

SUMMARY OF PROPOSED RULE

37 Tex. Admin. Code § 221.48. *Public Information Officer Certificate.*

The proposed new rule would describe the process for obtaining and maintaining a Public Information Officer (PIO) certificate.

RESUMEN DE LA NORMA PROPUESTA

37 Tex. Admin. Code § 221.48. *Certificado de Oficial de Información Pública.*

La nueva normativa propuesta delinearía el procedimiento para obtener y conservar un certificado de Oficial de Información Pública (PIO).

PUBLICATION IN *TEXAS REGISTER*

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §221.48, Public Information Officer Certificate. This proposed new rule conforms with the addition of Texas Government Code §418.333 made by House Bill 33 (89R). The proposed new rule would establish the requirements for obtaining and maintaining a public information officer certificate. It would include successful completion of an initial course to obtain the certificate and annual continuing education to maintain the certificate.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed new rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be a positive benefit to the public by conforming with Texas Government Code §418.333 to establish the public information officer certification process. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

- (1) the proposed rule does not create or eliminate a government program;
- (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed rule does not require an increase or decrease in fees paid to the agency;
- (5) the proposed rule does not create a new regulation;

- (6) the proposed rule does not expand, limit, or repeal an existing regulation;
- (7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed new rule and information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis, from any person required to comply with the proposed new rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed pursuant to Texas Government Code §418.333, Certification and Continuing Education, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Government Code §418.333 requires an applicant for a public information officer certification to complete minimum education and training requirements for initial certification and to complete continuing education to maintain the certificate. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701.

The new rule as proposed affects or implements Texas Government Code §418.333, Certification and Continuing Education, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

The proposed new rule has been reviewed by legal counsel and has been found to be within the Commission's authority to adopt.

§221.48. Public Information Officer Certificate.

(a) To obtain a public information officer (PIO) certificate, an applicant must:

- (1) successfully complete an initial PIO course approved by the commission; and
- (2) report completion of this course to the commission.

(b) A certificate is valid for one year.

(c) To keep the certificate valid, the holder must successfully complete a PIO continuing education course prior to each anniversary of the issuance of the certificate.

(d) If the certificate becomes invalid, a holder may obtain a new certificate under subsection (a) of this section.

(e) The effective date of this section is June 1, 2026.