SUMMARY OF PROPOSED RULE

37 Tex. Admin. Code § 217.7. *Reporting of Enrollment, Licensure, and Appointment*.
The proposed new rule would be part of a reorganization and simplification of Chapter 217 of the Commission's rules. This rule would contain the provisions previously in Commission Rule 217.5.

RESUMEN DE LA NORMA PROPUESTA

37 Tex. Admin. Code § 217.7. *Informes sobre matriculación, concesión de licencias y nombramientos.*
La nueva norma propuesta formaría parte de una reorganización y simplificación del Capítulo 217 del reglamento de la Comisión. Esta norma incluiría las disposiciones que anteriormente figuraban en la Regla 217.5 de la Comisión.

PUBLICATION IN *TEXAS REGISTER*

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §217.7, Reporting of Enrollment, Licensure, and Appointment. This proposed new rule is part of the proposed reorganization and clarification of Chapter 217, concerning Enrollment, Licensing, Appointment, and Separation. It would remove outdated enrollment, licensing, and appointment language, would move enrollment and appointment processes to their own respective rules, and would clarify the language of this chapter. This proposed new rule would contain the rule provisions previously codified in §217.5, Denial and Cancellation, with edits to remove references to the outdated application process and to clean up the rule's language.

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 proposed rule.

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 reorganizing and clarifying Chapter 217 for ease of understanding. There will be no anticipated economic costs to persons required to comply with the proposed rule.

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 proposed rule.

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 proposed rule.

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 Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The new rule as proposed affects or implements Texas Occupations Code Chapter 1701, Law Enforcement Officers. 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.

§217.7. Reporting of Enrollment, Licensure, and Appointment.
(a) The commission may deny any license and may refuse to accept a report of appointment if the:
(1) person has not been reported to the commission as meeting all minimum standards, including any training or testing requirements;
(2) person has not affixed any required signature;
(3) required forms or documentation are incomplete, illegible, or are not attached;
(4) report is not submitted or signed by a chief administrator, or designee with authority to appoint the person to the position reported;
(5) report is not submitted by the appointing agency or entity;
(6) agency reports the person in a capacity that does not require the license sought;
(7) agency fails to provide documentation, if requested, of the agency's creation or authority to appoint persons in the capacity of the license sought or the agency is without such authority;
(8) report contains a false assertion by any person; or
(9) person is subject to pending administrative action against a commission-issued license.

(b) An agency chief administrator or school district may not appoint a person subject to pending administrative action based on:

(1) enrollment or licensure ineligibility; or

(2) statutory suspension or revocation.

(c) If a license is subject to denial under subsection (a) of this section, any license issued to the person by the commission is subject to cancellation.

(d) Any such document may expire or be cancelled, surrendered, suspended, revoked, deactivated, or otherwise invalidated. Mere possession of the physical document does not necessarily mean that the person:

(1) currently holds, has ever held, or has any of the powers of the office indicated on the document; or

(2) still holds an active, valid license or certificate.

(e) The effective date of this section is January 1, 2027.