



## TITLE 43. TRANSPORTATION

### PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

#### CHAPTER 206. MANAGEMENT

##### SUBCHAPTER E. ADVISORY COMMITTEES

###### 43 TAC §§206.93 - 206.95

The Texas Department of Motor Vehicles (department) proposes amendments to Chapter 206, Management, Subchapter E, Advisory Committees, §206.93, Advisory Committee Operations and Procedures, and proposes new §206.94, Household Goods Rules Advisory Committee, and new §206.95, Motor Vehicle License Advisory Committee.

#### EXPLANATION OF PROPOSED AMENDMENTS AND NEW SECTIONS

Amendments are proposed to §206.93, Advisory Committee Operations and Procedures, to remove inapplicable language regarding reimbursement of expenses, and to remove language relating to the applicability of certain laws, policies and ethical standards of conduct. Proposed new §206.94, Household Goods Rules Advisory Committee, and proposed new §206.95, Motor Vehicle License Advisory Committee, are added to state the purpose and tasks of the committees, and to indicate respective end dates.

#### FISCAL NOTE

Linda M. Flores, Chief Financial Officer, has determined that for each of the first five years the amendments and new sections as proposed are in effect, there will be no fiscal implications for state or local governments as a result of enforcing or administering the proposed amendments and new sections.

David D. Duncan, General Counsel, has certified that there will be no impact on local economies or overall employment as a result of enforcing or administering the proposed amendments and new sections.

#### PUBLIC BENEFIT AND COST

Mr. Duncan has also determined that for each year of the first five years the amendments and new sections are in effect, the public benefit anticipated as a result of enforcing or administering the amendments and new sections will be increased public knowledge of the roles of department advisory committees. There are no anticipated economic costs for persons required to comply with the amendments and new sections as proposed. There will be no adverse economic effect on small businesses or micro-businesses.

#### TAKINGS IMPACT ASSESSMENT

The department has determined that this proposal affects no private real property interests and that this proposal does not restrict or limit an owner's right to property that would otherwise

exist in the absence of government action, and so does not constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

#### SUBMITTAL OF COMMENTS

Written comments on the proposed amendments and new sections may be submitted to David D. Duncan, General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Building 1, Austin, Texas 78731 or by email to [rules@txdmv.gov](mailto:rules@txdmv.gov). The deadline for receipt of comments is 5:00 p.m. on January 4, 2016.

#### STATUTORY AUTHORITY

The amendments and new sections are proposed 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 the duties of the department.

#### CROSS REFERENCE TO STATUTE

Government Code, Chapter 2110, Transportation Code, §1001.031 and §643.155.

*§206.93. Advisory Committee Operations and Procedures.*

(a) Unless a member resigns from an advisory committee, the member continues to serve on the committee until the member is dismissed or replaced by the board, or until the committee concludes all business or is disbanded. The executive director may designate a division of the department to participate with, or to provide subject-matter expertise, guidance, or administrative support to the advisory committee.

(b) A summary of the business undertaken by each advisory committee shall be prepared and filed with the board or the board's designee.

(c) All summaries and other records of each advisory committee proceeding are records of the board that may be subject to disclosure under the provisions of Government Code, Chapter 552.

(d) The department may, if authorized by law and the executive director, reimburse advisory committee members for reasonable and necessary travel expenses. [~~Current rules and laws governing reimbursement of expenses for state employees shall govern reimbursement of expenses for advisory committee members.~~]

~~[(e) Advisory committee members are subject to the same laws, policies, and ethical standards of conduct governing board members and employees of the department.]~~

(e) [(f)] In developing department policies, the board shall consider the recommendations submitted by advisory committees.

(f) [(g)] The designated division shall report to the board on actions, including any advice and recommendations, of an advisory committee prior to board action on a pertinent issue. The chair of the advisory committee or the chair's designee may appear before the board prior to board action on a posted agenda item to present the committee's advice and recommendations.

(g) [(h)] Unless a different expiration date is established by the board for the advisory committee, each advisory committee is abolished on the fourth anniversary of its creation by the board.

*§206.94. Household Goods Rules Advisory Committee (HGRAC).*

(a) The HGRAC is created to make recommendations to the department regarding modernizing and streamlining the rules adopted under Transportation Code, §643.153(a) and (b).

(b) The HGRAC shall comply with the requirements of §206.93 of this title (relating to Advisory Committee Operations and Procedures).

(c) The HGRAC shall expire on August 14, 2019.

§206.95. Motor Vehicle License Advisory Committee (MVLAC).

(a) The MVLAC is created to review license requirements and procedures and make recommendations to the department regarding simplifying and modernizing the licensing process.

(b) The MVLAC shall comply with the requirements of §206.93 of this title (relating to Advisory Committee Operations and Procedures).

(c) The MVLAC shall expire on August 14, 2019.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 18, 2015.

TRD-201505043

David D. Duncan

General Counsel

Texas Department of Motor Vehicles

Earliest possible date of adoption: January 3, 2016

For further information, please call: (512) 465-5665



## CHAPTER 210. CONTRACT MANAGEMENT SUBCHAPTER A. PURCHASE CONTRACTS

### 43 TAC §210.3

The Texas Department of Motor Vehicles (department) proposes Chapter 210, Contract Management, Subchapter A, Purchase Contracts, new §210.3, Enhanced Contract Monitoring Program.

#### EXPLANATION OF PROPOSED NEW SECTION

New §210.3, is proposed to implement Senate Bill 20, 84th Legislature, Regular Session, 2015, to include a procedure for the department to use in identifying contracts that require enhanced contract or performance monitoring. Senate Bill 20 requires each state agency to establish by rule a procedure to identify each contract that requires enhanced contract or performance monitoring, and to submit information on the contract to its governing body.

#### FISCAL NOTE

Linda M. Flores, Chief Financial Officer, has determined that for each of the first five years the new section as proposed is in effect, there will be no fiscal implications for state or local governments as a result of enforcing or administering the proposed new section.

Ms. Flores has certified that there will be no impact on local economies or overall employment as a result of enforcing or administering the proposed new section.

#### PUBLIC BENEFIT AND COST

Ms. Flores has also determined that for each year of the first five years the new section is in effect, the public benefit anticipated

as a result of enforcing or administering the new section will be the enhanced contract or performance monitoring of department contracts. There are no anticipated economic costs for persons required to comply with the new section as proposed. There will be no adverse economic effect on small businesses or micro-businesses.

#### TAKINGS IMPACT ASSESSMENT

The department has determined that this proposal affects no private real property interests and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action, and so does not constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

#### SUBMITTAL OF COMMENTS

Written comments on the proposed new section may be submitted to David D. Duncan, General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Building 1, Austin, Texas 78731 or by email to [rules@txdmv.gov](mailto:rules@txdmv.gov). The deadline for receipt of comments is 5:00 p.m. on January 4, 2016.

#### STATUTORY AUTHORITY

The new section is proposed 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 the duties of the department.

#### CROSS REFERENCE TO STATUTE

Government Code, §2261.253.

§210.3. Enhanced Contract Monitoring Program.

(a) The department will apply risk assessment factors to agency contracts as defined in Government Code, §2261.253 to identify those contracts that require enhanced contract or performance monitoring. The risk assessment will consider the following factors:

(1) dollar amount of contract;

(2) total contract duration;

(3) vendor past performance;

(4) risk of fraud, abuse or waste;

(5) business process impact of failure or delay; and

(6) board or executive director's request for enhanced contract or performance monitoring.

(b) The department will notify the board of the results of the risk assessment and present information to the board resulting from the enhanced contract or performance monitoring.

(c) The chief financial officer or procurement manager shall immediately notify the department's governing body of any serious issue or risk that is identified under this section.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 19, 2015.

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