

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 State Board of Plumbing Examiners

Title 22, Part 17

The Texas State Board of Plumbing Examiners (Board) files this Notice of Intent to Review to consider for re-adoption, revision, or repeal the chapters listed below contained in Title 22, Part 17, of the Texas Administrative Code. This review is being conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

Chapter 361, Administration

Chapter 363, Examination and Registration

Chapter 367, Enforcement

During the review, an assessment will be made by the Board as to whether the reasons for adopting or readopting the rules in these chapters continues to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current procedures of the Board. This review is required every four years.

Written comments regarding the review of these chapters may be submitted by mail to Patricia Latombe at P.O. Box 4200, Austin, Texas 78765-4200, or by email to rule.comment@tsbpe.texas.gov with the subject line "Rule Review." All comments must be received within 30 days of publication of this notice in the *Texas Register*.

TRD-202202368

Lynn Latombe

General Counsel

Texas State Board of Plumbing Examiners

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Adopted Rule Reviews

Office of Consumer Credit Commissioner

Title 7, Part 5

The Finance Commission of Texas (commission) has completed the rule review of Texas Administrative Code, Title 7, Part 5, Chapter 85, Subchapter A, concerning Rules of Operation for Pawnshops, in its entirety. The rule review was conducted under Texas Government Code, §2001.039.

Before publishing notice of the review in the *Texas Register*, the Office of Consumer Credit Commissioner (OCCC) issued an informal advance notice of the rule review to stakeholders. The OCCC received

one informal precomment from an industry association in response to the advance notice. The precomment recommended that the rule review address two issues. First, the association recommended addressing "COVID-19 and how it impacted pawnshops differently across the state. . . . Are pawnshops considered an essential business during a disaster? Can local governments prohibit pawnshop firearm transactions during a disaster? Does the state legislature have exclusive authority over pawnshops, even during a disaster?" Second, the association recommended that the OCCC "consider allowing pawnshops an avenue to sell their inventory at their local county fairs, flea markets, festivals, etc." The OCCC reviewed and considered this feedback. The first issue (relating to local authority during a disaster) appears to be outside the scope of OCCC rulemaking, and may be more appropriately addressed by attorney general opinions and emergency orders issued by the governor. The second issue is already addressed by Texas Finance Code, §371.153(c), which requires pawnshops to notify the OCCC of other locations where they do business. After considering this feedback, the commission and the OCCC do not intend to move forward with proposing rules on these two issues at this time.

Notice of the review of 7 TAC Chapter 85, Subchapter A was published in the April 1, 2022, issue of the *Texas Register* (47 TexReg 1701). The commission did not receive any official comments in response to that notice.

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Matthew Nance

Deputy General Counsel

Office of Consumer Credit Commissioner

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Office of the Governor, Economic Development and Tourism Office

Title 10, Part 5

The Office of the Governor ("OOG") has completed the rule review of 10 TAC Chapter 190, concerning the Governor's University Research Initiative Grant Program. The review was conducted in accordance with Texas Government Code §2001.039.

Notice of the review of 10 TAC Chapter 190, was published in the May 6, 2022, issue of the *Texas Register* (47 TexReg 2777). The OOG received no comments in response to that notice. The OOG considered whether the reasons for adoption of these rules continue to exist.

After its review, the OOG determined 10 TAC §§190.12, 190.29, 190.40 - 190.53, 190.55 - 190.58 should be repealed. This repeal is adopted elsewhere in this issue of the *Texas Register*.

Additionally, during the review, the OOG also determined 10 TAC §§190.1 - 190.4, 190.6 - 190.8, 190.10, 190.11, 190.13, 190.14, 190.20 - 190.25, 190.28, 190.32, 190.36, 190.38 should be amended. Those amendments are adopted elsewhere in this issue.

Finally, the OOG finds that the reasons for adopting rules 10 TAC §§190.5, 190.26, 190.27, 190.30, 190.31, 190.33 - 190.35, 190.37 continue to exist and readopts those rules without changes.

This concludes the review of 10 TAC Chapter 190 under Texas Government Code §2001.039.

The agency certifies that the adoptions have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

TRD-202202372

Terry Zrubek

Director, EDT Finance

Office of the Governor, Economic Development and Tourism Office

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