

1 **CHAPTER 802. TEXAS WORKFORCE COMMISSION LOCAL WORKFORCE**
2 **DEVELOPMENT BOARD ADVISORY COMMITTEE**

3
4 **PROPOSED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS***
5 ***REGISTER*. THIS DOCUMENT WILL NOT HAVE ANY SUBSTANTIVE**
6 **CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED**
7 **BY THE *TEXAS REGISTER*.**

8
9 The Texas Workforce Commission (Commission) proposes new Chapter 802, relating to
10 the Texas Workforce Commission Local Workforce Development Board Advisory
11 Committee (TWC Advisory Committee), comprising the following subchapters:

- 12
13 Subchapter A. General Provisions
14 Subchapter B. Requirements for TWC Advisory Committee Members
15 Subchapter C. Requirements for TWC Advisory Committee Meetings
16 Subchapter D. Reporting to the Commission
17 Subchapter E. Agency Evaluation of the TWC Advisory Committee and Report to the
18 Legislative Budget Board

- 19
20 PART I. PURPOSE AND BACKGROUND
21 PART II. EXPLANATION OF INDIVIDUAL PROVISIONS
22 PART III. IMPACT STATEMENTS
23 PART IV. COORDINATION ACTIVITIES
24 PART V. PROPOSED RULES

25
26 **PART I. PURPOSE AND BACKGROUND**

27
28 Purpose

29
30 Senate Bill 280 (SB 280), enacted by the 78th Texas Legislature, Regular Session, (2003),
31 added §302.013 to the Texas Labor Code. This new provision requires the creation of a
32 Local Workforce Development Board (Board) advisory committee at the Texas
33 Workforce Commission to "advise the commission and commission staff regarding the
34 programs, policies, and rules of the commission that affect the operations of local
35 workforce development boards and the local workforce delivery system."

36
37 Background

38
39 Texas Government Code, Chapter 2110 governs state agency advisory committees that
40 are either created by state or federal law or established by a state agency pursuant to state
41 or federal law. Chapter 2110 requires a state agency that establishes an advisory
42 committee to develop rules that state the purpose and tasks of the advisory committee and
43 describe the manner in which the advisory committee will report to the agency.
44 Moreover, it permits the agency to designate the date on which the advisory committee
45 will automatically be abolished unless the agency by rule establishes a different date.
46

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

6
7 The Commission proposes adoption of a new Chapter 802 to its rules to incorporate the
8 requirements of Texas Labor Code, §302.013 and Texas Government Code, Chapter
9 2110.

10 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

11 **SUBCHAPTER A. GENERAL PROVISIONS**

12 §802.1. Requirements for the Texas Workforce Commission Local Workforce 13 Development Board Advisory Committee

14
15 Proposed §802.1 describes the statutory authority for the establishment of the TWC
16 Advisory Committee. The TWC Advisory Committee shall be governed by Chapter 802
17 and is established under Texas Labor Code, §302.013 and is subject to Texas
18 Government Code, Chapter 2110.

19 §802.2. Purpose and Tasks

20
21 The Commission proposes in §802.2(a) that the purpose of the TWC Advisory
22 Committee will be to serve as the Commission's primary point of contact for Board
23 chairs, Board members, and Board executive directors for the discussion of policy issues
24 that affect the operations of Boards and the local workforce delivery system that may
25 serve as a basis for rulemaking and policy development by the Commission.

26
27 Even though the TWC Advisory Committee will be the primary entity for discussion of
28 policy affecting Board operations and the workforce delivery system, the Commission
29 will continue to welcome and encourage input from Board chairs, Board members, Board
30 executive directors, and the public.

31
32 Texas Government Code, §2110.005(1) requires state agencies to provide by rule the
33 purpose and tasks of an advisory committee. The Commission proposes that the required
34 tasks of the TWC Advisory Committee mirror the tasks stipulated in Texas Labor Code,
35 §302.013(e)(3). Therefore, §802.2(b) states that the TWC Advisory Committee shall
36 meet at least quarterly; report to the Commission at least annually; and advise the
37 Commission and Commission staff regarding the programs, policies, and rules of the
38 Commission that affect the operations of Boards and the local workforce delivery system.

39
40 Further, the Commission proposes in §802.2(c) the tasks that the TWC Advisory
41 Committee may perform, which include providing a statewide perspective of the
42 workforce system to the Commission; advising the Commission on policy or rule concept
43

1 papers; recommending to the Commission items for improving the operations of the local
2 workforce delivery system; and requesting information from the Commission regarding
3 existing rules, policies, or other topics the TWC Advisory Committee wants to study.

4
5 §802.3. Duration of the TWC Advisory Committee

6
7 Texas Government Code, §21 10.008(a) provides that a state agency may designate the
8 date on which its advisory committee will automatically be abolished. The advisory
9 committee may continue in existence after the abolishment date if the state agency
10 amends its rule to establish a different date. For advisory committees established by law,
11 the date of creation is the effective date of the law. In the case of the TWC Advisory
12 Committee, the effective date of the law (SB 280) was September 1, 2003. Therefore,
13 unless the Commission establishes a different date, the automatic abolishment date of the
14 TWC Advisory Committee is September 1, 2007.

15
16 The Commission proposes in §802.3 that the TWC Advisory Committee be abolished on
17 September 1, 2007, unless the Commission by rule determines a different abolishment
18 date.

19
20 §802.4. Agency Contact

21
22 To facilitate effective and efficient communication, the Commission proposes to
23 designate in §802.4 the Agency's executive director as the single point of contact for the
24 TWC Advisory Committee.

25
26 **SUBCHAPTER B. REQUIREMENTS FOR TWC ADVISORY COMMITTEE**
27 **MEMBERS**

28
29 §802.11. Appointment and Composition

30
31 Texas Labor Code, §302.013(b) provides that the executive officers of "the organization
32 composed of a member of and the staff director of each local workforce development
33 board" appoint the TWC Advisory Committee members. The statute does not
34 specifically identify the organization whose executive officers are required, pursuant to
35 §302.013(b), to appoint the TWC Advisory Committee members.

36
37 The Commission reviewed the legislative history of SB 280, including legislative bill
38 analyses and committee meeting hearings and notes. No version of the bill specified the
39 name of the organization. However, every version of the bill analysis—from the
40 introduced version to the enrolled version—stated that the bill "requires the executive
41 committee of the Workforce Leadership of Texas (WLT) to appoint the committee
42 members, consisting of nine representatives from WLT."

43
44 Additionally, the Commission reviewed the testimony at the April 9, 2003, Senate
45 Government Organization Committee hearing on SB 280. At the hearing, a member of
46 WLT (now named the Texas Association of Workforce Boards or TAWB) testified that it

1 is in a position to appoint the members of the TWC Advisory Committee. Therefore, the
2 Commission proposes that §802.11(a) of this subchapter specifically designate the
3 Executive Committee of TAWB, or its successor organization, as the entity to appoint
4 TWC Advisory Committee members. Section 802.11(a) further requires that the
5 Executive Committee of TAWB, or its successor organization, provide due notice of the
6 meeting at which appointments to the TWC Advisory Committee will be made to the
7 Agency executive director in time for the Agency to provide a seven-day public notice of
8 the meeting.

9
10 Texas Labor Code, §302.013 requires that the TWC Advisory Committee be composed
11 of six Board members and three Board executive directors. The Commission proposes to
12 mirror this requirement in §802.11(b). To align with the principle in Texas Government
13 Code, §2308.256(a) that Boards shall have a majority of their members represent the
14 private sector, the Commission proposes a requirement in §802.11(b) that the six Board
15 members be private sector employers.

16
17 Further, Texas Labor Code, §302.013(b) provides that members of the TWC Advisory
18 Committee shall represent different geographic areas of the state. The Commission
19 proposes to mirror this requirement in §802.11(c).

20
21 The Commission also proposes §802.11(d) to prohibit a member of the TAWB Executive
22 Committee, or its successor organization, from serving as a member of the TWC
23 Advisory Committee. Texas Labor Code, §302.013(b) provides that the organization
24 representing Boards appoint the TWC Advisory Committee. The statute reflects the
25 premise that the TWC Advisory Committee should present a variety of ideas and
26 membership. Consequently, the Commission finds that those members of the Executive
27 Committee of TAWB appointing the TWC Advisory Committee should not also serve on
28 the TWC Advisory Committee. Drawing from differing geographic regions and different
29 TAWB membership for the TWC Advisory Committee offers the best opportunity for
30 diverse voices and ideas to reach the Commission for consideration. Having greater a
31 number of participants from the Boards offering recommendations is in the best interest
32 of the workforce system as a whole. It is the Commission's desire that the TWC
33 Advisory Committee will bring consensus recommendations and innovative ideas for
34 improvements to the workforce system. One way to achieve that goal is to have a variety
35 of members presenting information to the Commission.

36
37 The Commission also takes notice of a longstanding common-law doctrine generally
38 prohibiting public self-appointment (*Ehlinger v. Clark*, 8 S.W.2d 666, 674 (Tex. 1928)).
39 While this doctrine is not directly applicable, the Commission finds its premise useful. As
40 generally stated by the Texas Supreme Court, this doctrine holds that a member of a body
41 making an appointment should not also serve as a member of the appointed body (Tex.
42 Att'y Gen. Op. LO-93-070 at 3 (1993)). Because the TAWB Executive Committee has
43 the power of appointment, the Commission believes that members of the TAWB
44 Executive Committee should not also appoint themselves to the TWC Advisory
45 Committee.

1 §802.12. Vacancies

2
3 In §802.12(a), the Commission proposes that if a vacancy occurs, the TAWB Executive
4 Committee, or its successor organization, shall have 90 days following the date on which
5 the vacancy occurred to appoint a person to serve the unexpired portion of that term.
6 Section 802.12(a) further requires that the TAWB Executive Committee, or its successor
7 organization, provide due notice of meetings at which vacancies on the TWC Advisory
8 Committee will filled to the Agency executive director in time for the Agency to provide
9 a seven-day public notice of the meeting.

10
11 Additionally, proposed §802.12(b) states that a vacancy shall occur if, during the
12 member's term, the TWC Advisory Committee member is no longer a Board member of
13 or an executive director for the Board represented when the person was initially
14 appointed to the TWC Advisory Committee. The Commission proposes this provision in
15 order to maintain the geographical representation as required by Texas Labor Code,
16 §302.13(b) and provided in proposed §802.11(c). For example, the geographical
17 representation of the TWC Advisory Committee membership could change should an
18 executive director of a Board located in one area of the state be appointed to the TWC
19 Advisory Committee and during the member's term resigns as that Board's executive
20 director to become the executive director of a Board in a different area of the state. In
21 order to avoid this situation, proposed §802.12(b) would require the executive director to
22 resign from the TWC Advisory Committee and the TAWB Executive Committee would
23 have 90 days to fill the vacancy. When appointing new members to fill vacancies, the
24 TAWB Executive Committee must adhere to the geographical requirements in
25 §802.11(c).

26
27 §802.13. Terms of Office

28
29 The Commission proposes in §802.13(a) that the term of a TWC Advisory Committee
30 member shall be two years. Because, it is important to have experienced TWC Advisory
31 Committee members as well as to allow for new perspective through rotation of
32 membership, § 802.13(b) provides that a member may serve multiple terms, but shall
33 serve no more than two consecutive terms. The ability to have TWC Advisory members
34 serve multiple terms allows for experienced members to continue to participate on the
35 TWC Advisory Committee. However, the provision also requires a break in membership
36 after two consecutive terms, to afford new and fresh perspectives on the TWC Advisory
37 Committee.

38
39 The Commission proposes that TWC Advisory Committee members serve staggered
40 terms. It is important that the terms of office allow for new TWC Advisory Committee
41 members to serve along with experienced members. It is also important not to have all
42 terms expire at the same time, which would require the entire TWC Advisory Committee
43 to reconstitute every two years. Section 802.13(c) provides that in order to establish the
44 staggered terms, TAWB shall initially appoint three Board members and one executive
45 director for a one-year term and three Board members and two executive directors for a
46 two-year term. Following the expiration of the initial four members' one-year term,

1 TAWB or its successor organization shall appoint four members to two-year terms.
2 Subsequent appointments for all members shall be for two-year terms. In this manner,
3 TWC Advisory Committee members' terms will expire every year. Four terms will
4 expire in one year, then five terms will expire the next year. The four members appointed
5 for a one-year term will fulfill a one-time, one-year appointment that will occur during
6 the first year the TWC Advisory Committee is in existence.

7
8 §802.14. Selection and Role of a Presiding Officer

9
10 Texas Government Code, §2110.003 states that an advisory committee shall select from
11 among its members a presiding officer to preside over the advisory committee. The
12 Commission proposes to mirror this language in §802.14, which states that the TWC
13 Advisory Committee shall elect a presiding officer from among its members. The
14 Commission proposes that the presiding officer be a Board member in order to emphasize
15 the importance of the private sector perspective in the work of the TWC Advisory
16 Committee. The Commission also proposes that the presiding officer be designated to
17 report to the Commission, as required in § 2110.003(b) of the Texas Government Code.

18
19 §802.15. Legislative Activity

20
21 The provisions of Texas Government Code, Chapter 556 regarding the use of state
22 appropriations for political activities apply to officers and employees of Boards. By
23 extension, the TWC Advisory Committee members are also covered by Chapter 556.
24 Therefore, the Commission proposes to include in §802.15(a) that TWC Advisory
25 Committee members are subject to the lobbying provisions of Texas Government Code,
26 Chapter 556. Individual members are not restricted from representing themselves, their
27 Boards, their businesses, or any other entities to the Texas Legislature, subject to state
28 law restrictions on lobbying.

29
30 **SUBCHAPTER C. REQUIREMENTS FOR TWC ADVISORY COMMITTEE**
31 **MEETINGS**

32
33 §802.21. Open Meetings

34
35 The TWC Advisory Committee is not a "governmental body" as defined in the Open
36 Meetings Act in Texas Government Code, Chapter 551. However, research on various
37 Texas state agencies' advisory committees shows that several state agencies, such as the
38 Texas Department of State Health Services, require their advisory committees to conduct
39 meetings in accordance with the Texas Open Meetings Act.

40
41 Therefore, in order to promote public participation, the Commission proposes in
42 §802.21(a) that meetings of the TWC Advisory Committee be conducted in accordance
43 with the Open Meetings Act requirements in Texas Government Code, Chapter 551.
44 Subsection 802.21(b) proposes that the Agency's executive director, as the central point
45 of contact for the TWC Advisory Committee, shall be responsible for posting the
46 meetings, in accordance with §551.044 of the Texas Government Code, which requires a

1 seven-day posting for meetings with statewide jurisdiction. The Commission anticipates
2 and expects that the TWC Advisory Committee will notify the Agency's executive
3 director about its meetings and agendas in a timely manner so that statewide Open
4 Meetings Act requirements are met. Subsection 802.21(c) proposes that the Agency's
5 executive director also be responsible for preparing and keeping the meeting minutes, as
6 set forth in Chapter 551, Subchapter B of the Texas Government Code. This subchapter
7 requires that minutes or a tape recording of each open meeting be kept and available to
8 the public upon request. To implement this requirement, the Agency will record each
9 meeting and transcribe the minutes of the TWC Advisory Committee to serve as the
10 approved minutes, and will maintain a file of all meeting minutes.

11
12 Additionally, the Commission proposes in §802.21(d) that a quorum shall be present for
13 TWC Advisory Committee meetings. In keeping with the requirements of the Open
14 Meetings Act in the Texas Government Code, §551.001(6), a quorum is defined as six
15 members of the TWC Advisory Committee. In order to conduct business, a quorum must
16 be present. In §802.21(e), the Commission proposes that the approval of five members of
17 the TWC Advisory Committee be required on any advice, recommendations, or reports.
18 The Commission proposes these two provisions in order to emphasize the importance of
19 soliciting input and achieving consensus from a majority of the members of the TWC
20 Advisory Committee.

21 22 §802.22. Open Records

23
24 The TWC Advisory Committee is not a "governmental body" for purposes of the Open
25 Meetings Act; however, the TWC Advisory Committee does meet the definition of a
26 governmental body in §552.003 of the Public Information Act. Therefore, the
27 Commission proposes in §802.22(a) that TWC Advisory Committee records be subject to
28 the Public Information Act, Texas Government Code, Chapter 552. In order to
29 implement the requirements of the Public Information Act, the Commission proposes in
30 §802.22(b) that the Agency's executive director be responsible for responding to requests
31 for information filed under the Public Information Act, Texas Government Code, Chapter
32 552.

33 34 **SUBCHAPTER D. REPORTING TO THE COMMISSION**

35 36 §802.31. Annual Report

37
38 Texas Government Code, §2110.005(2) requires state agencies with advisory committees
39 to adopt rules that "describe the manner in which the committee will report to the
40 agency." Texas Labor Code, §302.013(e)(2) states that the TWC Advisory Committee
41 shall "report to the commission at least annually."
42

43 In §802.31(a), the Commission proposes that the presiding officer of the TWC Advisory
44 Committee submit an annual report to the Commission on or before July 1 of each year in
45 order for the Agency to complete its annual evaluation of the TWC Advisory Committee,
46 as required by Texas Government Code, §2110.006, by the end of a fiscal year. The
47 Commission proposes in §802.31(b) that the annual report shall delineate the TWC

1 Advisory Committee's activities over the previous 12 months, specifically from June 1 of
2 the previous year to May 31, and include, at a minimum:

- 3
- 4 (1) a description of how the TWC Advisory Committee has accomplished its purpose
5 and tasks;
- 6 (2) a brief description of advice, recommendations, and reports made by the TWC
7 Advisory Committee;
- 8 (3) the costs related to the TWC Advisory Committee's existence and the source of
9 funds used to support its activities;
- 10 (4) a list of the meeting dates, including subcommittee meetings;
- 11 (5) the attendance records of its members; and
- 12 (6) the TWC Advisory Committee bylaws.
- 13
- 14

15 **SUBCHAPTER E. AGENCY EVALUATION OF THE TWC ADVISORY** 16 **COMMITTEE AND REPORT TO THE LEGISLATIVE BUDGET BOARD**

17 §802.41. Agency Annual Evaluation

18
19
20 Texas Government Code, §21 10.006 provides that a state agency that has established an
21 advisory committee shall evaluate annually the advisory committee's work and
22 usefulness, and the costs related to the advisory committee's existence, including the cost
23 of agency staff time spent in support of the committee's activities. The Commission
24 proposes to mirror this language in §802.41.

25 26 §802.42. Commission Report to the Legislative Budget Board

27
28 Texas Government Code, §21 10.007 requires that the Commission report to the
29 Legislative Budget Board the information developed in the evaluation required by
30 §21 10.006 and file the report biennially in connection with the Commission's request for
31 appropriations. The Commission proposes language in §802.42 to fulfill this
32 requirement.
33

34 **PART III. IMPACT STATEMENTS**

35
36 Randy Townsend, Chief Financial Officer of the Texas Workforce Commission, has
37 determined that for each year of the first five years the rules will be in effect, the
38 following statements will apply:
39

40 There are no additional estimated costs to the state and to local governments expected as
41 a result of enforcing or administering the rules.
42

43 There are no estimated reductions in costs to the state and to local governments as a result
44 of enforcing or administering the rules.
45

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

1
2 There are no foreseeable implications relating to costs or revenue of the state or local
3 governments as a result of enforcing or administering the rules.

4
5 Mr. Townsend has also determined that there is no anticipated adverse impact on small
6 businesses or microbusinesses as a result of enforcing or administering the rules because
7 the proposed rules do not add new regulatory requirements or change existing regulatory
8 requirements on small businesses or microbusinesses.

9
10 Mark Hughes, Director of Labor Market Information of the Texas Workforce
11 Commission, has determined that there is no significant negative impact on employment
12 conditions in this state as a result of the proposed rules. Mr. Hughes does not expect any
13 significant impact on overall employment conditions in the state as a result of the
14 proposed rules.

15
16 Luis M. Macias, Director of Workforce Development Division of the Texas Workforce
17 Commission, has determined that for each year of the first five years the rules are in
18 effect, the public benefit anticipated as a result of enforcing the proposed rules will be to
19 facilitate Board input and provide a statewide perspective on policies of the Texas
20 Workforce Commission that affect the operations of Boards and the local workforce
21 development system.

22
23 Mr. Macias has also determined that for each year of the first five years the rules are in
24 effect, there will be no economic cost to persons required to comply with these rules as a
25 result of enforcing the proposed rules.

26 27 **PART IV. COORDINATION ACTIVITIES**

28
29 In the development of these rules for publication and public comment, the Commission
30 sought the involvement of Texas' twenty-eight Boards and the Texas Association of
31 Workforce Boards. The Commission provided a policy concept paper to the Boards for
32 consideration and review pursuant to Texas Labor Code, §302.064 and the Commission's
33 Resolution Regarding Board Coordination in Policy Development, which was adopted on
34 September 24, 2002. During the development of these proposed rules, the Commission
35 considered the information gathered in order to develop rules that provide clear and
36 concise direction to the parties involved.

37
38 Comments on the proposed rules may be submitted to TWC Policy Comments, Policy
39 and Development, 101 East 15th Street, Room 440T, Austin, Texas 78778; fax 512-475-
40 3577; or e-mailed to TWCPolicyComments@twc.state.tx.us. The Commission must
41 receive comments no later than 30 days from the date this proposal is published in the
42 *Texas Register*.

43
44 These rules are proposed pursuant to Texas Labor Code, §301.0015 and §302.002(d),
45 which provide the Commission with the authority to adopt rules necessary to administer
46 the Commission's policies in compliance with Texas Government Code, Chapter 2001;

1 Texas Labor Code, §302.013, which provides specific authority regarding establishment
2 of an advisory committee to the Commission; and Texas Government Code, Chapter
3 2110, relating to state agency advisory committees.

4

5

6 **PART V. PROPOSED RULES**

7

8

1 **CHAPTER 802. TEXAS WORKFORCE COMMISSION LOCAL WORKFORCE**
2 **DEVELOPMENT BOARD ADVISORY COMMITTEE**

3
4 **SUBCHAPTER A. GENERAL PROVISIONS**

5
6 **§802.1. Requirements for the Texas Workforce Commission Local Workforce**
7 **Development Board Advisory Committee.**

- 8
9 (a) The Texas Workforce Commission Local Workforce Development Board
10 Advisory Committee (TWC Advisory Committee) shall be appointed
11 pursuant to and governed by this chapter.
12
13 (b) The TWC Advisory Committee is established under Texas Labor Code,
14 §302.013 and is subject to Texas Government Code, Chapter 2110.

15
16 **§802.2. Purpose and Tasks.**

- 17
18 (a) The purpose of the TWC Advisory Committee is to serve as the
19 Commission's primary point of contact for Local Workforce Development
20 Board (Board) chairs, Board members, and Board executive directors in the
21 discussion of policy issues affecting the operations of Boards and the local
22 workforce delivery system that may serve as a basis for rulemaking and
23 policy development by the Commission.
24
25 (b) The TWC Advisory Committee shall:
26
27 (1) meet at least quarterly;
28
29 (2) report to the Commission at least annually; and
30
31 (3) advise the Commission and Commission staff regarding the programs,
32 policies, and rules of the Commission that affect the operations of Boards
33 and the local workforce delivery system.
34
35 (c) The TWC Advisory Committee may:
36
37 (1) provide a statewide perspective of the workforce system;
38
39 (2) advise the Commission on policy or rule concept papers that affect the
40 operations of Boards and the local workforce delivery system;
41
42 (3) make recommendations to the Commission to improve the operations of
43 Boards and the local workforce delivery system; and
44
45 (4) request information from the Commission regarding existing rules or
46 policies, or other topics the TWC Advisory Committee wants to study.
47

1 **§802.3. Duration of the TWC Advisory Committee.**

2
3 The TWC Advisory Committee shall be abolished on September 1, 2007, unless
4 the Commission by rule determines a different abolishment date.

5
6 **§802.4. Agency Contact.**

7
8 The Agency's executive director shall serve as the single point of contact for the
9 TWC Advisory Committee.

10
11 **SUBCHAPTER B. REQUIREMENTS FOR TWC ADVISORY COMMITTEE**
12 **MEMBERS**

13
14 **§802.11. Appointment and Composition.**

15
16 (a) The executive committee of the Texas Association of Workforce Boards
17 (TAWB), or its successor organization, shall appoint members of the TWC
18 Advisory Committee in a meeting for which notice is given to the Agency's
19 executive director in time for a seven-day public meeting notification.

20
21 (b) The TWC Advisory Committee shall be composed of:

22
23 (1) six Board members who are private sector employers that serve as
24 members of the organization described in subsection (a) of this section;
25 and

26
27 (2) three Board executive directors who serve as members of the organization
28 described in subsection (a) of this section.

29
30 (c) The TWC Advisory Committee members shall represent different geographic
31 areas of the state.

32
33 (d) A member of the executive committee of the organization described in
34 subsection (a) of this section shall not serve as a member of the TWC
35 Advisory Committee.

36
37 **§802.12. Vacancies.**

38
39 (a) In 90 days or less following the date on which a vacancy occurs, the
40 executive committee of the organization, as described in §802.11(a) of this
41 subchapter, shall, in a meeting for which notice is given to the Agency's
42 executive director in time for a seven-day public meeting notification,
43 appoint a person to serve the unexpired portion of that member's term.

44
45 (b) A vacancy shall occur if during the member's term, the TWC Advisory
46 Committee member is no longer a Board member of or an executive director

1 for the Board represented when the person was initially appointed to the
2 TWC Advisory Committee.

3
4
5 **§802.13. Terms of Office.**

- 6
7 (a) Notwithstanding the provisions in subsection (c) of this section, a term of a
8 TWC Advisory Committee member shall be two years.
9
10 (b) A member may serve multiple terms, but shall serve no more than two
11 consecutive terms.
12
13 (c) TWC Advisory Committee members shall serve staggered terms. In order to
14 establish the staggered terms, the executive committee of the organization, as
15 described in §802.11(a) of this subchapter, shall initially appoint three Board
16 members and one executive director for a one-year term and three Board
17 members and two executive directors for a two-year term. Following the
18 expiration of the initial four members' one-year term, the organization shall
19 appoint four members to two-year terms. Subsequent appointments for all
20 members shall be for two-year terms.
21

22 **§802.14. Selection and Role of a Presiding Officer.**

23
24 The TWC Advisory Committee shall elect a presiding officer who is a Board
25 member and shall preside over the TWC Advisory Committee and report to the
26 Commission.
27

28 **§802.15. Legislative Activity.**

- 29
30 (a) The TWC Advisory Committee and its members are subject to the lobbying
31 provisions in Texas Government Code, Chapter 556.
32
33 (b) Individual TWC Advisory Committee members are not restricted from
34 representing themselves, their Boards, their businesses, or any other entities
35 to the Texas Legislature.
36

37 **SUBCHAPTER C. REQUIREMENTS FOR TWC ADVISORY COMMITTEE**
38 **MEETINGS**

39
40 **§802.21. Open Meetings.**

- 41
42 (a) TWC Advisory Committee meetings shall be conducted in accordance with
43 open meetings requirements pursuant to Texas Government Code, Chapter
44 551.
45

- 1 (b) The responsibility for posting the meetings pursuant to the open meetings
2 requirements of Texas Government Code, §551.044, will be carried out by
3 the Agency's executive director.
4
- 5 (c) The responsibility for preparing and keeping the minutes pursuant to the
6 open meetings requirements of Texas Government Code, Chapter 551,
7 Subchapter B, will be carried out by the Agency's executive director.
8
- 9 (d) Six members of the TWC Advisory Committee shall be present to constitute
10 a quorum for the purpose of conducting business.
11
- 12 (e) Any advice, recommendations, or reports made by the TWC Advisory
13 Committee must be approved by five members of the TWC Advisory
14 Committee.
15

16 **§802.22. Open Records.**
17

- 18 (a) TWC Advisory Committee records are subject to the Public Information Act,
19 Texas Government Code, Chapter 552.
20
- 21 (b) The responsibility for responding to requests for information under the Public
22 Information Act, Texas Government Code, Chapter 552, will be carried out
23 by the Agency's executive director.
24

25 **SUBCHAPTER D. REPORTING TO THE COMMISSION**
26

27 **§802.31. Annual Report.**
28

- 29 (a) The TWC Advisory Committee presiding officer shall submit an annual
30 report to the Commission on or before July 1 of each year.
31
- 32 (b) The annual report shall describe the activities of the TWC Advisory
33 Committee from June 1 of the previous year to May 31 of the reporting year
34 and include, at a minimum:
35
- 36 (1) a description of how the TWC Advisory Committee has accomplished its
37 purpose and tasks;
38
 - 39 (2) a brief description of advice, recommendations, and reports made by the
40 TWC Advisory Committee;
41
 - 42 (3) the costs related to the TWC Advisory Committee's existence and the
43 source of funds used to support its activities;
44
 - 45 (4) a list of the meeting dates, including subcommittee meetings;
46
 - 47 (5) the attendance records of its members; and

1
2 (6) the TWC Advisory Committee bylaws.
3

4 **SUBCHAPTER E. AGENCY EVALUATION OF THE TWC ADVISORY**
5 **COMMITTEE AND REPORT TO THE LEGISLATIVE BUDGET BOARD**
6

7 **§802.41. Agency Annual Evaluation.**
8

9 The Agency shall evaluate annually:
10

- 11 (1) the TWC Advisory Committee's work;
12
13 (2) the TWC Advisory Committee's usefulness; and
14
15 (3) the costs related to the TWC Advisory Committee's existence, including
16 the cost of Agency staff time spent in support of the TWC Advisory
17 Committee's activities.
18

19 **§802.42. Commission Report to the Legislative Budget Board.**
20

- 21 (a) The Commission shall report the information developed in the evaluation
22 required in §802.41 of this subchapter to the Legislative Budget Board.
23
24 (b) The Commission shall file the Legislative Budget Board report, described in
25 subsection (a) of this section, biennially in connection with the Commission's
26 request for appropriations.