

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

Texas Animal Health Commission

Title 4, Part 2

The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 32, concerning Hearing and Appeal Procedures, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continues to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 32" in the subject line.

TRD-202301519
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 36, concerning Exotic Livestock and Fowl, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continue to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 36" in the subject line.

TRD-202301520

Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 38, concerning Trichomoniasis, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continue to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 38" in the subject line.

TRD-202301521
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 43, concerning Tuberculosis, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continue to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 43" in the subject line.

TRD-202301522

Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 45, concerning Reportable and Actionable Diseases, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continue to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 45" in the subject line.

TRD-202301523
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 47, concerning Authorized Personnel, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continue to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 47" in the subject line.

TRD-202301524
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 50, concerning Animal Disease Traceability, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continue to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 50" in the subject line.

TRD-202301525
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 51, concerning Entry Requirements, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continue to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 51" in the subject line.

TRD-202301526
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 56, concerning Grants, Gifts and Donations, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continue to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 56" in the subject line.

TRD-202301527
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 59, concerning General Practices and Procedures, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continue to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 59" in the subject line.

TRD-202301529
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



The Texas Animal Health Commission (Commission) proposes the review of Texas Administrative Code, Title 4, Part 2, Chapter 60, concerning Scrapie, in its entirety, in accordance with Texas Government Code §2001.039.

As required by §2001.039 of the Texas Government Code, the Commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continue to exist and whether these rules should be revised, readopted or repealed.

Comments on the rule review may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719, or by email at "comments@tahc.texas.gov" no later than 30 days from the date that the proposed review is published in the *Texas Register*. When submitting comments, please indicate "Comments on Chapter 60" in the subject line.

TRD-202301530
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Filed: April 28, 2023



Employees Retirement System of Texas

Title 34, Part 4

The Employees Retirement System of Texas files this notice of intent to review 34 Texas Administrative Code Chapter 73, concerning Benefits, in accordance with Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting this chapter continue to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current provisions related to the governance of the Board, and is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedure Act).

Comments on the review may be submitted in writing, within 30 days following the publication of this notice of intent to review in the *Texas Register*, to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at General.Counsel@ers.texas.gov.

Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at General.Counsel@ers.texas.gov. The deadline for receiving comments is Monday, June 19, 2023, at 10:00 a.m. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202301594
Cynthia C. Hamilton
General Counsel
Employees Retirement System of Texas
Filed: May 2, 2023



The Employees Retirement System of Texas files this notice of intent to review 34 Texas Administrative Code Chapter 74, concerning Qualified Domestic Relations Orders, in accordance with Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting this chapter continue to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current provisions related to the governance of the Board, and is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedure Act).

Comments on the review may be submitted in writing, within 30 days following the publication of this notice of intent to review in the *Texas Register*, to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at General.Counsel@ers.texas.gov. The deadline for receiving comments is Monday, June 19, 2023, at 10:00 a.m. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202301592
Cynthia C. Hamilton
General Counsel
Employees Retirement System of Texas
Filed: May 2, 2023



The Employees Retirement System of Texas files this notice of intent to review 34 Texas Administrative Code Chapter 77, concerning Judicial Retirement, in accordance with Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting this chapter continue to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current provisions related to the governance of the Board, and is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedure Act).

Comments on the review may be submitted in writing, within 30 days following the publication of this notice of intent to review in the *Texas Register*, to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at General.Counsel@ers.texas.gov. The deadline for receiving comments is Monday, June 19, 2023, at 10:00 a.m. Any proposed changes to the sections of this chapter as a result of the review will be published in the

Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202301593

Cynthia C. Hamilton

General Counsel

Employees Retirement System of Texas

Filed: May 2, 2023



The Employees Retirement System of Texas files this notice of intent to review 34 Texas Administrative Code Chapter 82, concerning Health Services in State Office Complexes, in accordance with Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting this chapter continue to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current provisions related to the governance of the Board, and is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedure Act).

Comments on the review may be submitted in writing, within 30 days following the publication of this notice of intent to review in the *Texas Register*, to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at General.Counsel@ers.texas.gov. The deadline for receiving comments is Monday, June 19, 2023, at 10:00 a.m. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202301595

Cynthia C. Hamilton

General Counsel

Employee Retirement System of Texas

Filed: May 2, 2023



Adopted Rule Reviews

Texas Film Commission

Title 13, Part 8

The Texas Film Commission within the Economic Development and Tourism Office of the Office of the Governor (the "Office") adopts the review of 13 T.A.C. Chapter 121, concerning the Texas Moving Image Industry Incentive Program, conducted in accordance with §2001.039 of the Texas Government Code.

Notice of the review of this chapter was published in the December 16, 2022, issue of the *Texas Register* (47 TexReg 8283). The Office received no comments concerning this rule review.

The Office assessed each rule and, with the exception of 13 TAC §121.16, determined the reasons for adopting the chapter still exist. Elsewhere in this issue, the Office adopts the repeal of 13 TAC §121.16 and adopts with amendments the remaining provisions in Chapter 121.

This concludes the Office's review of 13 TAC Chapter 121, as required by the Government Code, §2001.039.

TRD-202301577

Stephanie Whallon

Director

Texas Film Commission

Filed: May 1, 2023



Texas Higher Education Coordinating Board

Title 19, Part 1

The Texas Higher Education Coordinating Board adopts the review of Chapter 1, Subchapter C, concerning Standards of Conduct. The proposed notice of review was published in the January 27, 2023, issue of the *Texas Register* (48 TexReg 417). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 1, Subchapter C, as required by the Texas Government Code, §2001.039.

TRD-202301540

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: April 28, 2023



Texas Education Agency

Title 19, Part 2

Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 153, School District Personnel, Subchapter AA, Commissioner's Rules Concerning School District Personnel Duties and Benefits; Subchapter BB, Commissioner's Rules Concerning Professional Development; Subchapter CC, Commissioner's Rules on Creditable Years of Service; Subchapter DD, Criminal History Record Information Review; and Subchapter EE, Commissioner's Rules Concerning Registry of Persons Not Eligible for Employment in Public Schools, pursuant to Texas Government Code, §2001.039. TEA proposed the review of Chapter 153, Subchapters AA-EE, in the December 9, 2022 issue of the *Texas Register* (47 TexReg 8129).

Relating to the review of Chapter 153, Subchapters AA-EE, TEA finds that the reasons for adopting Subchapter AA; Subchapter BB, §153.1011; and Subchapters CC-EE continue to exist and readopts the rules. TEA finds that the reasons for adopting Subchapter BB, §153.1013, do not continue to exist. TEA received no comments related to the review of Subchapters AA-EE. No changes to Chapter 153, Subchapter AA; Subchapter BB, §153.1011; or Subchapters CC-EE, are necessary as a result of the review. At a later date, TEA anticipates repealing §153.1013 as the statutory authority no longer exists.

This concludes the review of Chapter 153.

TRD-202301607

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: May 3, 2023



Texas Board of Pardons and Paroles

Title 37, Part 5

The Texas Board of Pardons and Paroles (Board) files this notice of readoption of Texas Administrative Code, Title 37, Public Safety and Corrections, Part 5, Chapter 145, Parole. The review was conducted pursuant to Government Code, §2001.039. Notice of the Board's intention to review was published in the May 20, 2022, issue of the *Texas Register* (47 TexReg 3072).

As a result of the rule review, the Board has determined that the original justifications for initially adopting the rules in 37 TAC Chapter 145 continue to exist, excepting §145.27, which was repealed. The Board readopts §§145.1 - 145.3, 145.6, 145.7, 145.12 - 145.15, and 145.18 with amendments as published in the Adopted Rules section of this issue of the *Texas Register*.

No comments on the proposed rule review were received.

This concludes the review of 37 TAC Chapter 145, Parole.

TRD-202301548

Bettie Wells

General Counsel

Texas Board of Pardons and Paroles

Filed: April 28, 2023



The Texas Board of Pardons and Paroles (Board) files this notice of readoption of Texas Administrative Code, Title 37, Public Safety and Corrections, Part 5, Chapter 149, Mandatory Supervision. The review was conducted pursuant to Government Code, §2001.039. Notice of the Board's intention to review was published in the October 21, 2022, issue of the *Texas Register* (47 TexReg 7071).

As a result of the rule review, the Board has determined that the original justifications for initially adopting the rules in 37 TAC Chapter 149 continue to exist.

No comments on the proposed rule review were received.

This concludes the review of 37 TAC Chapter 149, Mandatory Supervision.

TRD-202301550

Bettie Wells

General Counsel

Texas Board of Pardons and Paroles

Filed: April 28, 2023



Texas Commission on Fire Protection

Title 37, Part 13

The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 401, concerning Administrative Practice and Procedure. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the December 23, 2022, issue of the *Texas Register* (47 TexReg 8759).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 401.

TRD-202301609

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: May 3, 2023



The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 403, concerning Criminal Convictions and Eligibility for Certification. The review was conducted pursuant to Texas Government Code, Chapter 2001, §2001.039.

The commission received no comments on the proposed rule review, which was published in the October 15, 2021 edition of the *Texas Register* (46 TexReg 7079).

The commission has determined that the reasons for initially adopting the rule continue to exist and readopts the chapter without changes.

This concludes the review of Texas Administrative Code, Title 37, Part 13, Chapter 403.

TRD-202301610

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: May 3, 2023

