

Chapter 800. GENERAL ADMINISTRATION

The Texas Workforce Commission (Commission) proposes new §800.6 and the repeal of §§800.71 - 800.75, relating to Charges for Copies of Public Records.

The purposes of the proposed repeal and new rules are to: (1) set forth the provisions relating to requesting public records; (2) review the provisions consistent with the rule review plan to assess whether the need for the provisions still exists; (3) add a designated email address as follows: open.records@twc.state.tx.us; (4) add a preferred physical address for requests for copies of public records as follows: Officer for Public Information, Texas Workforce Commission, 101 East 15th Street, Room 264, Austin, Texas 78778-0001; and (5) move the provisions relating to charges for copies of public records (40 TAC §§800.71 - 800.75) out of Subchapter C, which is to be the location for the rules relating to Reallocations. By setting forth the e-mail and preferred physical addresses, the Commission enhances the public's options for submitting requests, and expedites responses to requests by ensuring that requests sent by mail are delivered directly to the Officer for Public Information.

The General Services Commission rules currently adopted by reference may be viewed at the attached link:

[http://info.sos.state.tx.us/pub/plsql/readtac\\$ext.ViewTAC?tac_view=5&ti=1&pt=5&ch=111&sch=C&rl=Y](http://info.sos.state.tx.us/pub/plsql/readtac$ext.ViewTAC?tac_view=5&ti=1&pt=5&ch=111&sch=C&rl=Y).

Randy Townsend, Chief Financial Officer, has determined that for the first five years the rules are 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 or to local governments expected 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 revenues to the state or to local governments as a result of enforcing or administering the rules; and

there are no anticipated costs to persons who are required to comply with the rules as proposed.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering these rules because small businesses (including micro-businesses) are only required to pay for the copies and resources used to respond to their requests. The costs would be equal to the charges based on the schedule of charges as authorized by Texas Government Code, Chapter 552.262 and set by the General Services Commission. The costs for small businesses would be the same as the costs for large businesses. Any other charges, such as postage, would be de minimus.

James Nolan, Officer for Public Information, has determined that for each year of the first five years that the rules will be in effect, the public benefit anticipated as a result of the adoption of the proposed rules will be to improve customer service and to make additional methods available to the public for requesting copies of public records.

Mark Hughes, Director of Labor Market Information, has determined that there is no foreseeable negative impact upon employment conditions in this state as a result of these proposed rules.

Comments on the proposed sections may be submitted to James Nolan, Officer for Public Information, Texas Workforce Commission, 101 East 15th Street, Room 264, Austin, Texas 78778-0001; Fax Number (512) 463-2990; or E-mail to james.nolan@twc.state.tx.us. Comments must be received by the Commission no later than thirty (30) days from the date this proposal is published in the Texas Register .

Subchapter A. GENERAL PROVISIONS

40 TAC §800.6

The new rules are proposed under Texas Labor Code §§301.061 and 302.002, which provide the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission services and activities.

The proposal affects the Texas Labor Code, Title 4.

§800.6. Charges for Copies of Public Records.

(a) General Procedure. Except as otherwise specified in this chapter, the Texas Workforce Commission (Commission) hereby adopts by reference the definitions, methods, procedures, and charges for copies of public records set out in the General Services Commission Rules at 1 TAC §§111.61 - 111.71, as may be amended.

(b) Methods of Making Requests. Requests may be submitted in writing to the following mailing address: Officer for Public Information, Texas Workforce Commission, 101 East 15th Street, Room 264, Austin, Texas 78778-0001. Requests made by electronic mail (e-mail) shall be submitted to open.records@twc.state.tx.us to be considered a valid request.

(c) Standard Fees. The Commission may establish a standard fee for the handling of certain types of repetitive requests when the costs of responding to such requests are substantially similar in most cases. The standard fee will be the average costs of handling that type of request. The average cost is calculated using the personnel, resource, and overhead charges set forth in the General Services Commission rules and will be based upon a survey of a representative sample of requests.

(d) Adjustments for Actual Cost. In the event that the actual costs of responding to a given request are significantly lower or higher than the standard fee charged for that type of request, actual costs will be charged in lieu of the standard fee.

(e) Program-Related Requests. No charge will be assessed to an individual or an employing unit for copies of records pertaining to that individual or employing unit when the provision of records is deemed by the Commission to be reasonably required for the proper administration of the Texas Unemployment Compensation Act, found at the Texas Labor Code, Title 4, Subtitle A.

(f) De Minimis Requests. No charge will be assessed to any individual or entity for providing copies of records in response to a request for Public Information under Texas Government Code, Chapter 552, when the total records provided in response to all requests made by that same individual or entity in any given 30-day period consist of fewer than 50 pages of readily available, standard-size pages.

(g) Requests by Other Governmental Entities. Notwithstanding any other provision in this section, provision of information to other governmental agencies for purposes other than the administration of the Texas Unemployment Compensation Act will be made only on a cost reimbursable basis, with all costs being calculated in accordance with OMB Circular A-87, as required by federal law at 20 Code of Federal Regulations §603 *et seq.* Charges to other governmental entities can only be waived when the request is of an isolated or infrequent nature and when the costs of responding to a particular request are negligible.

(h) Certified Records. In addition to the fees the Commission may charge for providing copies of records, the Commission shall charge a fee of \$5.00 for preparation of a certification instrument which may be attached to one or more pages of records covered by the certification instrument.

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 May 17, 2000.

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J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: July 2, 2000

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

Subchapter C. CHARGES FOR COPIES OF PUBLIC RECORDS

40 TAC §§800.71 - 800.75

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Workforce Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeal is proposed under Texas Labor Code §§301.061 and 302.002, which provide the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission services and activities.

The proposal affects the Texas Labor Code, Title 4.

§800.71. Charges for Copies of Public Records.

§800.72. Waiver of Fees for Program-Related Requests.

§800.73. Waiver of DeMinimis Fees in Response to Public Information Requests.

§800.74. Charges to Other Governmental Entities.

§800.75. Charges for Certification of Records.

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.

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