

Chapter 802. TEXAS WORKFORCE COMMISSION LOCAL WORKFORCE DEVELOPMENT BOARD ADVISORY COMMITTEE

PROPOSED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE *TEXAS REGISTER*.

ON NOVEMBER 12, 2008, THE TEXAS WORKFORCE COMMISSION PROPOSED THE BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated Publication Date of the Proposal in the *Texas Register*: **November 28, 2008**
Estimated End of Comment Period: **December 29, 2008**

The Texas Workforce Commission (Commission) proposes the repeal of Chapter 802 in its entirety, relating to the Texas Workforce Commission Local Workforce Development Board Advisory Committee rules:

Subchapter A. General Provisions, §§802.1–802.4

Subchapter B. Requirements for TWC Advisory Committee Members, §§802.11–802.15

Subchapter C. Requirements for TWC Advisory Committee Meetings, §802.21 and §802.22

Subchapter D. Reporting to the Commission, §802.31

Subchapter E. Agency Evaluation of the TWC Advisory Committee and Report to the Legislative Budget Board, §802.41 and §802.42

- PART I. PURPOSE, BACKGROUND, AND AUTHORITY
- PART II. IMPACT STATEMENTS
- PART III. COORDINATION ACTIVITIES

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed repeal is to eliminate Chapter 802, relating to the Texas Workforce Commission (TWC) Local Workforce Development Board Advisory Committee rules, created pursuant to Texas Labor Code §302.013. Under Texas Government Code §2110.008(b), an advisory committee is automatically abolished on the fourth anniversary of the date of its creation. Because the law creating the TWC Advisory Committee became effective September 1, 2003, the automatic abolishment date of the TWC Advisory Committee is September 1, 2007; therefore, these rules are no longer required.

PART II. IMPACT STATEMENTS

Randy Townsend, Chief Financial Officer, has determined that for each year of the first five years the rules will be in effect, the following statements will apply:

There are no estimated additional costs to the state and to local governments expected as a result of enforcing or administering the rules.

There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules.

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rules.

There will be no probable economic costs to persons required to comply with this rule, and there will be no adverse economic effect on small businesses.

Economic Impact Statement and Regulatory Flexibility Analysis

The Agency has determined that the proposed repeal will not have an adverse economic impact on small businesses as these proposed repeal place no requirements on small businesses.

The reasoning that led to these conclusions is as follows:

Texas Government Code §2110.008(c) provides that an advisory committee that has been specifically created by state statute is considered to have been created on the effective date of that law, and if that advisory committee was not created for a specific duration prescribed by statute, then the advisory committee will automatically be abolished on the fourth anniversary of the date of its creation. As the law creating the Local Workforce Development Board Advisory Committee became effective September 1, 2003, then the automatic abolishment date for that advisory committee was September 1, 2007. As the advisory committee has been abolished, these rules are no longer required. There will be no fiscal impact.

Mark Hughes, Director of Labor Market Information, has determined that there is no significant negative impact upon employment conditions in the state as a result of the rules.

Laurence M. Jones, Director, Workforce Development Division, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the proposed repeal will be to ensure compliance with federal and state requirements.

The Agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the Agency's legal authority to adopt.

PART III. COORDINATION ACTIVITIES

Comments on the proposal may be submitted to TWC Policy Comments, Workforce Policy and Service Delivery, attn: Workforce Editing, 101 East 15th Street, Room 440T, Austin, Texas 78778; faxed to (512) 475-3577; or e-mailed to TWCPolicyComments@twc.state.tx.us. The

Commission must receive comments postmarked no later than 30 days from the date this proposal is published in the *Texas Register*.

The repeal is proposed pursuant to Texas Labor Code §301.0015 and §302.002(d), which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities.

The proposed repeal affects Texas Labor Code, Title 4; Texas Labor Code §302.013, regarding establishment of an advisory committee to the Commission; and Texas Government Code, Chapter 2110, relating to state agency advisory committees.

**Chapter 802. TEXAS WORKFORCE COMMISSION LOCAL WORKFORCE
DEVELOPMENT BOARD ADVISORY COMMITTEE**

SUBCHAPTER A. GENERAL PROVISIONS

- §802.1. Requirements for the Texas Workforce Commission Local Workforce Development Board Advisory Committee
- §802.2. Purpose and Tasks
- §802.3. Duration of the TWC Advisory Committee
- §802.4. Agency Contact

SUBCHAPTER B. REQUIREMENTS FOR TWC ADVISORY COMMITTEE MEMBERS

- §802.11. Appointment and Composition
- §802.12. Vacancies
- §802.13. Terms of Office
- §802.14. Selection and Role of a Presiding Officer
- §802.15. Legislative Activity

SUBCHAPTER C. REQUIREMENTS FOR TWC ADVISORY COMMITTEE MEETINGS

- §802.21. Open Meetings
- §802.22. Open Records

SUBCHAPTER D. REPORTING TO THE COMMISSION

- §802.31. Annual Report

**SUBCHAPTER E. AGENCY EVALUATION OF THE TWC ADVISORY COMMITTEE
AND REPORT TO THE LEGISLATIVE BUDGET BOARD**

- §802.41. Agency Annual Evaluation
- §802.42. Commission Report to the Legislative Budget Board