

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which

invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

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

Proposed Rule Reviews

Office of the Attorney General

Title 1, Part 3

The Office of the Attorney General (OAG) files this notice of its intent to review 1 TAC Chapter 63, Public Information. The review is conducted in accordance with Texas Government Code §2001.039, which requires a state agency to review and consider its rules for re-adoption, re-adoption with amendments, or repeal every four years. During the review, the OAG will assess whether the reasons for initially adopting the rules continue to exist.

Elsewhere in this issue of the *Texas Register*, the OAG is contemporaneously proposing an amendment to Chapter 63, Subchapter A, §63.1.

Written comments on the proposed rule review may be submitted for 30 days following the publication of this notice to Justin Gordon, Division Chief, Open Records Division, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548, Justin.Gordon@oag.texas.gov.

TRD-202000726

Ryan L. Bangert

Deputy Attorney General for Legal Counsel

Office of the Attorney General

Filed: February 20, 2020



State Securities Board

Title 7, Part 7

The State Securities Board (Agency), beginning March 2020, will review and consider for re-adoption, revision, or repeal Chapter 115, Securities Dealers and Agents, and Chapter 116, Investment Advisers and Investment Adviser Representatives, in accordance with Texas Government Code, §2001.039, which requires rule review every four years. The rules to be reviewed are located in Title 7, Part 7, of the Texas Administrative Code. The text of the rule sections will not be published. The text of these rules may be found in the Texas Administrative Code, Title 7, Part 7 or through the Board's website at www.ssb.texas.gov/texas-securities-act-board-rules.

The Agency has conducted a preliminary review of these chapters and determined the reasons for initially adopting the chapters continue to exist.

The Agency's Board will consider, among other things, whether the reasons for adoption of these rules continue to exist and whether any changes are needed. Changes to the rules proposed by the Agency's Board after reviewing the rules and considering the comments received in response to this notice will appear in the "Proposed Rules" section

of a subsequent issue of the *Texas Register* and will be adopted in accordance with the requirements of the Administrative Procedure Act, Texas Government Code Annotated, Chapter 2001; thus this notice to review has no effect on the chapter as it currently exists. Readopted rules will be noted in a subsequent issue of the *Texas Register* "Review of Agency Rules" section without publication of the text.

Comments or suggestions on the proposal must be in writing and will be accepted for 30 days following publication of this notice in the *Texas Register*. Written comments should be submitted to Marlene K. Sparkman, General Counsel, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167 or faxed to (512) 305-8336. Comments may also be submitted electronically to proposal@ssb.texas.gov. In order to be considered by the Board at adoption, comments must be received no later than 30 days following publication. Comments received will be reviewed and discussed in a future Board meeting.

Issued in Austin, Texas on February 26, 2020.

TRD-202000866

Travis J. Iles

Securities Commissioner

State Securities Board

Filed: February 26, 2020



Texas Education Agency

Title 19, Part 2

The State Board of Education (SBOE) proposes the review of 19 Texas Administrative Code (TAC) Chapter 100, Charters, pursuant to the Texas Government Code, §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 100 are organized under the following sub-chapters: Subchapter A, Open-Enrollment Charter Schools; and Subchapter B, Home-Rule School District Charters.

As required by the Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 100, Subchapters A and B, continue to exist.

The public comment period on the review begins March 6, 2020, and ends April 10, 2020. A form for submitting public comments on the proposed rule review is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/State_Board_of_Education_Rule_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/State_Board_of_Education_Rule_Review). Comments on the proposed review may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701. The SBOE will take registered oral and written comments on the review at the appropriate

committee meeting in April 2020 in accordance with the SBOE board operating policies and procedures.

TRD-202000858

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 25, 2020



Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 100, Charters, pursuant to Texas Government Code, §2001.039. The rules being reviewed by TEA in 19 TAC Chapter 100 are organized under Subchapter AA, Commissioner's Rules Concerning Open-Enrollment Charter Schools.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting 19 TAC Chapter 100, Subchapter AA, continue to exist.

The public comment period on the review of 19 TAC Chapter 100, Subchapter AA, begins March 6, 2020, and ends April 6, 2020. A form for submitting public comments on the proposed rule review is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Commissioner_of_Education_Rule_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Commissioner_of_Education_Rule_Review). Comments on the proposed review may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

TRD-202000871

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 26, 2020



Texas Optometry Board

Title 22, Part 14

The Texas Optometry Board files this notice of intention to review Texas Administrative Code, Title 22, Chapters 271, 272, 273, and 275, pursuant to the requirements of Texas Government Code §2001.039. This section requires all state agencies to review their rules every four years. After an assessment that the reasons for initially adopting the rules continue to exist, the agency's rules may be considered for readoption.

The following rules in Chapter 271 are being reviewed: §271.1, Definitions; §271.2, Applications; §271.3, Jurisprudence Examination Administration; §271.5, Licensure without Examination; §271.6, National Board Examination; and §271.7, Criminal History Evaluation Letters.

The following rules in Chapter 272 are being reviewed: §272.1, Open Records; §272.2, Historically Underutilized Businesses; and §272.3, Contract and Purchasing Procedures.

The following rules in Chapter 273 are being reviewed: §273.1, Surrender of License; §273.2, Use of Name of Retired or Deceased Optometrist; §273.3, Contact Lenses as Prize or Premium; §273.4, Fees (Not Refundable); §273.5, Clinical Instruction and Practice - Limited License for Clinical Faculty; §273.6, Licenses for a Limited Period; §273.7, Inactive Licenses and Retired License for Volunteer Charity Care; §273.8, Renewal of License; §273.9, Public Interest Information; §273.10, Licensee Compliance with Payment Obligations;

§273.11, Public Participation in Meetings; §273.12, Profile Information; §273.13, Contract or Employment with Community Health Centers; and §273.14, License Applications for Military Service Member, Military Veteran, and Military Spouse.

The following rules in Chapter 275 are being reviewed: §275.1, General Requirements; and §275.2, Required Education. The agency is publishing proposed amendments to §275.2 in this issue of the *Texas Register*.

The agency invites comments from the public regarding whether the reasons for initially adopting these rules continue to exist. Comments on the proposal may be submitted to Chris Kloeris, Executive Director, Texas Optometry Board, 333 Guadalupe Street, Suite 2-420, Austin, Texas 78701-3942. The deadline for furnishing comments is thirty days after the publication of this notice in the *Texas Register*.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

TRD-202000765

Chris Kloeris

Executive Director

Texas Optometry Board

Filed: February 21, 2020



Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter AA, Commissioner's Rules, pursuant to the Texas Government Code, §2001.039. The TEA proposed the review of 19 TAC Chapter 33, Subchapter AA, in the October 4, 2019 issue of the *Texas Register* (44 TexReg 5787).

Relating to the review of 19 TAC Chapter 33, Subchapter AA, the TEA finds that the reasons for adopting Subchapter AA continue to exist and readopts the rule. The TEA received no comments related to the review of Subchapter AA. No changes are necessary as a result of the review.

This concludes the review of 19 TAC Chapter 33.

TRD-202000869

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 26, 2020



Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 53, Regional Education Service Centers, Subchapter AA, Commissioner's Rules, pursuant to Texas Government Code, §2001.039. TEA proposed the review of 19 TAC Chapter 53, Subchapter AA, in the December 20, 2019 issue of the *Texas Register* (44 TexReg 8040).

Relating to the review of 19 TAC Chapter 53, Subchapter AA, the TEA finds that the reasons for adopting Subchapter AA continue to exist and readopts the rules. The TEA received no comments related to the review of Subchapter AA. At a later date, TEA plans to update the Regional Education Service Center Performance Standards and Indicators Manual adopted as Figure: 19 TAC §53.1021(b).

This concludes the review of 19 TAC Chapter 53.

TRD-202000870

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 26, 2020



The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions; Subchapter B, State Adoption of Instructional Materials; and Subchapter C, Local Operations, pursuant to the Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 66 in the December 20, 2019 issue of the *Texas Register* (44 TexReg 8040).

Relating to the review of 19 TAC Chapter 66, 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. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 66, Subchapter B, the SBOE finds that the reasons for adopting Subchapter B continue to exist and

readopts the rules. The SBOE received no comments related to the review of Subchapter B. At its November 2019 meeting, the SBOE approved for second reading and final adoption amendments to 19 TAC §§66.27, 66.28, 66.30, 66.36, 66.39, 66.41, 66.42, 66.43, 66.63, 66.66, 66.67, 66.72, 66.75, and 66.81 and new §66.76. At its January 2020 meeting, the SBOE approved a one time-procedural action to 19 TAC §66.28.

Relating to the review of 19 TAC Chapter 66, Subchapter C, the SBOE finds that the reasons for adopting Subchapter C continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter C. No changes are necessary as a result of the review.

TRD-202000857
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 25, 2020

