

PART XX. Texas Workforce Commission  
CHAPTER 800. General Administration  
SUBCHAPTER C. Charges for Copies of Public Records  
40 TAC §§800.71-800.75

The Texas Workforce Commission proposes new §§800.71-800.75, concerning charges for copies of public records. Sections 821.1-821.5 are being repealed concurrently with this submission, and the new rules will incorporate technical changes and result in relocating the rules into 40 TAC Chapter 800 regarding General Administration. The new rules will include all of the language from the rules proposed for repeal with the exception of the technical changes of the agency title from "Texas Employment Commission" to "Texas Workforce Commission," and updated references to the applicable statutes governing public records.

New Subchapter C entitled Charges for Copies of Public Records is proposed as the location of the rules within 40 TAC Chapter 800 General Administration. Randy Townsend, Director of Finance, has determined that for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Ferris Duhon, Acting Deputy Director of Legal Services, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the rules will be that the agency name, titles and addresses will be up to date with current legislation and agency structure.

There will be no effect on small businesses other than to make it easier for those requesting documents to more clearly identify the agency and understand the procedure for requesting documents.

There are no anticipated economic costs to persons who are required to comply with the rules as proposed other than those costs included in the existing rules prior to this repeal and proposal as new rules.

Comments on the proposal may be submitted to Jim Nolan, Information Release, Texas Workforce Commission, 101 East 15th Street, Room 651, Austin, Texas 78778, phone (512) 463-2748.

The new rules are proposed under Texas Labor Code, §301.061 which provides the Texas Workforce Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of the Act.

The proposed new rules affect the Texas Labor Code, Title 4.

§800.71. 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 §§111.62-111.70 as may be amended.

(b) 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.

(c) 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.

§800.72. Waiver of Fees for 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.

§800.73. Waiver of De Minimis Fees in Response to Public Information 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.

§800.74. Charges to Other Governmental Entities.

(a) Notwithstanding any other provision in this chapter, 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.*

(b) 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.

§800.75. Charges for Certification of 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. Issued in Austin, Texas, on August 29, 1997.

TRD-9711454

J. Randel Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: October 13, 1997

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

CHAPTER 821. Charges for Copies of Public Records

40 TAC §§821.1-821.5

(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 Texas Workforce Commission proposes repeal of §§821.1-821.5, concerning charges for copies of public records. The repeals will result in relocating the rules into 40 TAC Chapter 800, regarding General Administration. New rules proposed concurrently with this repeal will include all of the language from the rules proposed for repeal with the exception of the technical changes of the agency title from "Texas Employment Commission" to "Texas Workforce Commission," and updated references to the applicable statutes governing public records.

Randy Townsend, Director of Finance, has determined that for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Ferris Duhon, Acting Deputy Director of Legal Services, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the rules will be that the agency name, titles and addresses will be up to date with current legislation and agency structure.

There will be no effect on small businesses other than to make it easier for those requesting documents to more clearly identify the agency and understand the procedure for requesting documents.

There are no anticipated economic costs to persons who are required to comply with the rules as proposed other than those costs included in the existing rules prior to this repeal.

Comments on the proposal may be submitted to Jim Nolan, Information Release, Texas Workforce Commission, 101 East 15th Street, Room 651, Austin, Texas 78778, phone (512) 463-2748.

The repeals are proposed under Texas Labor Code, §301.061 which provides the Texas Workforce Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of the Act.

The proposed repeals affect the Texas Labor Code, Title 4.

- §821.1. Charges for Copies of Public Records.
- §821.2. Waiver of Fees for Program-Related Requests.
- §821.3. Waiver of De Minimis Fees in Response to Open Records Requests.
- §821.4. Charges to Other Governmental Entities.
- §821.5. 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.

Issued in Austin, Texas, on August 29, 1997.

TRD-9711453

J. Randel Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: October 13, 1997

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