

ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 16. ECONOMIC REGULATION

PART 8. TEXAS RACING COMMISSION

CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

SUBCHAPTER A. OFFICIALS

DIVISION 3. DUTIES OF OTHER OFFICIALS

16 TAC §313.61

PREAMBLE:

The Texas Racing Commission (TXRC) adopts Texas Administrative Code, Title 16, Part 8, Chapter 313, §313.61, Horsemen's Bookkeeper. Amended Chapter 313, §313.61 is adopted with changes to the proposed text as published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 614). The rule text will be republished.

EXPLANATION AND JUSTIFICATION FOR THE AMENDMENT

The purpose of this rule amendment is to strengthen the ability of the Commission to track and audit funds that are managed by the Horsemen's Bookkeeper.

PUBLIC COMMENTS

The 30-day comment period ended on March 2, 2025. TXRC drafted and distributed the proposed rule to persons both internal and external to the agency. The proposed rule was published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 614). During this period, the Agency received no comments regarding this proposed rule change.

COMMISSION ACTION

At its meeting on June 11, 2025, the Commission adopted the proposed rule as recommended by the Commission at the December 11, 2024, meeting and the Rules Committee meeting, held on November 14, 2024.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The Commission is exempt and not required to take further action under Texas Government Code §2001.0045. The Commission is specifically exempt under Texas Government Code §2001.0045(c)(7).

STATUTORY AUTHORITY

The amendments are adopted under Texas Occupations Code §2021.

The statutory provisions affected by the adopted rule amendment are those set forth in Texas Occupations Code §2021.

§313.61. Horsemen's Bookkeeper.

(a) Designation of horsemen's bookkeeper.

(1) An association shall ensure a horsemen's bookkeeper is available to maintain the horsemen's account.

(2) The executive director may designate an entity unrelated to the association to serve as the horsemen's bookkeeper. To be designated as the horsemen's bookkeeper, an entity must annually submit a plan of operation acceptable to the executive director that demonstrates the entity's ability to perform the duties of the horsemen's bookkeeper.

(3) A designation as horsemen's bookkeeper does not constitute a license, but the executive director may require any individual involved with a designated entity to receive a license.

(4) If the executive director approves an association's request to designate an entity as horsemen's bookkeeper, the association is relieved of responsibility for providing a horsemen's bookkeeper and shall cooperate fully with the horsemen's bookkeeper designated by the executive director.

(b) Revocation of designation.

(1) A designation as the horsemen's bookkeeper continues in effect until revoked by the executive director.

(2) The executive director may revoke a designation as the horsemen's bookkeeper if the executive director determines the designated entity has:

(A) failed to comply with the Act, or the plan of operation, in a manner that indicates malfeasance as opposed to mere mistake;

(B) failed to maintain accurate and reliable records;

(C) misappropriated or mishandled funds in its possession or control;

(D) failed to correct within a reasonable time any deficiency in operations identified by the executive director in writing; or

(E) had its authority to act as a horsemen's bookkeeper revoked in another jurisdiction.

(3) Before revoking a designation as horsemen's bookkeeper, the executive director must issue a notice of proposed revocation which specifically describes the grounds for revocation. No later than 30 days after receiving a notice of proposed revocation, the entity may file a written response to the allegations with the executive director.

(4) The executive director may not revoke a designation without making adequate provision for a successor horsemen's bookkeeper.

(c) Operations of horsemen's bookkeeper.

(1) Each owner engaged in racing must open and maintain an account with the horsemen's bookkeeper. The horsemen's bookkeeper may permit other individuals to open and maintain an account with the horsemen's bookkeeper, subject to the approval of the executive director. The aggregate of all such accounts is the horsemen's account.

(2) The horsemen's bookkeeper shall keep accurate records of the horsemen's account and the constituent accounts. The horsemen's bookkeeper shall:

(A) promptly credit each account with all earnings, awards, and deposits;

(B) deduct or disburse all payments as directed by the owner or authorized agent;

(C) render periodic statements of each constituent account; and

(D) perform all other duties and functions as may be required by the Act or the Rules.

(d) Audit. The executive director may at any time inspect, review or audit the records and performance of the horsemen's bookkeeper. Not later than June 15 of each year beginning in 2026, the horsemen's bookkeeper shall submit to the Commission audited financial statements. The funds received and/or expended by the horsemen's bookkeeper from the horse industry escrow account must be included in the audit. An auditor's statement must be included as part of the annual audit attesting to the proper use of the funds received from the horse industry escrow account by the horsemen's bookkeeper.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 3, 2025.

TRD-202502240

Amy F. Cook

Executive Director

Texas Racing Commission

Effective date: July 23, 2025

Proposal publication date: January 31, 2025

For further information, please call: (512) 833-6699



CHAPTER 319. VETERINARY PRACTICES AND DRUG TESTING

SUBCHAPTER B. TREATMENT OF HORSES

16 TAC §319.110

The Texas Racing Commission (TXRC) adopts Texas Administrative Code, Title 16, Part 8, Chapter 319, §319.110, Requirements to Enter Association Grounds. Amended Chapter 319, §319.110 is adopted without changes to the proposed text as published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 616) and will not be republished.

EXPLANATION AND JUSTIFICATION FOR THE AMENDMENT

The purpose of this rule amendment is to require a negative Equine Infectious Anemia (EIA) test within 180 days prior to entry into the stable gate of an association. The rule change also

authorizes the Executive Director to require other tests as need arises.

PUBLIC COMMENTS

The 30-day comment period ended on March 2, 2025. TXRC drafted and distributed the proposed rule to persons both internal and external to the agency. The proposed rule was published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 616). During this period, the Agency received no comments regarding this proposed rule change.

COMMISSION ACTION

At its meeting on December 11, 2024, the Commission adopted the proposed rule as recommended by the Commission at the February 14, 2024, meeting and the Rules Committee meeting, held on November 14, 2024.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The Commission is exempt and not required to take further action under Texas Government Code §2001.0045. The Commission is specifically exempt under Texas Government Code §2001.0045(c)(7).

STATUTORY AUTHORITY

The rule amendment is adopted under Texas Occupations Code §§2026.001.

The statutory provisions affected by the adopted rule amendment are those set forth in Texas Occupations Code §2026.001.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 3, 2025.

TRD-202502241

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 57. FISHERIES

SUBCHAPTER N. STATEWIDE RECRE- ATIONAL AND COMMERCIAL FISHING

PROCLAMATION

The Texas Parks and Wildlife Commission in a duly noticed meeting on March 27, 2025, adopted the repeal of 31 TAC §57.984 and §57.985 and amendments to §57.981 and §57.992, concerning the Statewide Recreational and Commercial Fishing Proclamations, without changes to the proposed text as pub-

lished in the February 21, 2025, issue of the *Texas Register* (50 TexReg 954). The text of the rules will not be republished.

The repeal of §57.984, concerning Special Provisions - Digital Exempt Angler Tags is necessary to comport current rules with provisions adopted and published elsewhere in this issue that would make all recreational hunting and fishing license products (licenses, stamp endorsements, tags, and selected permits) available as digital products.

The repeal of §57.985, concerning Spotted Seatrout- Special Provisions, is necessary to remove temporary interim provisions governing the take of spotted seatrout, adopted as a stand-alone section in 2024 to avoid conflict with other proposed rulemaking, in order to move them to §57.981, concerning Bag, Possession, and Length Limits, where they properly belong.

In February of 2021, Winter Storm Uri resulted in the largest freeze-related fish kill on the Texas Gulf coast since the 1980s, severely impacting spotted seatrout populations coastwide. In an effort to accelerate recovery of the spotted seatrout population, the department promulgated a series of rules that implemented reduced bag and "slot" (a mechanism to protect certain age classes) limits. Department monitoring has continuously indicated lower post-freeze catch rates (compared to the previous ten-year average), and the commission accordingly acted to implement continued measures to enhance and accelerate population recovery, adopting rules that reduced the bag limit and narrowed the slot limit for spotted seatrout. In January 2024, the commission directed staff to develop a mechanism to allow the retention of "oversized" fish (fish in excess of the maximum length established by rule) at a level not likely to compromise or defeat recovery measures, resulting in the adoption of §57.985, which also replaced the previous daily limit for the retention of oversized spotted seatrout with an annual limit.

The amendment to §57.981, concerning Bag, Possession, and Length Limits, incorporates the contents of current §57.985, concerning Spotted Seatrout- Special Provisions, for reasons discussed earlier in this preamble. The repeal and amendment are not substantive, do not alter the applicability of the rules currently in force and effect, and serve only to consolidate all provisions governing spotted seatrout harvest in a single place. The amendment also makes conforming changes to accommodate proposed amendments to Chapter 53, concerning Finance, published elsewhere in this issue, that would provide for the issuance of all recreational fishing licenses and stamp endorsements as digital products. In 2021, the department launched a pilot program to determine the feasibility of implementing digital versions of physical licenses, tags, and permits. The results of the pilot program were favorable, and the department is therefore proceeding with respect to making all recreational fishing licenses and stamp endorsements available as digital products.

The amendment to §57.992, concerning Bag, Possession, and Length Limits, liberalizes commercial harvest regulations for greater amberjack in Texas state waters by increasing the maximum length (currently 34 total inches) to match the current federal standard, which is 40 inches (total length). The amendment is intended to make commercial harvest regulations for greater amberjack consistent with federal regulations, which the department believes will prevent confusion and enhance compliance, administration, and enforcement.

The department received nine comments opposing adoption of the proposed amendment to §57.981, concerning Bag, Possession, and Length Limits. Of those comments, nine articulated

a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

Four comments opposing adoption of the portion of the proposed rules that implement requirements for the use of digital license products. The commenters stated that there should be no digital license products because phone batteries go dead, phones are lost, and connectivity is a problem, and other, similar misgivings with respect to the reliability of personal communications devices. The department disagrees with the comments and responds that no person is required to obtain a digital license product, and in any case, public approval of digital products is overwhelming. No changes were made as a result of the comments.

One commenter opposed adoption and stated, "[T]he burden of proof is always on the sportsman, as unconstitutional as that is." The department disagrees with the commenter and responds that legal burden of proof for obtaining a conviction for a violation of fish and game laws lies with the department; however, it is the responsibility of the angler to understand and comply with applicable law while engaging in an activity regulated by the department. No changes were made as a result of the comment.

One commenter opposed adoption and stated disagreement with the daily bag limit for spotted seatrout. The department disagrees with the comment and responds that daily bag limit for spotted seatrout exists in current rule, is not affected by this rulemaking, and was not considered for alteration in this rulemaking. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the spotted seatrout tag should be implemented in 2026, not 2025. The department disagrees with the comment and responds that the spotted seatrout tag was implemented in 2024. No changes were made as a result of the comment.

The department received 37 comments supporting adoption of the rule as proposed.

The department received three comments opposing adoption of the proposed amendment to §57.992, concerning Bag, Possession, and Length Limits. Two of the commenters provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption and stated that the bag limit for greater amberjack in state waters should remain the same. The department agrees with the comment and responds that the bag limit for greater amberjack in state waters is not affected by the rulemaking, which affects only the length limit. No changes were made as a result of the comment.

One commenter opposed adoption and stated that commercial harvest of any species listed as overfished should be prohibited. The department disagrees with the comment and responds that designation as "overfished" does not necessarily equate to immediate population concerns or threats. Several measures have been put in place since 2021 to ensure sustainability of greater amberjack populations at current levels of harvest. No changes were made as a result of the comment.

The department received 13 comments supporting adoption of the rule as proposed.

DIVISION 2. STATEWIDE RECREATIONAL FISHING PROCLAMATION

31 TAC §57.981

The amendment is adopted under the authority of Parks and Wildlife Code, Parks and Wildlife Code, §46.0085, which authorizes the department to issue tags for finfish species allowed by law to be taken during each year or season from coastal waters of the state to holders of licenses authorizing the taking of finfish species; §46.0086, which authorizes the commission to prescribe tagging requirements for the take of finfish; §50.004, which requires the department to issue and prescribe the form and manner of issuance for combination hunting and fishing licenses, including identification and compliance requirements; and Chapter 61, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 30, 2025.
TRD-202502176
James Murphy
General Counsel
Texas Parks and Wildlife Department
Effective date: September 1, 2025
Proposal publication date: February 21, 2025
For further information, please call: (512) 389-4775

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31 TAC §57.984, §57.985

The repeals are adopted under the authority of Parks and Wildlife Code, §46.0085, which authorizes the department to issue tags for finfish species allowed by law to be taken during each year or season from coastal waters of the state to holders of licenses authorizing the taking of finfish species; §46.0086, which authorizes the commission to prescribe tagging requirements for the take of finfish; §50.004, which requires the department to issue and prescribe the form and manner of issuance for combination hunting and fishing licenses, including identification and compliance requirements; and Chapter 61, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to

the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 30, 2025.
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James Murphy
General Counsel
Texas Parks and Wildlife Department
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Proposal publication date: February 21, 2025
For further information, please call: (512) 389-4775

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DIVISION 3. STATEWIDE COMMERCIAL FISHING PROCLAMATION

31 TAC §57.992

The amendment is adopted under the authority of Parks and Wildlife Code, Chapter 61, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 30, 2025.
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