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State Employee Charitable Campaign

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TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 207. PUBLIC INFORMATION

SUBCHAPTER A. ACCESS TO OFFICIAL RECORDS

43 TAC §§207.1 - 207.5

The Texas Department of Motor Vehicles (department) adopts the repeal of Chapter 207, §§207.1 - 207.5, relating to public information. The proposed repeals were published in the August 15, 2014, issue of the *Texas Register* (39 TexReg 6203) and will not be republished.

EXPLANATION OF ADOPTED REPEALS

The department published Notice of Intent to conduct a rule review of Chapter 207 in the April 18, 2014, issue of the *Texas Register* (39 TexReg 3261), in accordance with Government Code, §2001.039. The review assessed whether the reasons for adopting the rules continue to exist.

As a result of this review, Chapter 207 is being repealed in its entirety. The department has determined that the reasons for adopting the rules no longer exist. The department's assessment of Chapter 207 found that the rules are not necessary, as procedures to access public information held by a governmental body are specifically detailed by statute (Government Code, Chapter 552), and the applicable cost rules have been promulgated by the Office of the Attorney General (1 TAC Chapter 70). Having rules on public information would be redundant and would require amendment when either the statute or the Office of the Attorney General cost rules changed.

COMMENTS

No comments on the proposed repeals were received.

STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code.

CROSS REFERENCE TO STATUTE

No other code, article or statute are affected.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 208. EMPLOYMENT PRACTICES

The Texas Department of Motor Vehicles (department) adopts the repeals of Subchapter A, Job Application Procedures, §§208.1 - 208.6; Subchapter B, Sick Leave Pool Program, §§208.21 - 208.27; Subchapter C, Employee Training and Education, §208.41 and §208.43; and Subchapter D, Substance Abuse Program, §§208.51 - 208.66; and adopts new Subchapter A, Sick Leave Pool, §208.1, Sick Leave Pool; and new Subchapter B, Employee Training and Education, §208.11, Purpose, and §208.12, General Standards. The repeals and new subchapters are adopted without changes to the proposed text as published in the August 15, 2014, issue of the *Texas Register* (39 TexReg 6203) and will not be republished.

EXPLANATION OF ADOPTED REPEALS AND NEW SUBCHAPTERS

The department conducted a review of its rules in compliance with Government Code, §2001.039. Notice of the department's intention to review was published in the August 15, 2014, issue of the *Texas Register* (39 TexReg 6245).

As a result of the review, the department has determined that the reasons for initially adopting the rules under Subchapter A and Subchapter D no longer exist. Policies concerning job application procedures and substance abuse are detailed in the department's Human Resources Manual, available to all department employees on the department's intranet. The policies do not need to be maintained as rules because they concern only internal management and not external policy or procedures. The Administrative Procedure Act, Chapter 2001, Government Code, defines a rule as "a state agency statement of general applicability that: i) implements, interprets, or prescribes law or policy; or ii) describes the procedure or practice requirements of a state agency... and (C) does not include a statement regarding only the internal management or organization of a state agency and not affecting private rights or procedures." These subchapters should therefore be repealed.

The department has further determined that the reasons for initially adopting rules under Subchapter B and Subchapter C continue to exist, but that amendments and renumbering are necessary.

New Subchapter A, Sick Leave Pool, §208.1, Sick Leave Pool, is adopted to replace the repealed rules under existing Subchapter B and to prescribe procedures relating to the administration of the department's sick leave pool, in accordance with Government Code, §661.002(c). The new section gives the department the authority to maintain the sick leave pool by detailed policy in the department's Human Resources Manual.

New Subchapter B, Employee Training and Education, §208.11, Purpose; and §208.12, General Standards, is adopted to replace

the repealed rules under existing Subchapter C and to establish the department's policies relating to employee training and education, in accordance with Government Code, §656.048(a).

COMMENTS

No comments on the proposed repeals and new subchapters were received.

SUBCHAPTER A. JOB APPLICATION PROCEDURES

43 TAC §§208.1 - 208.6

STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; Government Code, §2001.039, which requires the department to review its rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; and more specifically, Government Code, §656.048 and §661.002, which require the department to adopt rules and prescribe procedures relating to the operation of the department's sick leave pool and to employee training and education.

CROSS REFERENCE TO STATUTE

No other code, article, or statute is affected by this adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER B. SICK LEAVE POOL PROGRAM

43 TAC §§208.21 - 208.27

STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; Government Code, §2001.039, which requires the department to review its rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; and more specifically, Government Code, §656.048 and §661.002, which require the department to adopt rules and prescribe procedures relating to the operation of the department's sick leave pool and to employee training and education.

CROSS REFERENCE TO STATUTE

No other code, article, or statute is affected by this adoption.

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SUBCHAPTER C. EMPLOYEE TRAINING AND EDUCATION

43 TAC §208.41, §208.43

STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; Government Code, §2001.039, which requires the department to review its rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; and more specifically, Government Code, §656.048 and §661.002, which require the department to adopt rules and prescribe procedures relating to the operation of the department's sick leave pool and to employee training and education.

CROSS REFERENCE TO STATUTE

No other code, article, or statute is affected by this adoption.

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SUBCHAPTER D. SUBSTANCE ABUSE PROGRAM

43 TAC §§208.51 - 208.66

STATUTORY AUTHORITY

The repeals are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; Government Code, §2001.039, which requires the department to review its rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; and more specifically, Government Code, §656.048 and §661.002, which require the department to adopt rules and prescribe procedures relating to the operation of the department's sick leave pool and to employee training and education.

CROSS REFERENCE TO STATUTE

No other code, article, or statute is affected by this adoption.

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SUBCHAPTER A. SICK LEAVE POOL

43 TAC §208.1

STATUTORY AUTHORITY

The new section is adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; Government Code, §2001.039, which requires the department to review its rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; and more specifically, Government Code, §656.048 and §661.002, which require the department to adopt rules and prescribe procedures relating to the operation of the department's sick leave pool and to employee training and education.

CROSS REFERENCE TO STATUTE

No other code, article, or statute is affected by this adoption.

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SUBCHAPTER B. EMPLOYEE TRAINING AND EDUCATION

43 TAC §208.11, §208.12

STATUTORY AUTHORITY

The new sections are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and duties of the department under the Transportation Code; Government Code, §2001.039, which requires the department to review its rules every four years and to readopt, readopt with amendments, or repeal as a result of reviewing the rules; and more specifically, Government Code, §656.048 and §661.002, which require the department to adopt rules and prescribe procedures relating to the operation of the department's sick leave pool and to employee training and education.

CROSS REFERENCE TO STATUTE

No other code, article, or statute is affected by this adoption.

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CHAPTER 209. FINANCE

The Texas Department of Motor Vehicles (department) adopts amendments to §209.1, Collection of Debts, and §209.2, Charges for Dishonored Checks; and the repeal of §209.21, Purpose, §209.22, Definitions, §209.31, Purpose, and §209.32, Definitions. The proposed amendments and repeals are adopted without changes to the proposed text as published in the August 15, 2014, issue of the *Texas Register* (39 TexReg 6207) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS AND REPEALS

The department conducted a review of its rules in compliance with Government Code, §2001.039. Notice of the department's plan to review was published in the April 18, 2014, issue of the *Texas Register* (39 TexReg 3261).