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## CHAPTER 303. SKILLS DEVELOPMENT FUND

### Sec. 303.001. Purpose; Definitions

- (a) The purpose of this chapter is to remove administrative barriers that impede the response of public community and technical colleges, community-based organizations, and the Texas Engineering Extension Service to industry and workforce training needs and to develop incentives for public community and technical colleges, community-based organizations, and the Texas Engineering Extension Service to provide customized assessment and training in a timely and efficient manner.
- (b) For purposes of this chapter:
  - (1) **"Assessment"** means the evaluation of an employer's workforce needs and requirements.
  - (2) **"Community-based organization"** means a private nonprofit organization, including a development corporation and faith-based organization, that:
    - (A) provides for education, vocational education, rehabilitation, job training, or internship services or programs; and
    - (B) is exempt from the payment of federal income taxes under Section 501(a) of the Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt entity under Section 501(c)(3) of that code.

### Sec. 303.002. Waiver

- (a) The commission may review and recommend to the legislature the waiver of any requirements set forth in Title 3, Education Code, as they may apply to public community and technical colleges, that impede the ability of such a college to develop in a timely manner customized training for demand occupations in particular industries, including statutes or regulations limiting costs that may be recovered by a public community or technical college from state funds.
- (b) A public community or technical college or the Texas Engineering Extension Service may recover customized assessment and training costs incurred by the institution if:
  - (1) there is an actual or projected labor shortage in the occupation in which training is provided that is not being met by an existing institution or program in the area; and
  - (2) the wages at the time of job placement for individuals who successfully complete customized training at the public community or technical college or the Texas

Engineering Extension Service are equal to the prevailing wage for that occupation in the local labor market area.

### **Sec. 303.003. Skills Development Fund**

- (a) To achieve the purposes of this chapter, the skills development fund is created. The fund is composed of:
  - (1) money transferred into the fund under Section 204.123; and
  - (2) any amounts appropriated by the legislature for the purpose of this chapter from the general revenue fund.
- (b) The skills development fund may be used by public community and technical colleges, community-based organizations, and the Texas Engineering Extension Service as start-up or emergency funds for the following job-training purposes:
  - (1) developing customized training programs for businesses and trade unions; and
  - (2) sponsoring small and medium-sized business networks and consortiums.
- (b-1) The commission by rule may establish and develop additional job incentive programs that use the skills development fund to create incentives for public community and technical colleges in partnership with one or more employers, including prospective employers who commit to establishing a place of business in this state, to provide workforce training in an effort to create and retain employment opportunities in this state. Under a program established under this subsection, the commission may commit money to a prospective employer described by this subsection contingent on the employer's establishment of a place of business in this state.
- (c) Money from the skills development fund may not be used to pay the training costs and other related costs of an employer who relocates the employer's worksite from one location in this state to another in-state location.
- (d) The executive director, or a person appointed by the executive director who is knowledgeable in the administration of grants, is responsible for the distribution of money from the skills development fund.
- (e) It is the intent of the legislature that, to the greatest extent practicable, money from the skills development fund shall be spent in all areas of this state.
- (f) The Texas Engineering Extension Service shall focus the service's training activities under this chapter on programs that:
  - (1) are statewide in nature; or

- (2) are not available from a local junior college district, a local technical college, or a consortium of junior college districts.
- (g) This section does not prohibit the Texas Engineering Extension Service from participating in a consortium of junior college districts or with a technical college that provides training under this chapter..
- (h) A community-based organization may apply for money to participate in a training program only in partnership with a community and technical college or the Texas Engineering Extension Service. A community-based organization providing services regulated by the state shall provide evidence of any certification, license, or registration required by law.

**Sec. 303.0035. Use of Money in Holding Fund (General Revenue Account 5069) for Skills Development**

Money in the holding fund (general revenue account 5069) may be used only for the purposes for which the money in the skills development fund created under Section 303.003 may be used.

**Sec. 303.004. Fund Review**

The Texas Higher Education Coordinating Board shall review all customized training programs biennially to verify that state funds are being used appropriately by public community and technical colleges and the Texas Engineering Extension Service under this chapter.

**Sec. 303.005. Participation In Additional Programs; Application Requirements; Priority**

- (a) An employer may not apply both to a public community or technical college for customized training and assessment from the college through a grant issued to the college under the skills development fund program established under this chapter and for a grant under the Texas Enterprise Fund program established under Subchapter E, Chapter 481, Government Code, unless the employer and the college file an application for concurrent participation in both programs that complies with any rules adopted by the Texas Workforce Commission on concurrent participation
- (b) In awarding any grant under this chapter, the commission shall consider giving priority to training incentives for small businesses.

**Sec. 303.006. Reporting Requirements**

- (a) In this section:
  - (1) **“Employee”** means an individual who performs services for another under a contract of hire, whether express or implied, or oral or written.
  - (2) **“Employer”** means a person that employs one or more employees.

- (3) **“Existing employer”** means an employer that:
    - (A) has been liable to pay contributions under Subtitle A, Title 4, for more than one year;
    - (B) has employees; and
    - (C) is in compliance with the reporting and payment requirements of Subtitle A, Title 4, as determined by the Texas Workforce Commission.
  - (4) **“In-kind contribution”** means a noncash contribution of goods and services provided by an employer as all or part of the employer’s matching share of a grant or project.
  - (5) **“Job”** means employment on a basis customarily considered full-time for the applicable occupation and industry.
  - (6) **“Large employer”** means a business entity that employs at least 500 employees.
  - (7) **“Medium employer”** means a business entity that employs more than 99 but fewer than 500 employees.
  - (8) **“Micro-employer”** means a business entity that employs not more than 20 employees.
  - (9) **“Program”** means the skills development fund program created under this chapter.
  - (10) **“Small employer”** means a business entity that employs more than 20 but fewer than 100 employees.
  - (11) **“Trainee”** means a participant in a project funded under this chapter.
  - (12) **“Wages”** means all forms of compensation or remuneration, excluding benefits, payable for a specific period to an employee for personal services rendered by that employee.
- (b) In implementing provisions under this section regarding the classification of this state into regions, the executive director shall use the uniform service regions established by the comptroller under Section 120, Article V, Chapter 19, Acts of the 72nd Legislature, 1st Called Session, 1991 (the General Appropriations Act).
  - (c) The executive director shall report to the governor and the legislature at the end of each fiscal year the status of the program established under this chapter.
  - (d) The annual report must include for that fiscal year:
    - (1) the total number of applications submitted, the total number of applications approved, and the total number of applications rejected by region of the state;

- (2) the average and median weekly wage levels of trainees under this chapter entering or returning to the workforce, broken down by:
  - (A) current employees undergoing retraining;
  - (B) new hires; and
  - (C) region of the state;
- (3) the average and median weekly wage levels of trainees under this chapter entering or returning to the workforce, broken down by region of the state;
- (4) the number and percentage of trainees covered by health care insurance coverage, workers' compensation insurance coverage, and other analogous benefit programs;
- (5) the total amount of money awarded in each region of the state and the percentage that amount represents of the total amount of money awarded on a statewide basis;
- (6) a comparison of the percentage of total dollars awarded to each region versus each region's percentage of:
  - (A) the state's population;
  - (B) the civilian labor force;
  - (C) the number of unemployed persons; and
  - (D) the number of qualified grant applications submitted to the commission by public community and technical colleges;
- (7) the total amount of money awarded to micro-employers, small employers, medium employers, and large employers, reported by region of the state; and
- (8) the total number of jobs created or persons retrained under the program:
  - (A) by region of the state;
  - (B) by occupation classified by the two-digit standard industrial classification;
  - (C) by wage level; and
  - (D) whether attributable to:
    - (i) relocation of businesses to this state; or
    - (ii) training or retraining of employees of existing employers.

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