

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART XX. Texas Workforce Commission

CHAPTER 800. General Administration

SUBCHAPTER A. General Provisions

40 TAC §§800.1-800.4

The Texas Workforce Commission (Commission) proposes new §§800.1-800.4 concerning General Provisions pertaining to definitions, Historically Underutilized Businesses and gifts.

The purpose of the rules is to set forth the title and purpose of the subchapter, the definitions applicable to the chapter, the rules pertaining to Historically Underutilized Businesses (HUBs), and the ethics rules applicable to the Commission. New Subchapter A, General Provisions, is proposed as the location for rules §§800.1 - 800.4.

New §800.1 sets forth the short title and purpose of the rules contained in this subchapter.

New §800.2 sets forth the definitions applicable to this chapter.

New §800.3 sets forth the provisions for assisting HUBs by incorporating by reference the General Services Commission rules regarding HUBs as directed by the 75th Legislature, Regular Session, House Bill 1 (General Appropriations Act) Art. IX, §124(5).

New §800.4 incorporates by reference the Texas Ethics Commission's rules regarding gifts from persons appearing before or regulated by the Commission. The Texas Ethics Commission's rules are incorporated by reference pursuant to Texas Government Code §571.063, which requires each regulatory agency in the executive branch to develop rules limiting the acceptance of gifts or other benefits from persons appearing before or regulated by the agency, which must be at least as restrictive as the rules of the Texas Ethics Commission.

Randy Townsend, Director of Finance, 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 government as a result of enforcing or administering the rules; and

There are no probable economic costs to persons required to comply with the rules.

John Moore, Assistant General Counsel, has determined that:

There is no anticipated adverse impact on small businesses as a result of enforcing or administering the rules because the rules do not require anything more than that which is already required by statute, the General Services Commission, or the Texas Ethics Commission; and

For each year of the first five years that the rules will be in effect, the public benefit expected as a result of the adoption of the proposed rules is to provide information to the public regarding the general provisions applicable to chapter 800 and to provide information regarding the rules pertaining to Historically Underutilized Businesses and ethics standards regarding gifts.

Comments on the proposed rules may be submitted to John Moore, Assistant General Counsel, Texas Workforce Commission, 101 East 15th Street, Room 614, Austin, Texas, 78778-0001; telephone number (512) 463-3041. Comments may also be submitted via fax to (512) 463-2220 or e-mail at john.moore@twc.state.tx.us.

Comments must be received by the Commission no later than thirty days after the date of publication of this proposal in the Texas Register.

The new rules are proposed under Texas Labor Code, §301.061 and §302.021,

which provides the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Commission programs; 75th Legislature, Regular Session, House Bill 1 (General Appropriations Act) Art. IX, §124(5), which requires all state agencies to adopt the General Services Commission rules regarding HUBs; and Texas Government Code §571.063, which requires each regulatory agency in the executive branch to develop rules limiting the acceptance of gifts or other benefits from persons appearing before or regulated by the agency, which must be at least as restrictive as the rules of the Texas Ethics Commission.

The proposed rules affect Texas Labor Code Title 2 and 4; 1 TAC Chapter 111, relating to the Historically Underutilized Business Certification Program and Texas Government Code Chapter 571 relating to the Texas Ethics Commission.

§800.1. Short Title and Purpose.

These rules may be cited as the General Provisions Rules. The purpose of this subchapter is to set forth the general provisions applicable to the Commission.

§800.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Commission -- The Texas Workforce Commission

§800.3. Historically Underutilized Businesses.

(a) The Commission is committed to assisting Historically Underutilized Businesses (HUBs) as defined in Texas Government Code §2161.001, Definitions, in their efforts to participate in contracts to be awarded by the Commission. This includes assisting HUBs to meet or exceed the procurement utilization goals set forth in the Texas Administrative Code at 1 TAC Chapter 111 (relating to Executive Administration Division) incorporated herein by reference. Chapter 111 was promulgated by the General Services Commission and sets out the State's Historically Underutilized Business Certification Program.

(b) The Commission shall take positive steps to inform HUBs of opportunities to provide identified state services that it determines may better be provided through a competitive process.

§800.4. Gifts.

The Commission shall adhere to the Texas Ethics Commission's rules relating to the acceptance of gifts or other benefits from persons appearing before or regulated by the Commission pertaining to the Commission officers and employees and as adopted by the Texas Ethics Commission at 1 TAC Part II.

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 September 4, 1998.

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J. Ferris Duhon

Assistant General Counsel

Texas Workforce Commission

Earliest possible date of adoption: October 18, 1998

For further information, please call: (512) 463-8812