

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

Prescribed Burning Board

Title 4, Part 13

The Texas Prescribed Burning Board (Board), a semi-independent board administratively attached to the Texas Department of Agriculture (Department), files this notice of intent to review the rules in Texas Administrative Code, Title 4, Part 13, Chapter 225 (General Provisions), Chapter 226 (Requirements for Certification by the Board), Chapter 227 (Requirements for Certified and Insured Prescribed Burn Managers), Chapter 228 (Procedures for Certified and Insured Prescribed Burn Managers), Chapter 229 (Continuing Fire Training), and Chapter 230 (Lead Burning Instructor Requirements). This review is being conducted in accordance with the requirements of Texas Government Code §2001.039 (Agency Review of Existing Rules).

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initial factual, legal, and policy reasons for adopting each rule continue to exist and whether these rules should be repealed, readopted, or readopted with amendments.

Written comments pertaining to this rule review may be submitted by mail to Danielle Mitchell, Assistant General Counsel, at Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711-2847 or by email at Danielle.Mitchell@TexasAgriculture.gov.

The deadline for comments is 30 days after publication of this notice in the *Texas Register*. Proposed changes to any of these rules as a result of the rule review will be published as separate rulemaking proceedings in the Proposed Rules section of the *Texas Register* at a later date. Any proposed rule changes will be open for public comment prior to amendment or repeal, in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

TRD-202202858
Skyler Shafer
Assistant General Counsel
Prescribed Burning Board
Filed: August 1, 2022



Texas Optometry Board

Title 22, Part 14

The Texas Optometry Board (Board) proposes to review and consider for readoption, revision, or repeal Chapter 280 Therapeutic Optometry, in its entirety.

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist.

During the review process, the Board may determine whether a specific rule requires amendments to refine the Board's rules that govern the certification and practice of therapeutic optometry; whether the rules reflect current practice interpretations; whether the rules reflect current procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Any proposed amendments or repeal of a rule or chapter 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 before final adoption or repeal.

Comments on the review of Chapter 280 Therapeutic Optometry, may be submitted to Texas Optometry Board, Attn: Kelly Parker at 1801 Congress Avenue, Suite 9.300, Austin, Texas 78701 or Kelly.parker@tob.texas.gov. The deadline for comments is thirty days after the date this notice is published in the *Texas Register*.

TRD-202202849
Kelly Parker
Executive Director
Texas Optometry Board
Filed: July 29, 2022



Adopted Rule Reviews

Teacher Retirement System of Texas

Title 34, Part 3

The Teacher Retirement System of Texas (TRS) adopts the four-year review of its rules in Texas Administrative Code, Title 34, Part 3 Chapters 21, 23, 25, 27, 29, 31, 33, 35, 39, 41, 43, 47, 49, and 51. TRS conducted its review in accordance with the requirements set forth in § 2001.039 of the Government Code. TRS received no comments on its proposed review, which was published in the June 3, 2022 issue of the *Texas Register* (47 TexReg 3277).

Relating to the review of Chapter 21, TRS finds that the reasons for adopting Chapter 21 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 23, TRS finds that the reasons for adopting Chapter 23 continue to exist and readopts the rules at this time without changes. At a later date, §§23.1, 23.7 and 23.8 will be

amended in separate rulemaking proceedings in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 25, TRS finds that the reasons for adopting Chapter 25 continue to exist and readopts the rules at this time without changes. At a later date, §§25.4, 25.6, 25.21, 25.25, 25.31, 25.35, 25.36, 25.123, 25.131, 25.152, and 25.172 will be amended in separate rulemaking proceedings in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 27, TRS finds that the reasons for adopting Chapter 27 continue to exist and readopts the rules at this time without changes. At a later date, §27.6, will be amended in a separate rulemaking proceeding in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 29, TRS finds that the reasons for adopting Chapter 29 continue to exist and readopts the rules at this time without changes. At a later date, §§29.9, 29.11, and 29.56 will be amended in separate rulemaking proceedings in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 31, TRS finds that the reasons for adopting Chapter 31 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 33, TRS finds that the reasons for adopting Chapter 33 continue to exist and readopts the rules without changes. At a later date, §33.6, will be amended in a separate rulemaking proceeding in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 35, TRS finds that the reasons for adopting Chapter 35 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 39, TRS finds that the reasons for adopting Chapter 39 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 41, TRS finds that the reasons for adopting the rules under Subchapter A (relating to Retiree Health Care Benefits (TRS-Care)) and Subchapter C (relating to Texas School Em-

ployees Group Health (TRS-Activecare)) continue to exist and readopts those rules without changes. The Board also finds that the reasons for adopting the rules under Subchapter B of Chapter 41 (relating to Long-Term Care, Disability and Life Insurance) no longer exist and, therefore, at a later date, §§41.15 - 41.20 will be repealed in a separate rulemaking proceeding in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 43, TRS finds that the reasons for adopting Chapter 43 continue to exist and readopts the rules at this time without changes. At a later date and in a separate rulemaking proceeding in accordance with the Texas Administrative Procedure Act, Chapter 43 will be amended or repealed and readopted to reorganize the chapter.

Relating to the review of Chapter 47, TRS finds that the reasons for adopting Chapter 47 continue to exist and readopts the rules without changes.

Relating to the review of Chapter 49, TRS finds that the reasons for adopting Chapter 49 continue to exist and readopts the rules without changes. At a later date, §49.2 will be amended in a separate rulemaking proceeding in accordance with the Texas Administrative Procedure Act.

Relating to the review of Chapter 51, TRS finds that the reasons for adopting Chapter 51 continue to exist and readopts the rules at this time without changes. At a later date, §51.1 and §51.2 will be amended in separate rulemaking proceedings in accordance with the Texas Administrative Procedure Act.

This concludes the review of Texas Administrative Code, Title 34, Part 3 Chapters 21, 23, 25, 27, 29, 31, 33, 35, 39, 41, 43, 47, 49, and 51.

TRD-202202847

Brian Guthrie

Executive Director

Teacher Retirement System of Texas

Filed: July 29, 2022

