

By: Martinez

H.B. No. 3241

A BILL TO BE ENTITLED

AN ACT

1
2 relating to economic development in the state by creating economic
3 development opportunities in counties that contain colonias and by
4 developing the workforce by increasing adult literacy rates.

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

6 SECTION 1. Subchapter C, Chapter 61, Education Code, is
7 amended by adding Section 61.0663 to read as follows:

8 Sec. 61.0663. HIGHER EDUCATION COLONIA COUNTIES WORK GROUP.

9 (a) The board shall establish the colonia counties work group to
10 study and propose policies and legislation regarding the issues
11 faced by counties that contain a colonia, as defined by Section
12 5.1781, Water Code, including issues related to international
13 trade.

14 (b) The work group is composed of:

15 (1) one representative from each institution of higher
16 education with a center, institute, or other unit of the
17 institution specializing in issues faced by communities that
18 contain colonias, as identified by the board; and

19 (2) the heads of the following agencies or their
20 designees:

21 (A) the board;

22 (B) the Office of Rural Community Affairs;

23 (C) the Texas Department of Housing and Community
24 Affairs;

- 1 (D) the Texas Water Development Board;
2 (E) the Texas Department of Transportation;
3 (F) the Texas Commission on Environmental
4 Quality;
5 (G) the Texas Workforce Commission;
6 (H) the Department of State Health Services;
7 (I) the Health and Human Services Commission;
8 (J) the General Land Office;
9 (K) the Texas Education Agency;
10 (L) the Texas Economic Development and Tourism
11 Office;
12 (M) the Office of State-Federal Relations;
13 (N) the attorney general's office; and
14 (O) the secretary of state's office.

- 15 (c) The colonia counties work group shall:
16 (1) meet at least quarterly in Austin to discuss
17 issues faced by counties that contain a colonia;
18 (2) discuss and evaluate ideas and policies to address
19 those issues; and
20 (3) not later than November 1 of each even-numbered
21 year, submit a report recommending appropriate policies to address
22 those issues, including any proposals for legislation to implement
23 the policies, to the presiding officer of each legislative standing
24 committee with primary jurisdiction over higher education or
25 economic development.

26 SECTION 2. Chapter 61, Education Code, is amended by adding
27 Subchapter FF to read as follows:

1 SUBCHAPTER FF. ADULT EDUCATION AND LITERACY

2 Sec. 61.981. COOPERATION WITH TEXAS WORKFORCE COMMISSION.

3 The board shall collaborate with the Texas Workforce Commission to
4 improve the coordination and implementation of adult education and
5 literacy services in this state.

6 SECTION 3. Chapter 481, Government Code, is amended by
7 adding Subchapter Q to read as follows:

8 SUBCHAPTER Q. TEXAS COLONIA COUNTIES STRATEGIC INVESTMENT

9 COMMISSION

10 Sec. 481.301. DEFINITIONS. In this subchapter:

11 (1) "Colonia" has the meaning assigned by Section
12 5.1781, Water Code.

13 (2) "Commission" means the Texas Colonia Counties
14 Strategic Investment Commission.

15 Sec. 481.302. TEXAS COLONIA COUNTIES STRATEGIC INVESTMENT
16 COMMISSION; MEMBERS. (a) The Texas Colonia Counties Strategic
17 Investment Commission is composed of the following officers or
18 their designees:

19 (1) the lieutenant governor;

20 (2) the speaker of the house of representatives;

21 (3) the comptroller;

22 (4) the commissioner of agriculture;

23 (5) the chair of the Senate Finance Committee;

24 (6) the chair of the House Appropriations Committee;

25 and

26 (7) the secretary of state.

27 (b) The lieutenant governor or the lieutenant governor's

1 designee shall serve as the chair of the commission.

2 Sec. 481.303. FUNCTIONS OF COMMISSION. (a) Not later than
3 December 1 of each even-numbered year, the commission shall
4 identify and recommend funding for strategic investment
5 initiatives in counties that contain a colonia.

6 (b) The strategic investment initiatives recommended shall
7 be identified using criteria that include the following:

8 (1) whether the initiative recommended is the most
9 significant investment the state can make in a key regional cluster
10 to produce a sound foundation for economic development;

11 (2) whether the investment recommended leverages
12 other significant funds or has an objective and calculable rate of
13 return;

14 (3) whether the recommendation is a clearly defined
15 concept with significant regional support;

16 (4) whether the concept recommended requires special
17 investment in order to be accomplished in the near future because
18 similar and timely funding by local, state, or federal sources in
19 the normal appropriations process is unlikely; and

20 (5) whether the investment recommended will increase
21 the per capita income and decrease the unemployment rate of the
22 affected area.

23 Sec. 481.304. REPORT. (a) Not later than December 1 of each
24 even-numbered year, the commission shall file a report with the
25 legislature that states the strategic investment initiatives
26 recommended by the commission during the preceding two-year period
27 and identify the initiatives that received funding during the

1 preceding fiscal biennium. The report must include any
2 recommendations for legislative action the commission considers
3 appropriate to further the creation or function of the commission.

4 (b) For the recommended initiatives that received funding
5 during the biennium in which the report is submitted, the
6 commission shall evaluate each initiative according to performance
7 measures identified by the commission and the following performance
8 measures:

9 (1) the number of jobs created by the initiative and
10 the nature of economic development created by the initiative;

11 (2) the impact of any economic development on wage
12 rates in any affected metropolitan statistical area;

13 (3) the wages and benefits paid by employers of the
14 created jobs compared to the countywide average wage for the
15 particular industry sector that received funding;

16 (4) the other funds that were leveraged or the
17 calculable rate of return from the state's investment in a
18 particular initiative;

19 (5) the initiative's ability to attract new industry
20 and economic development to counties that contain a colonia; and

21 (6) the duration and quality of the jobs, economic
22 development, and opportunities created.

23 Sec. 481.305. FUNDING; GIFTS AND GRANTS. (a) In addition
24 to any amount appropriated by the legislature, the commission may
25 request state agencies to apply for available funds from the
26 federal government or any other public or private entity. The
27 commission may also solicit and accept gifts, grants, and donations

1 from private sources on the state's behalf. The use of a gift,
2 grant, or donation solicited under this section must be consistent
3 with the purposes of the commission.

4 (b) The commission shall review and may require reports of
5 state agencies that receive appropriations, gifts, grants,
6 donations, funds, or endowments as a result of the commission's
7 recommendations.

8 (c) The commission may also study counties classified by the
9 federal government as persistent poverty counties to determine
10 strategic development needs and opportunities.

11 SECTION 4. Chapter 775, Government Code, is amended by
12 adding Section 775.006 to read as follows:

13 Sec. 775.006. ADOPTION OF RULES WITH ADVERSE ECONOMIC
14 EFFECT. (a) In this section, "colonia" has the meaning assigned by
15 Section 5.1781, Water Code.

16 (b) An agency considering adoption of a rule that may have
17 an adverse economic effect on businesses in a county that contains a
18 colonia shall reduce that effect if legal and feasible, considering
19 the purpose of the statute under which the rule is to be adopted.

20 (c) To reduce an adverse effect on those businesses, an
21 agency may:

22 (1) establish separate compliance or reporting
23 requirements for businesses in a county that contains a colonia;

24 (2) use performance standards in place of design
25 standards for businesses in a county that contains a colonia; or

26 (3) exempt businesses in a county that contains a
27 colonia from all or part of the rule.

1 (d) Before adopting a rule that may have an adverse economic
2 effect on businesses in a county that contains a colonia, an agency
3 shall prepare:

4 (1) an economic impact statement that estimates the
5 number of those businesses subject to the proposed rule, projects
6 the economic impact of the rule on those businesses, and describes
7 alternative methods of achieving the purpose of the proposed rule;
8 and

9 (2) a regulatory flexibility analysis that includes
10 the agency's consideration of alternative methods of achieving the
11 purpose of the proposed rule.

12 (e) The analysis prepared under Subsection (d)(2) must
13 consider, if consistent with the health, safety, and environmental
14 and economic welfare of the state, the use of regulatory methods
15 that will accomplish the objectives of applicable rules while
16 minimizing adverse impacts on businesses in a county that contains
17 a colonia. The agency must include in the analysis several proposed
18 methods of reducing the adverse impact of a proposed rule on those
19 businesses.

20 (f) The agency shall include the economic impact statement
21 and regulatory flexibility analysis as part of the notice of the
22 proposed rule that the agency files with the secretary of state for
23 publication in the Texas Register and shall provide copies to the
24 standing committee of each house of the legislature that is charged
25 with reviewing the proposed rule.

26 (g) This section does not apply to a rule adopted under
27 Title 2, Tax Code.

1 (h) The attorney general, in consultation with the
2 comptroller, shall prepare guidelines to assist an agency:

3 (1) in determining a proposed rule's potential adverse
4 economic effects on businesses in a county that contains a colonia;
5 and

6 (2) in identifying and evaluating alternative methods
7 of achieving the purpose of a proposed rule.

8 SECTION 5. Section 2303.406(d), Government Code, is amended
9 to read as follows:

10 (d) The maximum number of enterprise projects that the bank
11 may designate for each nominating body during any biennium is:

12 (1) four, plus two additional bonus projects the bank
13 may award in a municipality or county with a population of less than
14 250,000 and four additional bonus projects the bank may award in a
15 municipality or county that contains a colonia, as defined by
16 Section 5.1781, Water Code; or

17 (2) six, if the nominating body is the governing body
18 of a municipality or county with a population of 250,000 or more,
19 plus four additional bonus projects in such a municipality or
20 county that contains a colonia, as defined by Section 5.1781, Water
21 Code.

22 SECTION 6. Section 301.171, Labor Code, is amended to read
23 as follows:

24 Sec. 301.171. COOPERATION WITH TEXAS EDUCATION AGENCY AND
25 HIGHER EDUCATION COORDINATING BOARD TO IMPROVE ADULT EDUCATION AND
26 LITERACY SERVICES. The commission shall:

27 (1) collaborate with the Texas Education Agency and

1 the Texas Higher Education Coordinating Board to improve the
2 coordination and implementation of adult education and literacy
3 services in this state; and

4 (2) develop, in coordination with the Texas Education
5 Agency and Texas Higher Education Coordinating Board, literacy
6 services with a focus on professional, vocational, and workforce
7 skill development.

8 SECTION 7. Subchapter J, Chapter 301, Labor Code, is
9 amended by adding Section 301.172 to read as follows:

10 Sec. 301.172. FEDERAL LITERACY PROGRAMS. The commission
11 shall:

12 (1) identify opportunities for federal funding of
13 adult education and literacy programs, including waivers to federal
14 requirements and restrictions; and

15 (2) apply for available waivers to the Workforce
16 Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), or other
17 federal programs, to transfer funds between adult, youth, and
18 dislocated worker programs if:

19 (A) the commission determines that a waiver would
20 benefit literacy programs;

21 (B) a local workforce development board requests
22 in writing that the commission apply for the waiver; and

23 (C) the county to which the waiver applies
24 contains a colonia, as defined by Section 5.1781, Water Code.

25 SECTION 8. Section 303.003(f), Labor Code, is amended to
26 read as follows:

27 (f) The Texas Engineering Extension Service shall focus the

1 service's training activities under this chapter on programs that:

2 (1) are statewide in nature; [~~or~~]

3 (2) are not available from a local junior college
4 district, a local technical college, or a consortium of junior
5 college districts; or

6 (3) are offered in a county that contains a colonia.

7 SECTION 9. This Act controls over any conflicting
8 provisions of law.

9 SECTION 10. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2009.