

TWC Rule Review Policy

Statutory Requirement

Texas Government Code §2001.039 mandates that state agencies conduct a review of their rules every four years to determine if the reasons for initially adopting each rule continue to exist. During each review, an agency must decide whether to:

- Readopt the rule without changes;
- Readopt the rule with amendments; or
- Repeal the rule.

Rule Review Process

The Texas Workforce Commission's (TWC's) rule review is a collaborative process involving several key components:

- **Divisional Review:** Each TWC division reviews rules relevant to its specific area of responsibility.
- **Legal Review:** The Office of General Counsel (OGC) provides legal review of rules.
- **Coordination & Management:** The OGC Rulemaking Team coordinates and manages the entire rule review process.

TWC conducts rule reviews using two distinct methods, both adhering to the requirements of Texas Government Code §2001.039:

- **Standalone Rule Review:** This process involves a dedicated review of a specific chapter of rules.
- **Rule Review Concurrent with Rulemaking:** This process occurs when a rule review is integrated into the regular rulemaking process when amending an existing chapter.

Standalone Rule Review

The standalone rule review process follows these steps:

- **Commission Approval of Proposed Review:** The Commission approves a notice of intention to review rules (the proposed review).
- **Publication & Public Comment:** The proposed review is published in the *Texas Register* for a 30-day public comment period.
- **Commission Adoption of Review:** Following the public comment period, the Commission adopts a notice of readoption (the adopted review).

- **Publication of Adopted Review:** The adopted review is published in the *Texas Register*. The adopted review includes TWC's assessment of whether the reasons for initially adopting the rules continue to exist and a summary of any public comments received.
- **Public Comment Consideration:** TWC will review, consider, and respond to all public comments received during a rule review. However, any potential rule changes must be made through separate rulemaking proceedings.

Rule Review Concurrent with Rulemaking

When a rule review is conducted concurrently with rulemaking, the same review principles outlined above apply. But through this review method, the notice of intention to review and notice of readoption are included in the preambles of the proposed rule and final rule documents respectively. One notable difference in this review method is that rule changes resulting from public comment can be made and adopted with the final rule.