

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

Credit Union Department

Title 7, Part 6

Chapter 97, Subchapter A, concerning General Provisions, consisting of §§97.101, (Meetings), 97.102 (Delegation of Duties), 97.103 (Recusal or Disqualification of Commission Members), 97.105 (Frequency of Examination), and 97.107 (Related Entities).

Chapter 97, Subchapter B, Fees, consisting of §§97.113 (Fees and Charges), 97.114 (Charges for Public Records), 97.115 (Reimbursement of Legal Expenses), and 97.116 (Recovery of Costs for Extraordinary Services not Related to an Examination).

Chapter 97, Subchapter C, Department Operations, consisting of §§97.200 (Employee Training Program), 97.205 (Use of Historically Underutilized Businesses), 97.206 (Posting of Certain Contracts; Enhanced Contracts and Performance Monitoring), 97.207 (Contracts for Professional or Personal Service) and 97.208 (Vendor Protests).

Chapter 97, Subchapter D, Gifts and Bequests, consisting of §97.300 (Gifts of Money or Property).

Chapter 97, Subchapter E, Advisory Committees, consisting of §97.401 (General Requirements).

Chapter 97, Subchapter F, Rulemaking, consisting of §§97.500 (Petitions to Initiate Rulemaking Proceedings), and 97.501 (Hearing on Proposed Rules).

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commission believes that the reasons for adopting the rules contained in these chapters continue to exist. 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* as to whether the reasons for adopting these rules continue to exist. The commission also invites comments on how to make these rules easier to understand. For example:

Does the rule organize the material to suit your needs? If not, how could the material be better organized?

Does the rule clearly state the requirements? If not, how could the rule be more clearly stated?

Does the rule contain technical language or jargon that is not clear? If so, what language requires clarification?

Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand? If so, what changes to the format would make the rule easier to understand?

Would more (but shorter) sections be better in any of the rules? If so, what sections should be changed?

Each rule will also 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 Credit Union Department.

Any questions or written comments pertaining to this notice should be directed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699, or by email to cudmail@cupd.texas.gov. Any proposed amendments as a result of the review will be published in the *Texas Register* in compliance with Texas Government Code, Chapter 2001, and will be open for an additional 31-day public comment period prior to final adoption or repeal by the commission.

TRD-202500609

Michael S. Riepen

Commissioner

Credit Union Department

Filed: February 19, 2025



Texas Higher Education Coordinating Board

Title 19, Part 1

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 22, Subchapter A, General Provisions, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 22, Subchapter A, should continue.

Comments on the review may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 22, Subchapter A.

TRD-202500552

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: February 14, 2025

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Texas Education Agency

Title 19, Part 2

Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 70, Technology-Based Instruction, Subchapter AA, Commissioner's Rules Concerning the Texas Virtual School Network (TxVSN), pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 70, Subchapter AA, continue to exist. The public comment period on the review begins February 28, 2025, and ends March 31, 2025. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review>.

TRD-202500597

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 18, 2025

◆ ◆ ◆
The State Board of Education (SBOE) proposes the review of 19 TAC Chapter 101, Assessment, Subchapter A, General Provisions; Subchapter B, Implementation of Assessments; and Subchapter C, Local Option, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting Chapter 101, Subchapters A-C, continue to exist.

The public comment period on the review begins February 28, 2025, and ends at 5:00 p.m. on March 31, 2025. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/sboe-rules-tac/state-board-of-education-rule-review>. The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in April 2025 in accordance with the SBOE board operating policies and procedures.

TRD-202500593

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 18, 2025

◆ ◆ ◆
Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 101, Assessment, Subchapter AA, Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments; Subchapter CC, Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program; Subchapter DD, Commissioner's Rules Concerning Substitute Assessments for Graduation; Subchapter EE, Commissioner's Rules Concerning the Statewide Testing Calendar and UIL Participation; and Subchapter FF, Commissioner's Rules Concerning Diagnostic Assessment, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 101, Subchapters AA and CC-FF, continue to exist.

The public comment period on the review begins February 28, 2025, and ends March 31, 2025. A form for submitting public

comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review>.

TRD-202500594

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 18, 2025

◆ ◆ ◆
The State Board of Education (SBOE) proposes the review of 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter A, Budgeting, Accounting, Financial Reporting, and Auditing for School Districts; Subchapter B, Texas Education Agency Audit Functions; Subchapter C, Adoptions by Reference; and Subchapter D, Uniform Bank Bid or Request for Proposal and Depository Contract, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting Chapter 109, Subchapters A-D, continue to exist.

The public comment period on the review begins February 28, 2025, and ends at 5:00 p.m. on March 31, 2025. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/sboe-rules-tac/state-board-of-education-rule-review>. The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in April 2025 in accordance with the SBOE board operating policies and procedures.

TRD-202500595

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 18, 2025

◆ ◆ ◆
Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 109, Budgeting, Accounting, and Auditing, Subchapter AA, Commissioner's Rules Concerning Financial Accountability; Subchapter BB, Commissioner's Rules Concerning Financial Exigency; Subchapter CC, Commissioner's Rules Concerning Federal Fiscal Compliance and Reporting; Subchapter DD, Commissioner's Rules Concerning Fiscal Peer Groups; and Subchapter EE, Commissioner's Rules Concerning Financial Accounting Guidelines, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 109, Subchapters AA-EE, continue to exist.

The public comment period on the review begins February 28, 2025, and ends March 31, 2025. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review>.

TRD-202500596

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 18, 2025

Texas Real Estate Commission

Title 22, Part 23

The Texas Real Estate Commission (TREC) files this notice of intention to review Texas Administrative Code, Title 22, Part 23, Chapter 537, Professional Agreements and Standard Contracts, and Chapter 543, Rules Relating to the Provisions of the Texas Timeshare Act. This review is undertaken pursuant to Government Code, §2001.039. TREC will accept comments for 30 days following the publication of this notice in the *Texas Register* as to whether the reasons for adopting the sections under review continue to exist. Final consideration of this rule review is expected at the TREC meeting in August 2025.

Any questions or comments pertaining to this notice of intention to review should be directed to Abby Lee, General Counsel, Texas Real Estate Commission. P.O. Box 12188, Austin, Texas 78711-2188 or e-mailed to general.counsel@trec.texas.gov within 30 days of publication.

During the review process, TREC may determine that a specific rule may need to be amended to further refine TREC's legal and policy considerations; whether the rules reflect current TREC 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. Readopted rules will be noted in the *Texas Register's* Rules Review section without publication of the text. 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 prior to final adoption or repeal.

Issued in Austin, Texas on February 10, 2025.

TRD-202500516
Abby Lee
General Counsel
Texas Real Estate Commission
Filed: February 13, 2025



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for re Adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 100, Immunization Registry

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. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 100, Immunization Registry, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 100" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or

on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202500504
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: February 13, 2025



Texas Department of Insurance, Division of Workers' Compensation

Title 28, Part 2

The Texas Department of Insurance, Division of Workers' Compensation (DWC) will review all sections in 28 Texas Administrative Code:

- Chapter 140 (Dispute Resolution--General Provisions);
- Chapter 141 (Dispute Resolution--Benefit Review Conference);
- Chapter 142 (Dispute Resolution--Benefit Contested Case Hearing);
- Chapter 143 (Dispute Resolution Review by the Appeals Panel);
- Chapter 144 (Dispute Resolution);
- Chapter 147 (Dispute Resolution--Agreements, Settlements, Commutations);
- Chapter 148 (Hearings Conducted by the State Office of Administrative Hearings);
- Chapter 150 (Representation of Parties Before the Agency--Qualifications for Representatives);
- Chapter 152 (Attorney Fees); and
- Chapter 156 (Representation of Parties Before the Agency--Carrier's Austin Representative).

This review complies with the requirements for periodic rule review under Texas Government Code §2001.039.

DWC will consider whether the reasons for initially adopting these rules continue to exist, and whether these rules should be repealed, readopted, or readopted with amendments.

Comments

To comment on this review, you must:

- Submit your written comments by 5:00 p.m., Central time, on March 28, 2025.
- Specify the rule to which your comment applies.
- Include any proposed alternative language.

Send your written comments or hearing request to RuleComments@tdi.texas.gov or to:

Legal Services, MC-LS
Texas Department of Insurance, Division of Workers' Compensation
P.O. Box 12050
Austin, Texas 78711-2050

DWC may consider any suggested repeals or amendments identified during this rule review in future rulemaking under Texas Government Code Chapter 2001 (Administrative Procedure).

TRD-202500601

Kara Mace
General Counsel
Texas Department of Insurance, Division of Workers' Compensation
Filed: February 18, 2025

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Adopted Rule Reviews

Texas Board of Professional Engineers and Land Surveyors

Title 22, Part 6

The Texas Board of Professional Engineers and Land Surveyors (board) has completed its review of Texas Administrative Code, Title 22, Part 6, Chapter 131, Organization and Administration. The review was conducted in accordance with Government Code §2001.039. Notice of the review was published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9775). No comments were received in response to the notice. The board finds that the reasons for initially adopting the rules reviewed continue to exist and readopts 22 TAC Chapter 131.

TRD-202500523
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: February 13, 2025

◆ ◆ ◆
The Texas Board of Professional Engineers and Land Surveyors (board) has completed its review of Texas Administrative Code, Title 22, Part 6, Chapter 133, Licensing for Engineers. The review was conducted in accordance with Government Code §2001.039. Notice of the review was published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9775). No comments were received in response to the notice. The board finds that the reasons for initially adopting the rules reviewed continue to exist and readopts 22 TAC Chapter 133.

TRD-202500524
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: February 13, 2025

◆ ◆ ◆
The Texas Board of Professional Engineers and Land Surveyors (board) has completed its review of Texas Administrative Code, Title 22, Part 6, Chapter 134, Licensing, Registration, and Certification for Surveyors. The review was conducted in accordance with Government Code §2001.039. Notice of the review was published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9775). No comments were received in response to the notice. The board finds that the reasons for initially adopting the rules reviewed continue to exist and readopts 22 TAC Chapter 134.

TRD-202500525
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: February 13, 2025

◆ ◆ ◆
The Texas Board of Professional Engineers and Land Surveyors (board) has completed its review of Texas Administrative Code, Title 22, Part 6, Chapter 135, Engineering Firm Registration. The review

was conducted in accordance with Government Code §2001.039. Notice of the review was published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9775). No comments were received in response to the notice. The board finds that the reasons for initially adopting the rules reviewed continue to exist and readopts 22 TAC Chapter 135.

TRD-202500526
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: February 13, 2025

◆ ◆ ◆
The Texas Board of Professional Engineers and Land Surveyors (board) has completed its review of Texas Administrative Code, Title 22, Part 6, Chapter 136, Surveying Firm Registration. The review was conducted in accordance with Government Code §2001.039. Notice of the review was published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9776). No comments were received in response to the notice. The board finds that the reasons for initially adopting the rules reviewed continue to exist and readopts 22 TAC Chapter 136.

TRD-202500529
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: February 13, 2025

◆ ◆ ◆
The Texas Board of Professional Engineers and Land Surveyors (board) has completed its review of Texas Administrative Code, Title 22, Part 6, Chapter 137, Compliance and Professionalism for Engineers. The review was conducted in accordance with Government Code §2001.039. Notice of the review was published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9776). No comments were received in response to the notice. The board finds that the reasons for initially adopting the rules reviewed continue to exist and readopts 22 TAC Chapter 137.

TRD-202500527
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: February 13, 2025

◆ ◆ ◆
The Texas Board of Professional Engineers and Land Surveyors (board) has completed its review of Texas Administrative Code, Title 22, Part 6, Chapter 138, Compliance and Professionalism for Surveyors. The review was conducted in accordance with Government Code §2001.039. Notice of the review was published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9776). No comments were received in response to the notice. The board finds that the reasons for initially adopting the rules reviewed continue to exist and readopts 22 TAC Chapter 138.

TRD-202500528
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: February 13, 2025

The Texas Board of Professional Engineers and Land Surveyors (board) has completed its review of Texas Administrative Code, Title 22, Part 6, Chapter 139, Enforcement. The review was conducted in accordance with Government Code §2001.039. Notice of the review was published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9776). No comments were received in response to the notice. The board finds that the reasons for initially adopting the rules reviewed continue to exist and readopts 22 TAC Chapter 139.

TRD-202500530
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: February 13, 2025



The Texas Board of Professional Engineers and Land Surveyors (board) has completed its review of Texas Administrative Code, Title 22, Part 6, Chapter 140, Criminal History and Convictions. The review was conducted in accordance with Government Code §2001.039. Notice of the review was published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9776). No comments were received in response to the notice. The board finds that the reasons for initially adopting the rules reviewed continue to exist and readopts 22 TAC Chapter 140.

TRD-202500531
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: February 13, 2025



Texas State Board of Pharmacy

Title 22, Part 15

The Texas State Board of Pharmacy adopts the review of Chapter 291, Subchapter G (§§291.120, 291.121, 291.123, 291.125, 291.127, 291.129, 291.131, 291.133), concerning Pharmacies (Services Provided by Pharmacies), pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the December 20, 2024, issue of the *Texas Register* at (49 TexReg 10393).

No comments were received.

The agency finds the reasons for adopting the rules contained in Chapter 291 continue to exist.

TRD-202500497
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: February 12, 2025



The Texas State Board of Pharmacy adopts the review of Chapter 291, Subchapter H (§§291.151, 291.153), concerning Pharmacies (Other Classes of Pharmacy), pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The

proposed rule review was published in the December 20, 2024, issue of the *Texas Register* at 49 TexReg 10393.

No comments were received.

The agency finds the reasons for adopting the rules contained in Chapter 291 continue to exist.

TRD-202500498
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: February 12, 2025



The Texas State Board of Pharmacy adopts the review of Chapter 297 (§§297.1- 297.11), concerning Pharmacy Technicians and Pharmacy Technician Trainees, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the December 20, 2024, issue of the *Texas Register* at 49 TexReg 10393.

No comments were received.

The agency finds the reasons for adopting the rules contained in Chapter 297 continue to exist.

TRD-202500499
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: February 12, 2025



Texas Department of Motor Vehicles

Title 43, Part 10

The Texas Department of Motor Vehicles (department) files this notice of readoption of Title 43 Texas Administrative Code (TAC), Part 10, Chapter 210, Contract Management, Subchapter A, §§210.1 - 210.3, Subchapter C, §§210.41 - 210.43 that were published in the *Texas Register*. The review was conducted pursuant to Government Code §2001.039.

Notice of the department's intention to review was published in the November 8, 2024, issue of the *Texas Register* (49 TexReg 9031). The department did not receive any comments on the rule review for Chapter 210.

As a result of the review, the department readopts Chapter 210 in accordance with the requirements of Government Code, §2001.039, with new sections and repeal. The department has determined that the reasons for initially adopting the readopted rules continue to exist.

This concludes the review of Chapter 210, Contract Management.

TRD-202500536
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Filed: February 14, 2025

