

## **BILL ANALYSIS**

Senate Research Center

S.B. 1006  
By: Ellis  
Economic Development  
4-7-97  
As Filed

### **DIGEST**

Currently, the Texas Workforce Commission (TWC) is responsible for administering a variety of programs under Chapter 302, Labor Code. Programs previously administered by the Texas Employment Commission are governed by statutory hearing requirements and federal regulations, both of which are incompatible with the Administrative Procedures Act set forth in the Government Code. This bill would provide that a hearing conducted under Title 4, Labor Code, which includes Chapter 302, and TWC orders or decisions that result from hearings conducted under Title 4, Labor Code, are not subject to the Administrative Procedures Act.

Additionally, only TWC has authority to administer oaths, take depositions, certify official acts, and issue subpoenas in connection with the administration of Title 4A, Labor Code, setting forth the Texas Unemployment Compensation Act. This bill would authorize examiners and other hearing officers employed by TWC to perform such judicial procedures concerning the administration of Title 4, Labor Code, relating to employment services and unemployment.

### **PURPOSE**

As proposed, S.B. 1006 provides that a hearing conducted under Title 4, Labor Code, and Texas Workforce Commission (TWC) orders or decisions that result from hearings conducted under Title 4, Labor Code, are not subject to the Administrative Procedures Act set forth in the Government Code. Additionally, this bill authorizes examiners and other hearing officers employed by TWC to perform various judicial procedures concerning the administration of Title 4, Labor Code.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 301D, Labor Code, by adding Section 301.0615, as follows:

Sec. 301.0615. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. Provides that except as otherwise provided by this title, a hearing conducted under this title is not subject to Section 2001.38, Government Code; or Chapters 2001C-H, Government Code. Provides that a Texas Workforce Commission (TWC) order or decision that results from a hearing conducted under this title is not subject to the requirements imposed under Sections 2001.004(3) or 2001.005, Government Code.

SECTION 2. Amends Sections 301.071(a) and (b), Labor Code, to authorize, among others, an appeal tribunal established under this title, rather than Section 212.101, an examiner or other hearings officer employed or appointed by TWC or the executive director of TWC, in discharging duties imposed under this title, rather than Subtitle A, to administer oaths; to take depositions; to certify official acts; and to issue certain subpoenas. Makes conforming changes.

SECTION 3. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 4. Emergency clause.