

Chapter 801. LOCAL WORKFORCE DEVELOPMENT BOARDS

Subchapter A. GENERAL PROVISIONS

40 TAC §801.1

The Texas Workforce Commission (Commission) proposes an amendment to Chapter 801, §801.1, Requirements for Formation of Local Workforce Development Boards (Board).

Purpose: Each Board must include members that represent a variety of backgrounds as required by statute at §2308.256, Texas Government Code and set forth in Commission rules at 40 TAC §801.1(g)(2)(C). The purpose of the rule change is to implement House Bill 218, 77th Legislature, Regular Session (2001), which amends §2308.251 and §2308.256, Texas Government Code by adding a definition of "veterans" and the requirement that each Board have at least one member that is a "veteran" as defined in the statute.

Randy Townsend, Chief Financial Officer, has determined that for the first five-year period the rule ISin 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 rule;

there are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule;

there are no estimated losses or increases in revenue to the state and to local governments as a result of enforcing or administering the rule;

there are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rule; and

there are no anticipated economic costs to persons required to comply with the rule.

Mr. Townsend has determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the rule because small businesses are not required to do anything as a result of the rule that is not required by statute.

James Barnes, Director of Labor Market Information, has determined that there is no significant negative impact on small businesses as a result of enforcing or administering the proposed rule.

Barbara Cigainero, Director of Workforce Division, has determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to ensure that veterans have representation on Boards and that Boards are provided with the insights from the veterans' perspective.

Comments on the proposal may be submitted to John Moore, Office of General Counsel, Texas Workforce Commission, 101 East 15th Street, Room 608, Austin, Texas 78778-0001; fax (512) 463-1426. Comments may also be submitted via e-mail to Mr. Moore at john.moore@twc.state.tx.us. Comments must be received by the Commission within 30 days from the date this proposal is published in the Texas Register .

For information about the Commission please visit our web page at www.texasworkforce.org.

The amendment is proposed under Texas Labor Code §301.061 and §302.002, 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 amendment affects Texas Labor Code, Chapter 302 and Texas Human Resources Code, Chapters 31 and 44.

§801.1. Requirements for Formation of Local Workforce Development Boards.

(a) - (f) (No change.)

(g) Procedures for Formation of a Board. The CEOs must comply with the following procedures to form a Board.

(1) (No change.)

(2) Application procedure.

(A) - (B) (No change.)

(C) The application shall include the names and affiliations of individuals recommended for Board membership, with documentation that CEOs followed the nomination process specified in applicable state and federal law, including Texas Government Code, §2308.255 and §2308.256.

(i) - (vi) (No change.)

(vii) At least one of the members of a Board appointed under Texas Government Code §2308.256(a) must, in addition to the qualifications required for the members under that subsection, be a veteran as defined in Texas Government Code §2308.251(2).

(D) - (E) (No change.)

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

Filed with the Office of the Secretary of State, on August 28, 2001.

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Earliest possible date of adoption: October 14, 2001

For further information, please call: (512) 463-2573