

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code Chapter 211, § 211.36, concerning Advisory Committee Operations and Procedures. This new rule conforms with Texas Occupations Code § 1701.165.

Mr. John P. Beauchamp, Interim Executive Director, has determined that for each year of the first five years the section as proposed will be in effect, there will be no effect on state or local governments as a result of administering this section.

Mr. Beauchamp has determined that for each year of the first five years the section as proposed will be in effect, there will be a positive benefit to the public by conforming with Texas Occupations Code § 1701.165.

Mr. Beauchamp has determined that for each year of the first five years the section as proposed will be in effect, there will be no anticipated cost to small businesses, microbusinesses, and/or individuals as a result of the proposed section.

Mr. Beauchamp has determined the following:

- (1) the proposed rule does not create or eliminate a government program;
- (2) implementation of the proposed rule requires the creation of new employee positions or the elimination of existing employee positions;
- (3) implementation of the proposed rule requires 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;
- (8) the proposed rule does not positively or adversely affect this state's economy.

The Commission will accept comments regarding the proposal. The comment period will last 30 days following the publication of this proposal in the Texas Register. Comments may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr.

John P. Beauchamp, Interim Executive Director, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed under Texas Occupations Code §§ 1701.151, General Powers of the Commission; Rulemaking Authority; 1701.165, Advisory Committees and Texas Government Code § 2001.028, Notice of Proposed Law Enforcement Rules.

The new rule as proposed is in compliance with Texas Occupations Code §§ 1701.151, General Powers of the Commission; Rulemaking Authority; 1701.165, Advisory Committees and Texas Government Code, § 2001.028, Notice of Proposed Law Enforcement Rules.

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

<rule>

§211.36. Advisory Committee Operations and Procedures.

(a) Role of advisory committee. The role of an advisory committee is to provide advice and recommendations to the commission. Advisory committees shall meet and carry out their functions upon a request from the commission for advice and recommendations on an issue.

(b) Appointment of advisory committee. The commission shall appoint members to an advisory committee. Each advisory committee shall elect from its members a presiding officer, or may be appointed by the commission's presiding officer, who shall report the advisory committee's recommendations to the commission. The executive director may designate a staff member to participate with, or to provide subject-matter expertise, guidance, or administrative support to the advisory committee as necessary. Any commission staff assigned to an advisory committee shall be non-voting members.

(c) Member qualifications. Members shall have knowledge about and interests in, and represent a broad range of viewpoints about, the work of the committee or applicable divisions and meet the enrollment and appointment requirements and qualifications for licenses under Texas Occupations Code Chapter 1701 and 37 Texas Administrative Code Chapters 211-229. Currently appointed Commission members shall not serve as advisory committee members.

(d) Composition of advisory committees. In making appointments to the advisory committees, the commission shall, to the extent practical, ensure representation of

members from the public, agencies, organizations, and geographical regions of the state who have an interest or expertise in the subject area of the particular advisory committee.

(e) Committee size and quorum requirements. An advisory committee shall be composed of a reasonable number of members not to exceed 12 as determined by the commission. A simple majority of advisory committee members will constitute a quorum. An advisory committee may only deliberate on issues within the jurisdiction of the committee or any public business when a quorum is present.

(f) Terms of service. Advisory committee members may serve terms of four years or as otherwise designated by the commission. A member will serve on the committee until the member resigns, is dismissed or replaced by the commission, or the member's term expires.

(g) Member training requirements. Each member of an advisory committee must receive training regarding the Open Meetings Act, Government Code, Chapter 551 and the Public Information Act, Government Code, Chapter 552.

(h) Compliance with Open Meetings Act. The advisory committee shall comply with the Open Meetings Act, Government Code, Chapter 551.

(i) Conflict of Interest. Advisory committee members are subject to the same laws and policies governing ethical standards of conduct as those for commission members and employees.

(j) Public input and participation. Advisory committees shall accept public comments made in-person at advisory committee meetings or submitted in writing in advance of the advisory committee meeting with sufficient copies for all members.

(k) Reporting recommendations. Recommendations of the advisory committee shall be reported to the commission at a commission meeting prior to commission action on issues related to the recommendations. The recommendations shall be in writing and include any necessary supporting materials. The presiding officer of the advisory committee or the presiding officer's designee may appear before the commission to present the committee's advice and recommendations. This subsection does not limit the ability of the advisory committee to provide advice and recommendations to the executive director as necessary.

(l) Commission use of advisory committee recommendations. In developing commission policies, the commission shall consider the written recommendations and reports submitted by advisory committees.

(m) Reimbursement. The department may, if authorized by law and the executive director, reimburse advisory committee members for reasonable and necessary travel expenses.

(n) Expiration dates for advisory committees. Unless a different expiration date is established by the commission for the advisory committee, each advisory committee is abolished on the fourth anniversary of its creation by the commission.