

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

Commission on State Emergency Communications

Title 1, Part 12

The Commission on State Emergency Communications (CSEC) will review and consider whether to readopt, readopt with amendments, or repeal the rules in Title 1, Part 12, Texas Administrative Code, Chapter 254, *Regional Poison Control Centers*. This review is conducted in accordance with Government Code §2001.039.

CSEC has conducted a preliminary review of Chapter 254 and determined that the reasons for initially adopting the chapter continue to exist. CSEC does not at this time anticipate proposing amendments to its Chapter 254 rules other than to amend rule 254.2, *Poison Control Coordinating Committee*, to extend the date on which the committee is abolished to September 1, 2029. (See Proposed Rules section of this issue of the *Texas Register*.)

All comments or questions regarding this review may be submitted in writing within 30 days following publication of this notice in the *Texas Register* to Patrick Tyler, General Counsel, at The Commission on State Emergency Communications, 1801 Congress Avenue, Suite 11.100, Austin, Texas 78701; by facsimile to (512) 305-6937; or by email to csecinfo@csec.texas.gov. Please include "Chapter 254 Comments" in the subject line of the comments or questions. Any proposed changes to Chapter 254 will be published for comment in the "Proposed Rules" section of a subsequent issue of the *Texas Register*.

TRD-202302675

Patrick Tyler

General Counsel

Commission on State Emergency Communications

Filed: July 27, 2023



Texas Historical Commission

Title 13, Part 2

The Texas Historical Commission files this notice of intent to review and consider for re-adoption, revision or repeal, Chapter 12, related to the Texas Historic Courthouse Preservation Program.

Pursuant to Texas Government Code §2001.039, the Texas Historical Commission will assess whether the reason(s) for initially adopting these rules continue to exist. The rules will be reviewed to determine whether they are obsolete, reflect current legal and policy considerations, reflect current general provisions in the governance of the Commission, and/or whether they are in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedures Act).

The Commission will accept written comments received on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*. Comments as to whether the reasons for initially adopting these rules continue to exist may be submitted to Elizabeth Brummett, Director, Architecture Division, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276, or by email to elizabeth.brummett@thc.texas.gov. In a separate action, amendments to the rules are concurrently proposed. Any additional changes to the rules as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202302698

Mark Wolfe

Executive Director

Texas Historical Commission

Filed: July 28, 2023



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 281, Applications Processing.

This proposal is *limited* to the review in accordance with the requirements of 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 this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 281 continue to exist.

Comments regarding suggested changes to the rules in Chapter 281 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 281. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-087-281-OW. Comments must be received by September 12, 2023. For further

information, please contact Jarita Sepulvado, Waste Permits Division, at (512) 239-4413.

TRD-202302724

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 2, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 288, Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in 30 TAC Chapter 288 continue to exist.

Comments regarding suggested changes to the rules in 30 TAC Chapter 288 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in 30 TAC Chapter 288. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-088-288-OW. Comments must be received by September 12, 2023. For further information, please contact Jade Rutledge, Water Availability Division, at (512) 239-4559.

TRD-202302725

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 2, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 331, Underground Injection Control.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 331 continue to exist.

Comments regarding suggested changes to the rules in Chapter 331 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 331. Written comments may be submitted to

Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-086-331-WS. Comments must be received by September 12, 2023. For further information, please contact Jan Bates, Radioactive Materials Division, at (512) 239-6627.

TRD-202302723

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 2, 2023



Texas Water Development Board

Title 31, Part 10

The Texas Water Development Board (TWDB) files this notice of intent to review the rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 354.

This review is being conducted in accordance with the requirements of the Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years.

The TWDB will consider whether the initial factual, legal, and policy reasons for adopting each rule in these chapters and subchapters continue to exist and whether these rules should be repealed, readopted, or readopted with amendments.

Written comments on this notice may be submitted by mail to Office of General Counsel, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, by email to rulescomments@twdb.texas.gov, or by fax to (512) 475-2053. Comments will be accepted until 5:00 p.m. of the 31st day following publication in the Texas Register. Include "Chapter 354" in the subject line of any comments submitted.

TRD-202302697

Ashley Harden

General Counsel

Texas Water Development Board

Filed: July 28, 2023



Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 61, School Districts, Subchapter AA, Commissioner's Rules on School Finance; Subchapter BB, Commissioner's Rules on Reporting Requirements; Subchapter CC, Commissioner's Rules Concerning School Facilities; Subchapter DD, Commissioner's Rules Concerning Missing Child Prevention and Identification Programs; Subchapter EE, Commissioner's Rules on Prevention, Awareness, and Reporting of Child Abuse or Neglect, Including Trafficking of a Child; Subchapter FF, Commissioner's Rules Concerning Veterans and Military Dependents; Subchapter GG, Commissioner's Rules Concerning Counseling Public School Students; Subchapter HH, Commissioner's Rules Concerning Classroom Supply Reimbursement Program; Subchapter JJ, Commis-

sioner's Rules Concerning Automatic College Admission; and Subchapter KK, Commissioner's Rules on County Boards of Education, pursuant to Texas Government Code, §2001.039. TEA proposed the review of Chapter 61, Subchapters AA-KK, in the April 22, 2022 issue of the *Texas Register* (47 TexReg 2301).

Relating to the review of Chapter 61, Subchapter AA, TEA finds that the reasons for adopting Subchapter AA, §§61.1000, 61.1001, 61.1002, 61.1004, and 61.1006-61.1020 continue to exist and readopts the rules. TEA finds that the reasons for adopting §61.1003 and §61.1005 do not continue to exist. TEA anticipates proposing the repeal of §61.1003 and §61.1005 due to changes codified in House Bill 1525, 86th Texas Legislature, Regular Session, 2019. TEA received no comments related to the review of Subchapter AA.

Relating to the review of Chapter 61, Subchapter JJ, TEA finds that the reasons for adopting Subchapter JJ continue to exist and readopts the rule. TEA received comments related to the review of Subchapter JJ. Following are the comments received related to the review of Subchapter JJ and the corresponding responses.

Comment: One parent expressed support for the rule on automatic admission in Chapter 61, Subchapter JJ. The commenter stated that the top ten percent rule must continue to exist for students at all schools to be fairly admitted into Texas colleges and universities.

Response: The agency agrees that §61.1201 is necessary and appropriate in accordance with Texas Education Code (TEC), §28.026.

In the future, TEA anticipates proposing updates related to notification of automatic college admission and curriculum requirements for financial aid.

Relating to the review of Chapter 61, Subchapters BB-HH and KK, TEA finds that the reasons for adopting Subchapters BB-HH and KK continue to exist and readopts the rules. TEA received no comments related to the review of Subchapters BB-HH and KK. No changes to Subchapters CC, DD, FF, GG, HH, or KK are necessary as a result of the review. At a later date, TEA anticipates proposing updates to the title of §61.1021 in Subchapter BB and may update language in Subchapter EE to align with statute.

This concludes the review of Chapter 61.

TRD-202302736
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: August 2, 2023

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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 435, concerning Fire Fighter Safety. 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, issue of the *Texas Register* (46 TexReg 7080).

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 437.

TRD-202302669
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: July 26, 2023

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The Texas Commission on Fire Protection (commission) adopts the review of Texas Administrative Code, Title 37, Part 13, Chapter 439, concerning Examinations 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, issue of the *Texas Register* (46 TexReg 7081).

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 439.

TRD-202302670
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: July 26, 2023