

BILL ANALYSIS

Senate Research Center

H.B. 564
By: Oliveira (Ellis)
Economic Development
5-14-97
Engrossed

DIGEST

The Texas Employment Commission's unemployment compensation proceedings were specifically exempt from the Administrative Procedures Act under Section 2001.224, Government Code. Besides unemployment compensation proceedings, its successor, the Texas Workforce Commission, is responsible for administering a variety of programs under Chapter 302 of the Labor Code. These programs have statutory hearing requirements, or are governed by federal regulations, which are incompatible with the Administrative Procedures Act. Currently, the Labor Code grants the Texas Workforce Commission authority to administer oaths, take depositions, and issue subpoenas only in connection with the administration of Subtitle A, Title 4 of the Labor Code. However, the Texas Workforce Commission is responsible for the administration of all of Title 4 of the Labor Code. H.B. 564 clarifies the Texas Workforce Commission's exemption from the Administrative Procedures Act. It would grant examiners and other hearings officers employed by the commission authority to administer oaths, take depositions, certify to official acts, and issue subpoenas concerning the administration of Title 4 of the Labor Code.

PURPOSE

As proposed, H.B. 564 clarifies the Texas Workforce Commission's exemption from the Administrative Procedures Act; grants examiners and other hearings officers employed by the commission authority to administer oaths, take depositions, and issue subpoenas concerning the administration of Title 4 of the 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 a hearing conducted under this title is not subject to certain codes, except as otherwise provided by this title. Provides that a Texas Workforce Commission (commission) order or decision that results in a hearing under this title is not subject to certain codes.

SECTION 2. Amends Sections 301.071(a) and (b), Labor Code, to authorize an examiner or other hearings officer employed or appointed by the commission or the executive director of the commission to take certain actions. Makes conforming changes.

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

SECTION 4. Emergency clause.