disadvantaged or at-risk youth;

4 (2) successful experience in counseling and support
5 services for high school dropouts and at-risk youth; and

6 (3) successful experience in job training in the field
7 of the eligible project.

8 (c) A private school, as defined by Section 5.001, Education
9 Code, or for-profit entity is not eligible to receive a grant under
10 this subchapter.

11 Sec. 312.153. GRANT APPLICATION. A grant application for a
12 proposed project must be filed with the commission on a form
13 prescribed by the commission. The application must include:

14 (1) a statement of the amount of money requested;

15 (2) a description of the proposed project;

16 (3) a description of the applicant's qualifications,
17 including the applicant's experience with youth, law enforcement
18 agencies, and educational and community groups;

19 (4) if applicable, a list of proposed sites for
20 construction, rehabilitation, or retrofitting of housing or other
21 buildings;

22 (5) if applicable, a description of proposed
23 energy-efficient construction, rehabilitation, or retrofitting
24 activities, including an implementation schedule;

25 (6) a description of the applicant's proposed
26 procedures for recruiting and selecting participants in the
27 project;

1 (7) a proposed budget, including procedures for
2 auditing and accountability;

3 (8) if applicable, a description of proposed financing
4 for construction, rehabilitation, or retrofitting;

5 (9) a list of relevant contracts or other arrangements
6 between the applicant and public agencies that will facilitate
7 implementation of the project;

8 (10) a list of prospective donations, grants, or
9 in-kind contributions for the project that will supplement money
10 received through the grant;

11 (11) a certification satisfactory to the commission of
12 the applicant's compliance with:

13 (A) state and federal fair housing laws;

14 (B) the Civil Rights Act of 1964 (42 U.S.C.
15 Section 2000a et seq.);

16 (C) the Americans with Disabilities Act of 1990
17 (42 U.S.C. Section 12101 et seq.);

18 (D) the Rehabilitation Act of 1973 (29 U.S.C.
19 Section 701 et seq.); and

20 (E) the Age Discrimination in Employment Act of
21 1967 (29 U.S.C. Section 621 et seq.); and

22 (12) any other requirements that the commission
23 establishes by rule.

24 Sec. 312.154. PROJECT REQUIREMENTS; SERVICES TO
25 PARTICIPANTS. A project for which a grant is received under the
26 program must provide to a participant:

27 (1) integrated green job occupational skills training

1 and education, divided between:

2 (A) practical, hands-on work experience at
3 project sites; and

4 (B) if the participant has not received a high
5 school diploma or high school equivalency certificate, academic and
6 project-based instruction designed to result in the attainment of a
7 high school diploma or high school equivalency certificate, of
8 which at least 50 percent of the instruction is devoted to applied
9 academic instruction; and

10 (2) one or more of the following supplemental
11 services:

12 (A) direct access to counseling and support
13 services, including assessment and orientation services,
14 life-skills training, peer tutoring, gang prevention techniques,
15 parenting and child-care skills, and medical and legal screening
16 and referrals;

17 (B) direct access to leadership training
18 designed to develop ethics, citizenship, personal responsibility,
19 critical thinking, and decision-making, problem-solving, and
20 negotiation skills;

21 (C) direct access to assistance in making the
22 transition from training to economic self-sufficiency, including
23 career counseling, job placement, personal finance training,
24 homebuyer education, and follow-up services;

25 (D) guidance and support in earning college
26 scholarships; and

27 (E) after the participant leaves the program,

1 follow-up support as necessary to ensure the participant's success
2 in job placement or postsecondary education, for a period not to
3 exceed 12 months from the date of the participant's initial
4 enrollment in the project.

5 Sec. 312.155. TRAINING STIPEND. (a) To the extent
6 authorized by federal law and regulations, a project for which a
7 grant is received under the program must provide a training stipend
8 to each participant enrolled in the project. A training stipend
9 under this section must be:

- 10 (1) in an amount determined by commission rule;
11 (2) provided for a period not to exceed two years; and
12 (3) conditioned on the demonstration by the
13 participant of improved job performance and personal
14 responsibility as determined by commission rule.

15 (b) To the extent authorized by federal law and regulations,
16 a stipend provided under this section does not count as income or
17 resources for purposes of determining the eligibility of the
18 participant or the participant's household for any form of public
19 assistance or in determining the amount of that assistance.

20 (c) A stipend provided under this section may include a plan
21 for incentives under which additional compensation is provided to a
22 participant who demonstrates excellent attendance and performance.

23 Sec. 312.156. ELIGIBLE PROJECTS. A project for which a
24 grant is received under the program must provide at least one of the
25 following services:

- 26 (1) the construction, rehabilitation, or retrofitting
27 of energy-efficient, affordable housing for:

1 (A) individuals and families earning not more
2 than 80 percent of the area median income;

3 (B) veterans of the United States armed forces;
4 or

5 (C) individuals with a disability, as defined by
6 Sections 2052.003(b) and (c), Government Code;

7 (2) the energy-efficient rehabilitation or
8 retrofitting of:

9 (A) a historic structure, as defined by Section
10 442.001, Government Code;

11 (B) a publicly owned facility, including a public
12 school and a public facility that is part of a designated cultural
13 district; or

14 (C) a facility, located in a low-income area as
15 defined by commission rule, that:

16 (i) is owned by a private, nonprofit,
17 tax-exempt organization listed in Section 501(c), Internal Revenue
18 Code of 1986;

19 (ii) provides a public service, as defined
20 by the commission; and

21 (iii) is not owned, leased, or rented by a
22 grant recipient under this chapter;

23 (3) park and green space construction work, including
24 trail building and the energy-efficient rehabilitation or
25 retrofitting of park structures:

26 (A) in state, county, and local parks; or

27 (B) subject to the availability of federal funds

1 for the project, in national parks located in this state; or

2 (4) a green job-training program:

3 (A) that incorporates training of participants
4 in the following:

5 (i) renewable electric power;

6 (ii) biofuels;

7 (iii) deconstruction and reuse of
8 materials;

9 (iv) energy efficiency assessments;

10 (v) weatherization;

11 (vi) the manufacture of sustainable
12 products; or

13 (vii) sustainable manufacturing processes
14 and materials; and

15 (B) the activities of which benefit:

16 (i) a person described by Subdivision (1);

17 or

18 (ii) a private, nonprofit, tax-exempt
19 organization that:

20 (a) is listed in Section 501(c),
21 Internal Revenue Code of 1986; and

22 (b) provides a public service, as
23 defined by the commission.

24 Sec. 312.157. ADVISORY BOARD; PARTICIPANT COUNCIL. An
25 entity awarded a grant for a project under the program shall
26 establish:

27 (1) an advisory board for the project that includes

1 senior staff of the entity operating the project, area employers,
2 industrial leaders, representatives of nonprofit organizations
3 representing low-income neighborhoods, and participants enrolled
4 in the project; and

5 (2) a participant council to provide comments and
6 suggestions regarding project policies.

7 Sec. 312.158. LIMIT ON ADMINISTRATIVE EXPENSES. Not more
8 than 10 percent of the grant money awarded under the program for a
9 project may be used for administrative costs associated with the
10 project.

11 Sec. 312.159. TRAINING AND TECHNICAL ASSISTANCE. The
12 commission may reserve up to eight percent of grant funds for
13 allocation to qualified organizations that have specific
14 experience in successfully operating programs or providing
15 services to individuals eligible to participate in the sustainable
16 youth program to provide training and technical assistance to grant
17 recipients.

18 SECTION 2. This Act takes effect September 1, 2009.