

REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Facilities Commission

Title 1, Part 5

Chapter 111, Administration

In accordance with Texas Government Code §2001.039, the Texas Facilities Commission (the "Commission") proposes to review its administrative rules contained in Texas Administrative Code, Title 1, Part 5, Chapter 111, entitled *Administration*.

Chapter 111 relates to the Commission's duties and functions concerning the organization of the Commission, general duties, complaints and dispute resolution, and vehicles.

As required by Texas Government Code §2001.039, the Commission conducts this review to determine whether the statutory authority and the business reasons for Chapter 111 continue to exist.

Comments on the proposals may be submitted to Kay Molina, General Counsel, Texas Facilities Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments may also be sent via electronic mail to rulescomments@tfc.state.tx.us and should state "Proposed Rule Review Ch. 111" in the subject line of e-mailed comments. Comments must be received no later than thirty (30) days from the date of publication of this notice in the *Texas Register*.

TRD-201505180

Kay Molina

General Counsel

Texas Facilities Commission

Filed: November 24, 2015



Chapter 115, Facilities Leasing Program

In accordance with Texas Government Code §2001.039, the Texas Facilities Commission (the "Commission") proposes to review its administrative rules contained in Texas Administrative Code, Title 1, Part 5, Chapter 115, entitled *Facilities Leasing Program*.

Chapter 115 relates to the Commission's duties and functions concerning the leasing of property by and for the State of Texas and addresses prerequisites for leasing space, leasing space for health and human services agencies, delegation of authority, leasing services, the use of private firms to obtain space, and tenant agency responsibility and reporting, and best value guidelines.

As required by Texas Government Code §2001.039, the Commission conducts this review to determine whether the statutory authority and the business reasons for Chapter 115 continue to exist.

Comments on the proposals may be submitted to Kay Molina, General Counsel, Texas Facilities Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments may also be sent via electronic mail to rulescomments@tfc.state.tx.us and should state "Proposed Rule Review Ch. 115" in the subject line of e-mailed comments. Comments must be received no later than thirty (30) days from the date of publication of this notice in the *Texas Register*.

TRD-201505181

Kay Molina

General Counsel

Texas Facilities Commission

Filed: November 24, 2015



Chapter 126, Surplus and Salvage Property Programs

In accordance with Texas Government Code §2001.039, the Texas Facilities Commission (the "Commission") proposes to review its administrative rules contained in Texas Administrative Code, Title 1, Part 5, Chapter 126, entitled *Surplus and Salvage Property Programs*.

Chapter 126 relates to the Commission's duties and functions concerning the state surplus and salvage property program including, definitions, delegation of authority to state agencies, firearms, direct transfer of property, reporting, and disposition of surplus and salvage property to the public.

As required by Texas Government Code §2001.039, the Commission conducts this review to determine whether the statutory authority and the business reasons for Chapter 126 continue to exist.

Comments on the proposals may be submitted to Kay Molina, General Counsel, Texas Facilities Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments may also be sent via electronic mail to rulescomments@tfc.state.tx.us and should state "Proposed Rule Review Ch. 126" in the subject line of e-mailed comments. Comments must be received no later than thirty (30) days from the date of publication of this notice in the *Texas Register*.

TRD-201505182

Kay Molina

General Counsel

Texas Facilities Commission

Filed: November 24, 2015



Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter A, State Board of Education Rules, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 33, Subchapter A, in the September 25, 2015 issue of the *Texas Register* (40 TexReg 6757).

The SBOE finds that the reasons for adopting 19 TAC Chapter 33, Subchapter A, continue to exist and readopts the rules. The SBOE received no comments related to the review. At a later date, the SBOE may propose amendments to Subchapter A to clarify language and terminology and update language to reflect changes in the investment market environment.

TRD-201505244

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: December 2, 2015



The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 157, Hearings and Appeals, Subchapter A, General Provisions for Hearings Before the State Board of Education, and Subchapter D, Independent Hearing Examiners, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 157, Subchapters A and D, in the September 25, 2015 issue of the *Texas Register* (40 TexReg 6757).

Relating to the review of 19 TAC Chapter 157, Subchapter A, the SBOE finds that the reasons for adopting Subchapter A continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter A. Future amendments to Subchapter A may be necessary if the SBOE adopts revisions to 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, relating to the administrative penalties authorized under the TEC, §31.151.

Relating to the review of 19 TAC Chapter 157, Subchapter D, the SBOE finds that the reasons for adopting Subchapter D continue to exist and readopts the rules. The SBOE received one comment related to the review of Subchapter D. Following is a summary of the public comment received and the corresponding response.

Comment: A member of the public commented that independent hearing examiners should have a more comprehensive training program and a more in-depth training manual to ensure they are fully familiar with relevant laws and rules.

Agency Response: The agency agrees that independent hearing examiners need to receive adequate training to adjudicate the cases before them. Therefore, 19 TAC §157.41 specifies minimum qualifications an individual must meet to be certified as an independent hearing examiner, including experience in relevant areas of the law and continuing education that includes review of education law. In addition, the certification lasts only one year to ensure an unqualified independent hearing examiner may not continue to provide services. The current qualifications provide the necessary safeguards to ensure competent independent hearing examiners while ensuring a sufficient number of examiners to handle the relevant caseloads.

No changes to Subchapter D are necessary as a result of the review.

TRD-201505200

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: November 30, 2015



Texas Facilities Commission

Title 1, Part 5

Chapter 116, Property Management Division

Pursuant to the notice of the proposed rule review published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6941), the Texas Facilities Commission (the "Commission") has reviewed and considered for re adoption, revision, or repeal Texas Administrative Code, Title 1, Part 5, Chapter 116, Property Management Division, in accordance with Texas Government Code §2001.039.

The Commission received no public comments concerning the review of Chapter 116. The Commission has completed its review and has determined that the reasons for originally adopting Chapter 116 continue to exist. In addition, the Commission reviewed the rules to determine whether the rules are obsolete, reflect current legal and policy considerations, reflect current procedures and practices of the Commission, and are in compliance with the Texas Administrative Procedure Act, Texas Government Code Chapter 2001. The Commission has determined that §116.3, Maintenance, Repairs, and Modifications, requires amendment to reflect current procedures and practices of the Commission.

The Commission has determined to readopt the rules in Chapter 116 with amendments pursuant to Texas Government Code §2001.039 and Texas Government Code §2165.0012 and §2165.058 (West 2008). A concurrent notice of proposed rule amendment related to §116.3 will be published in the *Texas Register* for public comment.

This completes the Commission's review of Texas Administrative Code, Title 1, Part 5, Chapter 116, Property Management Division.

TRD-201505183

Kay Molina
General Counsel
Texas Facilities Commission
Filed: November 24, 2015



Chapter 117, Mandatory Paper Recycling Program

Pursuant to the notice of the proposed rule review published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6941), the Texas Facilities Commission (the "Commission") has reviewed and considered for re adoption, revision, or repeal Texas Administrative Code, Title 1, Part 5, Chapter 117, Mandatory Paper Recycling Program, in accordance with Texas Government Code §2001.039.

The Commission received no public comments concerning the review of Chapter 117. The Commission has completed its review and has determined that the reasons for originally adopting Chapter 117 continue to exist. In addition, the Commission reviewed and determined that the rules are not obsolete, reflect current legal and policy considerations and current procedures and practices of the Commission, and are in compliance with the Texas Administrative Procedure Act, Texas Government Code Chapter 2001.

Accordingly, the Commission readopts the rules in Chapter 117 without changes pursuant to Texas Government Code §2001.039 and Texas Government Code §2175.061(b) and §2175.902 (Vernon 2008).

This completes the Commission's review of Texas Administrative Code, Title 1, Part 5, Chapter 117, Mandatory Paper Recycling Program.



TRD-201505179
Kay Molina
General Counsel
Texas Facilities Commission
Filed: November 24, 2015