

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 NOT HAVE ANY SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE *TEXAS REGISTER*.

ON **MARCH 29, 2005**, 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*: **April 15, 2005**
Estimated End of Comment Period: **May 16, 2005**

The Texas Workforce Commission (Commission) proposes new Chapter 802, relating to the Texas Workforce Commission Local Workforce Development Board Advisory Committee (TWC Advisory Committee), comprising the following subchapters:

- Subchapter A. General Provisions
- Subchapter B. Requirements for TWC Advisory Committee Members
- Subchapter C. Requirements for TWC Advisory Committee Meetings
- Subchapter D. Reporting to the Commission
- Subchapter E. Agency Evaluation of the TWC Advisory Committee and Report to the Legislative Budget Board

- PART I. PURPOSE AND BACKGROUND
- PART II. EXPLANATION OF INDIVIDUAL PROVISIONS
- PART III. IMPACT STATEMENTS
- PART IV. COORDINATION ACTIVITIES
- PART V. PROPOSED RULES

PART I. PURPOSE AND BACKGROUND

Purpose

Senate Bill 280 (SB 280), enacted by the 78th Texas Legislature, Regular Session, (2003), added §302.013 to the Texas Labor Code. This new provision requires the creation of a Local Workforce Development Board (Board) advisory committee at the Texas Workforce Commission to "advise the commission and commission staff regarding the programs, policies, and rules of the commission that affect the operations of local workforce development boards and the local workforce delivery system."

Background

Texas Government Code, Chapter 2110 governs state agency advisory committees that are either created by state or federal law or established by a state agency pursuant to state

or federal law. Chapter 2110 requires a state agency that establishes an advisory committee to develop rules that state the purpose and tasks of the advisory committee and describe the manner in which the advisory committee will report to the agency. Moreover, it permits the agency to designate the date on which the advisory committee will automatically be abolished unless the agency by rule establishes a different date.

Additionally, Chapter 2110 establishes minimum requirements for state agency advisory committees regarding the composition of the advisory committee, the selection of a presiding officer, the reimbursement of members' expenses, the agency evaluation of the advisory committee's cost and effectiveness, and the state agency report to the Legislative Budget Board regarding the effectiveness of the advisory committee.

The Commission proposes adoption of a new Chapter 802 to its rules to incorporate the requirements of Texas Labor Code, §302.013 and Texas Government Code, Chapter 2110.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

SUBCHAPTER A. GENERAL PROVISIONS

§802.1. Requirements for the Texas Workforce Commission Local Workforce Development Board Advisory Committee

Proposed §802.1 describes the statutory authority for the establishment of the TWC Advisory Committee. The TWC Advisory Committee shall be governed by Chapter 802 and is established under Texas Labor Code, §302.013 and is subject to Texas Government Code, Chapter 2110.

§802.2. Purpose and Tasks

The Commission proposes in §802.2(a) that the purpose of the TWC Advisory Committee will be to serve as the Commission's primary point of contact for Board chairs, Board members, and Board executive directors for the discussion of policy issues that affect the operations of Boards and the local workforce delivery system that may serve as a basis for rulemaking and policy development by the Commission.

Even though the TWC Advisory Committee will be the primary entity for discussion of policy affecting Board operations and the workforce delivery system, the Commission will continue to welcome and encourage input from Board chairs, Board members, Board executive directors, and the public.

Texas Government Code, §2110.005(1) requires state agencies to provide by rule the purpose and tasks of an advisory committee. The Commission proposes that the required tasks of the TWC Advisory Committee mirror the tasks stipulated in Texas Labor Code, §302.013(e)(3). Therefore, §802.2(b) states that the TWC Advisory Committee shall meet at least quarterly; report to the Commission at least annually; and advise the

Commission and Commission staff regarding the programs, policies, and rules of the Commission that affect the operations of Boards and the local workforce delivery system.

Further, the Commission proposes in §802.2(c) the tasks that the TWC Advisory Committee may perform, which include providing a statewide perspective of the workforce system to the Commission; advising the Commission on policy or rule concept papers; recommending to the Commission items for improving the operations of the local workforce delivery system; and requesting information from the Commission regarding existing rules, policies, or other topics the TWC Advisory Committee wants to study.

§802.3. Duration of the TWC Advisory Committee

Texas Government Code, §2110.008(a) provides that a state agency may designate the date on which its advisory committee will automatically be abolished. The advisory committee may continue in existence after the abolishment date if the state agency amends its rule to establish a different date. For advisory committees established by law, the date of creation is the effective date of the law. In the case of the TWC Advisory Committee, the effective date of the law (SB 280) was September 1, 2003. Therefore, unless the Commission establishes a different date, the automatic abolishment date of the TWC Advisory Committee is September 1, 2007.

The Commission proposes in §802.3 that the TWC Advisory Committee be abolished on September 1, 2007, unless the Commission by rule determines a different abolishment date.

§802.4. Agency Contact

To facilitate effective and efficient communication, the Commission proposes to designate in §802.4 the Agency's executive director as the single point of contact for the TWC Advisory Committee.

SUBCHAPTER B. REQUIREMENTS FOR TWC ADVISORY COMMITTEE MEMBERS

§802.11. Appointment and Composition

Texas Labor Code, §302.013(b) provides that the executive officers of "the organization composed of a member of and the staff director of each local workforce development board" appoint the TWC Advisory Committee members. The statute does not specifically identify the organization whose executive officers are required, pursuant to §302.013(b), to appoint the TWC Advisory Committee members.

The Commission reviewed the legislative history of SB 280, including legislative bill analyses and committee meeting hearings and notes. No version of the bill specified the name of the organization. However, every version of the bill analysis—from the introduced version to the enrolled version—stated that the bill "requires the executive

committee of the Workforce Leadership of Texas (WLT) to appoint the committee members, consisting of nine representatives from WLT."

Additionally, the Commission reviewed the testimony at the April 9, 2003, Senate Government Organization Committee hearing on SB 280. At the hearing, a member of WLT (now named the Texas Association of Workforce Boards or TAWB) testified that it is in a position to appoint the members of the TWC Advisory Committee. Therefore, the Commission proposes that §802.11(a) of this subchapter specifically designate the Executive Committee of TAWB, or its successor organization, as the entity to appoint TWC Advisory Committee members. Section 802.11(a) further requires that the Executive Committee of TAWB, or its successor organization, provide due notice of the meeting at which appointments to the TWC Advisory Committee will be made to the Agency executive director in time for the Agency to provide a seven-day public notice of the meeting.

Texas Labor Code, §302.013 requires that the TWC Advisory Committee be composed of six Board members and three Board executive directors. The Commission proposes to mirror this requirement in §802.11(b). To align with the principle in Texas Government Code, §2308.256(a) that Boards shall have a majority of their members represent the private sector, the Commission proposes a requirement in §802.11(b) that the six Board members be private sector employers.

Further, Texas Labor Code, §302.013(b) provides that members of the TWC Advisory Committee shall represent different geographic areas of the state. The Commission proposes to mirror this requirement in §802.11(c).

The Commission also proposes §802.11(d) to prohibit a member of the TAWB Executive Committee, or its successor organization, from serving as a member of the TWC Advisory Committee. Texas Labor Code, §302.013(b) provides that the organization representing Boards appoint the TWC Advisory Committee. The statute reflects the premise that the TWC Advisory Committee should present a variety of ideas and membership. Consequently, the Commission finds that those members of the Executive Committee of TAWB appointing the TWC Advisory Committee should not also serve on the TWC Advisory Committee. Drawing from differing geographic regions and different TAWB membership for the TWC Advisory Committee offers the best opportunity for diverse voices and ideas to reach the Commission for consideration. Having greater a number of participants from the Boards offering recommendations is in the best interest of the workforce system as a whole. It is the Commission's desire that the TWC Advisory Committee will bring consensus recommendations and innovative ideas for improvements to the workforce system. One way to achieve that goal is to have a variety of members presenting information to the Commission.

The Commission also takes notice of a longstanding common-law doctrine generally prohibiting public self-appointment (*Ehlinger v. Clark*, 8 S.W.2d 666, 674 (Tex. 1928)). While this doctrine is not directly applicable, the Commission finds its premise useful. As generally stated by the Texas Supreme Court, this doctrine holds that a member of a body

making an appointment should not also serve as a member of the appointed body (Tex. Att'y Gen. Op. LO-93-070 at 3 (1993)). Because the TAWB Executive Committee has the power of appointment, the Commission believes that members of the TAWB Executive Committee should not also appoint themselves to the TWC Advisory Committee.

§802.12. Vacancies

In §802.12(a), the Commission proposes that if a vacancy occurs, the TAWB Executive Committee, or its successor organization, shall have 90 days following the date on which the vacancy occurred to appoint a person to serve the unexpired portion of that term. Section 802.12(a) further requires that the TAWB Executive Committee, or its successor organization, provide due notice of meetings at which vacancies on the TWC Advisory Committee will be filled to the Agency executive director in time for the Agency to provide a seven-day public notice of the meeting.

Additionally, proposed §802.12(b) states that a vacancy shall occur if, during the member's term, the TWC Advisory Committee member is no longer a Board member or an executive director for the Board represented when the person was initially appointed to the TWC Advisory Committee. The Commission proposes this provision in order to maintain the geographical representation as required by Texas Labor Code, §302.13(b) and provided in proposed §802.11(c). For example, the geographical representation of the TWC Advisory Committee membership could change should an executive director of a Board located in one area of the state be appointed to the TWC Advisory Committee and during the member's term resigns as that Board's executive director to become the executive director of a Board in a different area of the state. In order to avoid this situation, proposed §802.12(b) would require the executive director to resign from the TWC Advisory Committee and the TAWB Executive Committee would have 90 days to fill the vacancy. When appointing new members to fill vacancies, the TAWB Executive Committee must adhere to the geographical requirements in §802.11(c).

§802.13. Terms of Office

The Commission proposes in §802.13(a) that the term of a TWC Advisory Committee member shall be two years. Because, it is important to have experienced TWC Advisory Committee members as well as to allow for new perspective through rotation of membership, § 802.13(b) provides that a member may serve multiple terms, but shall serve no more than two consecutive terms. The ability to have TWC Advisory members serve multiple terms allows for experienced members to continue to participate on the TWC Advisory Committee. However, the provision also requires a break in membership after two consecutive terms, to afford new and fresh perspectives on the TWC Advisory Committee.

The Commission proposes that TWC Advisory Committee members serve staggered terms. It is important that the terms of office allow for new TWC Advisory Committee

members to serve along with experienced members. It is also important not to have all terms expire at the same time, which would require the entire TWC Advisory Committee to reconstitute every two years. Section 802.13(c) provides that in order to establish the staggered terms, TAWB shall initially appoint three Board members and one executive director for a one-year term and three Board members and two executive directors for a two-year term. Following the expiration of the initial four members' one-year term, TAWB or its successor organization shall appoint four members to two-year terms. Subsequent appointments for all members shall be for two-year terms. In this manner, TWC Advisory Committee members' terms will expire every year. Four terms will expire in one year, then five terms will expire the next year. The four members appointed for a one-year term will fulfill a one-time, one-year appointment that will occur during the first year the TWC Advisory Committee is in existence.

§802.14. Selection and Role of a Presiding Officer

Texas Government Code, §2110.003 states that an advisory committee shall select from among its members a presiding officer to preside over the advisory committee. The Commission proposes to mirror this language in §802.14, which states that the TWC Advisory Committee shall elect a presiding officer from among its members. The Commission proposes that the presiding officer be a Board member in order to emphasize the importance of the private sector perspective in the work of the TWC Advisory Committee. The Commission also proposes that the presiding officer be designated to report to the Commission, as required in § 2110.003(b) of the Texas Government Code.

§802.15. Legislative Activity

The provisions of Texas Government Code, Chapter 556 regarding the use of state appropriations for political activities apply to officers and employees of Boards. By extension, the TWC Advisory Committee members are also covered by Chapter 556. Therefore, the Commission proposes to include in §802.15(a) that TWC Advisory Committee members are subject to the lobbying provisions of Texas Government Code, Chapter 556. Individual members are not restricted from representing themselves, their Boards, their businesses, or any other entities to the Texas Legislature, subject to state law restrictions on lobbying.

SUBCHAPTER C. REQUIREMENTS FOR TWC ADVISORY COMMITTEE MEETINGS

§802.21. Open Meetings

The TWC Advisory Committee is not a "governmental body" as defined in the Open Meetings Act in Texas Government Code, Chapter 551. However, research on various Texas state agencies' advisory committees shows that several state agencies, such as the Texas Department of State Health Services, require their advisory committees to conduct meetings in accordance with the Texas Open Meetings Act.

Therefore, in order to promote public participation, the Commission proposes in §802.21(a) that meetings of the TWC Advisory Committee be conducted in accordance with the Open Meetings Act requirements in Texas Government Code, Chapter 551. Subsection 802.21(b) proposes that the Agency's executive director, as the central point of contact for the TWC Advisory Committee, shall be responsible for posting the meetings, in accordance with §551.044 of the Texas Government Code, which requires a seven-day posting for meetings with statewide jurisdiction. The Commission anticipates and expects that the TWC Advisory Committee will notify the Agency's executive director about its meetings and agendas in a timely manner so that statewide Open Meetings Act requirements are met. Subsection 802.21(c) proposes that the Agency's executive director also be responsible for preparing and keeping the meeting minutes, as set forth in Chapter 551, Subchapter B of the Texas Government Code. This subchapter requires that minutes or a tape recording of each open meeting be kept and available to the public upon request. To implement this requirement, the Agency will record each meeting and transcribe the minutes of the TWC Advisory Committee to serve as the approved minutes, and will maintain a file of all meeting minutes.

Additionally, the Commission proposes in §802.21(d) that a quorum shall be present for TWC Advisory Committee meetings. In keeping with the requirements of the Open Meetings Act in the Texas Government Code, §551.001(6), a quorum is defined as six members of the TWC Advisory Committee. In order to conduct business, a quorum must be present. In §802.21(e), the Commission proposes that the approval of five members of the TWC Advisory Committee be required on any advice, recommendations, or reports. The Commission proposes these two provisions in order to emphasize the importance of soliciting input and achieving consensus from a majority of the members of the TWC Advisory Committee.

§802.22. Open Records

The TWC Advisory Committee is not a "governmental body" for purposes of the Open Meetings Act; however, the TWC Advisory Committee does meet the definition of a governmental body in §552.003 of the Public Information Act. Therefore, the Commission proposes in §802.22(a) that TWC Advisory Committee records be subject to the Public Information Act, Texas Government Code, Chapter 552. In order to implement the requirements of the Public Information Act, the Commission proposes in §802.22(b) that the Agency's executive director be responsible for responding to requests for information filed under the Public Information Act, Texas Government Code, Chapter 552.

SUBCHAPTER D. REPORTING TO THE COMMISSION

§802.31. Annual Report

Texas Government Code, §2110.005(2) requires state agencies with advisory committees to adopt rules that "describe the manner in which the committee will report to the agency." Texas Labor Code, §302.013(e)(2) states that the TWC Advisory Committee shall "report to the commission at least annually."

In §802.31(a), the Commission proposes that the presiding officer of the TWC Advisory Committee submit an annual report to the Commission on or before July 1 of each year in order for the Agency to complete its annual evaluation of the TWC Advisory Committee, as required by Texas Government Code, §2110.006, by the end of a fiscal year. The Commission proposes in §802.31(b) that the annual report shall delineate the TWC Advisory Committee's activities over the previous 12 months, specifically from June 1 of the previous year to May 31, and include, at a minimum:

- (1) a description of how the TWC Advisory Committee has accomplished its purpose and tasks;
- (2) a brief description of advice, recommendations, and reports made by the TWC Advisory Committee;
- (3) the costs related to the TWC Advisory Committee's existence and the source of funds used to support its activities;
- (4) a list of the meeting dates, including subcommittee meetings;
- (5) the attendance records of its members; and
- (6) the TWC Advisory Committee bylaws.

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

§802.41. Agency Annual Evaluation

Texas Government Code, §2110.006 provides that a state agency that has established an advisory committee shall evaluate annually the advisory committee's work and usefulness, and the costs related to the advisory committee's existence, including the cost of agency staff time spent in support of the committee's activities. The Commission proposes to mirror this language in §802.41.

§802.42. Commission Report to the Legislative Budget Board

Texas Government Code, §2110.007 requires that the Commission report to the Legislative Budget Board the information developed in the evaluation required by §2110.006 and file the report biennially in connection with the Commission's request for appropriations. The Commission proposes language in §802.42 to fulfill this requirement.

PART III. IMPACT STATEMENTS

Randy Townsend, Chief Financial Officer of the Texas Workforce Commission, 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 additional estimated 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.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses or microbusinesses as a result of enforcing or administering the rules because the proposed rules do not add new regulatory requirements or change existing regulatory requirements on small businesses or microbusinesses.

Mark Hughes, Director of Labor Market Information of the Texas Workforce Commission, has determined that there is no significant negative impact on employment conditions in this state as a result of the proposed rules. Mr. Hughes does not expect any significant impact on overall employment conditions in the state as a result of the proposed rules.

Luis M. Macias, Director of Workforce Development Division of the Texas Workforce Commission, 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 rules will be to facilitate Board input and provide a statewide perspective on policies of the Texas Workforce Commission that affect the operations of Boards and the local workforce development system.

Mr. Macias has also determined that for each year of the first five years the rules are in effect, there will be no economic cost to persons required to comply with these rules as a result of enforcing the proposed rules.

PART IV. COORDINATION ACTIVITIES

In the development of these rules for publication and public comment, the Commission sought the involvement of Texas' twenty-eight Boards and the Texas Association of Workforce Boards. The Commission provided a policy concept paper to the Boards for consideration and review pursuant to Texas Labor Code, §302.064 and the Commission's Resolution Regarding Board Coordination in Policy Development, which was adopted on September 24, 2002. During the development of these proposed rules, the Commission considered the information gathered in order to develop rules that provide clear and concise direction to the parties involved.

Comments on the proposed rules may be submitted to TWC Policy Comments, Policy and Development, 101 East 15th Street, Room 440T, Austin, Texas 78778; fax 512-475-3577; or e-mailed to TWCPolicyComments@twc.state.tx.us. The Commission must

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

These rules are proposed pursuant to Texas Labor Code, §301.0015 and §302.002(d), which provide the Commission with the authority to adopt rules necessary to administer the Commission's policies in compliance with Texas Government Code, Chapter 2001; Texas Labor Code, §302.013, which provides specific authority regarding establishment of an advisory committee to the Commission; and Texas Government Code, Chapter 2110, relating to state agency advisory committees.

PART V. PROPOSED RULES

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.

- (a) The Texas Workforce Commission Local Workforce Development Board Advisory Committee (TWC Advisory Committee) shall be appointed pursuant to and governed by this chapter.
- (b) The TWC Advisory Committee is established under Texas Labor Code, §302.013 and is subject to Texas Government Code, Chapter 2110.

§802.2. Purpose and Tasks.

- (a) The purpose of the TWC Advisory Committee is to serve as the Commission's primary point of contact for Local Workforce Development Board (Board) chairs, Board members, and Board executive directors in the discussion of policy issues affecting the operations of Boards and the local workforce delivery system that may serve as a basis for rulemaking and policy development by the Commission.
- (b) The TWC Advisory Committee shall:
 - (1) meet at least quarterly;
 - (2) report to the Commission at least annually; and
 - (3) advise the Commission and Commission staff regarding the programs, policies, and rules of the Commission that affect the operations of Boards and the local workforce delivery system.

- (c) The TWC Advisory Committee may:
 - (1) provide a statewide perspective of the workforce system;
 - (2) advise the Commission on policy or rule concept papers that affect the operations of Boards and the local workforce delivery system;
 - (3) make recommendations to the Commission to improve the operations of Boards and the local workforce delivery system; and
 - (4) request information from the Commission regarding existing rules or policies, or other topics the TWC Advisory Committee wants to study.

§802.3. Duration of the TWC Advisory Committee.

The TWC Advisory Committee shall be abolished on September 1, 2007, unless the Commission by rule determines a different abolishment date.

§802.4. Agency Contact.

The Agency's executive director shall serve as the single point of contact for the TWC Advisory Committee.

SUBCHAPTER B. REQUIREMENTS FOR TWC ADVISORY COMMITTEE MEMBERS

§802.11. Appointment and Composition.

- (a) The executive committee of the Texas Association of Workforce Boards (TAWB), or its successor organization, shall appoint members of the TWC Advisory Committee in a meeting for which notice is given to the Agency's executive director in time for a seven-day public meeting notification.
- (b) The TWC Advisory Committee shall be composed of:
 - (1) six Board members who are private sector employers that serve as members of the organization described in subsection (a) of this section; and
 - (2) three Board executive directors who serve as members of the organization described in subsection (a) of this section.
- (c) The TWC Advisory Committee members shall represent different geographic areas of the state.

- (d) A member of the executive committee of the organization described in subsection (a) of this section shall not serve as a member of the TWC Advisory Committee.

§802.12. Vacancies.

- (a) In 90 days or less following the date on which a vacancy occurs, the executive committee of the organization, as described in §802.11(a) of this subchapter, shall, in a meeting for which notice is given to the Agency's executive director in time for a seven-day public meeting notification, appoint a person to serve the unexpired portion of that member's term.
- (b) A vacancy shall occur if during the member's term, the TWC Advisory Committee member is no longer a Board member of or an executive director for the Board represented when the person was initially appointed to the TWC Advisory Committee.

§802.13. Terms of Office.

- (a) Notwithstanding the provisions in subsection (c) of this section, a term of a TWC Advisory Committee member shall be two years.
- (b) A member may serve multiple terms, but shall serve no more than two consecutive terms.
- (c) TWC Advisory Committee members shall serve staggered terms. In order to establish the staggered terms, the executive committee of the organization, as described in §802.11(a) of this subchapter, shall initially appoint three Board members and one executive director for a one-year term and three Board members and two executive directors for a two-year term. Following the expiration of the initial four members' one-year term, the organization shall appoint four members to two-year terms. Subsequent appointments for all members shall be for two-year terms.

§802.14. Selection and Role of a Presiding Officer.

The TWC Advisory Committee shall elect a presiding officer who is a Board member and shall preside over the TWC Advisory Committee and report to the Commission.

§802.15. Legislative Activity.

- (a) The TWC Advisory Committee and its members are subject to the lobbying provisions in Texas Government Code, Chapter 556.

- (b) Individual TWC Advisory Committee members are not restricted from representing themselves, their Boards, their businesses, or any other entities to the Texas Legislature.

SUBCHAPTER C. REQUIREMENTS FOR TWC ADVISORY COMMITTEE MEETINGS

§802.21. Open Meetings.

- (a) TWC Advisory Committee meetings shall be conducted in accordance with open meetings requirements pursuant to Texas Government Code, Chapter 551.
- (b) The responsibility for posting the meetings pursuant to the open meetings requirements of Texas Government Code, §551.044, will be carried out by the Agency's executive director.
- (c) The responsibility for preparing and keeping the minutes pursuant to the open meetings requirements of Texas Government Code, Chapter 551, Subchapter B, will be carried out by the Agency's executive director.
- (d) Six members of the TWC Advisory Committee shall be present to constitute a quorum for the purpose of conducting business.
- (e) Any advice, recommendations, or reports made by the TWC Advisory Committee must be approved by five members of the TWC Advisory Committee.

§802.22. Open Records.

- (a) TWC Advisory Committee records are subject to the Public Information Act, Texas Government Code, Chapter 552.
- (b) The responsibility for responding to requests for information under the Public Information Act, Texas Government Code, Chapter 552, will be carried out by the Agency's executive director.

SUBCHAPTER D. REPORTING TO THE COMMISSION

§802.31. Annual Report.

- (a) The TWC Advisory Committee presiding officer shall submit an annual report to the Commission on or before July 1 of each year.
- (b) The annual report shall describe the activities of the TWC Advisory Committee from June 1 of the previous year to May 31 of the reporting year and include, at a minimum:

- (1) a description of how the TWC Advisory Committee has accomplished its purpose and tasks;
- (2) a brief description of advice, recommendations, and reports made by the TWC Advisory Committee;
- (3) the costs related to the TWC Advisory Committee's existence and the source of funds used to support its activities;
- (4) a list of the meeting dates, including subcommittee meetings;
- (5) the attendance records of its members; and
- (6) the TWC Advisory Committee bylaws.

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

§802.41. Agency Annual Evaluation.

The Agency shall evaluate annually:

- (1) the TWC Advisory Committee's work;
- (2) the TWC Advisory Committee's usefulness; and
- (3) the costs related to the TWC Advisory Committee's existence, including the cost of Agency staff time spent in support of the TWC Advisory Committee's activities.

§802.42. Commission Report to the Legislative Budget Board.

- (a) The Commission shall report the information developed in the evaluation required in §802.41 of this subchapter to the Legislative Budget Board.
- (b) The Commission shall file the Legislative Budget Board report, described in subsection (a) of this section, biennially in connection with the Commission's request for appropriations.