

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

Motor Vehicle Crime Prevention Authority

Title 43, Part 3

The Texas Department of Motor Vehicles (department) will review and consider whether to readopt, readopt with amendments, or repeal 43 Texas Administrative Code, Chapter 57, Motor Vehicle Crime Prevention Authority. This review is being conducted pursuant to Government Code, §2001.039.

The board of the Motor Vehicle Crime Prevention Authority will assess whether the reasons for initially adopting these rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments.

If you want to comment on this rule proposal, submit your written comments by 5:00 p.m. Central Standard Time on December 9, 2024. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to rules@txdmv.gov or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

Any proposed changes to sections of this chapter will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day comment period.

TRD-202404968
David Richards
General Counsel
Motor Vehicle Crime Prevention Authority
Filed: October 23, 2024



Texas Department of Motor Vehicles

Title 43, Part 10

The Texas Department of Motor Vehicles (department) will review and consider whether to readopt, readopt with amendments, or repeal 43 Texas Administrative Code, Chapter 210, Contract Management, and Chapter 211, Criminal History Offense and Action on License. This review is being conducted pursuant to Government Code, §2001.039.

The board of the Texas Department of Motor Vehicles will assess whether the reasons for initially adopting these rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments.

If you want to comment on this rule review proposal, submit your written comments by 5:00 p.m. Central Standard Time on December 9, 2024. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to rules@txdmv.gov or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

Proposed changes to sections of Chapter 210 and Chapter 211 are published in the Proposed Rules section of this issue of the *Texas Register* and are open for a 30-day public comment period.

TRD-202404974
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Filed: October 24, 2024



Adopted Rule Reviews

Finance Commission of Texas

Title 7, Part 1

The Finance Commission of Texas (commission) has completed the rule review of Texas Administrative Code, Title 7, Part 1, Chapter 7, concerning Texas Financial Education Endowment Fund, in its entirety. The rule review was conducted under Texas Government Code, §2001.039.

Notice of the review of 7 TAC Chapter 7 was published in the August 2, 2024, issue of the *Texas Register* (49 TexReg 5783). The commission received no comments in response to that notice. The commission believes that the reasons for initially adopting the rules contained in this chapter continue to exist.

As a result of the rule review, the commission finds that the reasons for initially adopting the rules in 7 TAC Chapter 7 continue to exist, and readopts this chapter in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202405058
Matthew Nance
General Counsel, Office of Consumer Credit Commissioner
Finance Commission of Texas
Filed: October 25, 2024



Texas Lottery Commission

Title 16, Part 9

The Texas Lottery Commission (Commission) has reviewed the Commission's rules at 16 Texas Administrative Code (TAC) Chapter 401 (Administration of State Lottery Act) in accordance with the requirements of Texas Government Code §2001.039 (Agency Review of Existing Rules), and hereby readopts the rules in Chapter 401. The Commission has determined that the reasons for adopting each of the rules in Chapter 401 continue to exist, as discussed below. As a result of this review, and as discussed below, the Commission has determined that some rules in Chapter 401 need to be amended, actions which will be proposed in a separate rulemaking proceeding.

Among the more significant changes, the proposed amendments will address issues identified as rulemaking gaps in the May 2024 Texas Sunset Advisory Commission Staff Report (Staff Report). Specifically, the Staff Report noted that there was "no clarification as to whether internet sales of lottery products are prohibited" (addressed in Rules 401.153(b)(12), 401.158(b)(27), 401.160(h), and 401.355(a)), and "no explanation of what it means for a person to 'engage in a business exclusively as a (lottery) sales agent' for purposes of licensure" (addressed in Rule 401.153(b)(13)).

The proposed rule amendments will also clarify procurement procedures and the time period a bidder or proposer has to respond to an appeal of certain protest decisions issued by the agency in procurements; update several definitions; update a provision in the scratch ticket game rule to make it more consistent with the draw game rule; update the scratch and draw ticket prize claim processes; and update the language regarding lottery security to state that several divisions of the Commission are responsible for developing and maintaining security plans and procedures, and confirming that these plans and procedures are protected from required public disclosure as allowed under the Texas Public Information Act.

The Chapter 401 rules consist of seven (7) subchapters with a total of sixty-seven (67) rules. Subchapter A (Procurement) includes the following rules:

- §401.101 - Lottery Procurement Procedures
- §401.102 - Protests of the Terms of a Formal Competitive Solicitation
- §401.103 - Protests of Contract Award
- §401.104 - Contract Monitoring Roles and Responsibilities
- §401.105 - Major Procurement Approval Authority, Responsibilities and Reporting

Because the Commission contracts for certain lottery-related goods and services, the Subchapter A procurement rules are necessary for the administration and operation of the lottery; thus, the reasons for these rules continue to exist.

The Commission, however, will propose amendments to Rule 401.101 to clarify the rules governing the Invitation for Bid (IFB) procurement method by reorganizing the section and by adding language that describes the process used for IFBs. The proposed amendments will also clarify certain differences between the Request for Proposals (RFP) and IFB procurement methods.

The proposed amendments to Rule 401.102 will add language stating that the email address designated by the vendor for correspondence in the procurement will also serve as the email address for notice of proceedings and decisions under this section.

The proposed amendments to Rule 401.103(g) will clarify the time period a successful bidder or proposer has to respond to an appeal of an agency determination of a vendor's protest to a contract award resulting from a competitive solicitation. Also, the proposal will add language

stating that the email address designated by the vendor for correspondence in the procurement will also serve as the email address for notice of proceedings and decisions under this section.

The proposed amendments to Rule 401.104 will clarify that the agency may assign designated personnel to monitor contract compliance and facilitate historically underutilized business participation, in addition to the existing divisions within the agency that handle these matters.

Subchapter B (Licensing of Sales Agents) includes the following rules:

- §401.152 - Application for License
- §401.153 - Qualifications for License
- §401.155 - Expiration of License
- §401.156 - Renewal of License
- §401.157 - Provisional License
- §401.158 - Suspension or Revocation of License
- §401.159 - Summary Suspension of License
- §401.160 - Standard Penalty Chart

The Commission licenses approximately twenty-one thousand (21,000) lottery ticket sales agents in Texas. The Subchapter B rules set forth the license application and renewal process, qualification requirements, license terms, and disciplinary process applicable to lottery ticket sales agents. These rules are necessary for the administration of the Commission's lottery licensing program; thus, the reasons for adopting them continue to exist.

The Commission, however, has determined that proposed amendments to Rule 401.153(b)(12) are necessary to clarify that an application for a sales agent license will be denied if the applicant intends to sell lottery tickets via the internet, and proposed amendments to Rule 401.153(b)(13) are needed to reiterate the prohibition in the State Lottery Act that an application for a sales agent license will be denied if the applicant intends to engage in business exclusively as a Texas Lottery ticket sales agent (as defined in the proposed amendments). This change will address gaps that were identified by the Staff Report.

Proposed amendments to Rule 401.153 will also add a provision that, based upon consideration of the factors in Rule 401.160(g), the director may determine a person or organization whose license has been revoked, surrendered or denied is not eligible to apply for another license for one year.

The proposed amendments to Rule 401.158(b)(23) will make it an express violation to require a purchaser to buy additional items when paying for lottery tickets with a debit card and the proposed amendments to Rule 401.158(b)(27) will make it an express violation to sell lottery tickets over the internet.

The proposed amendments to Rule 401.160 will update the penalty chart and correspond with the proposed amendments to Rules 401.158(b)(23) and (27) referenced above.

Subchapter C (Practice and Procedure) includes the following rules:

- §401.201 - Intent and Scope of Rules
- §401.202 - Construction of Rules
- §401.203 - Contested Cases
- §401.205 - Initiation of a Hearing
- §401.207 - Written Answer; Default Proceedings
- §401.211 - Law Governing Contested Cases
- §401.216 - Subpoenas, Depositions, and Orders to Allow Entry

§401.220 - Motion for Rehearing

§401.227 - Definitions

Subchapter C includes rules applicable to enforcement matters and other contested proceedings involving a lottery or bingo licensee or applicant under the State Lottery Act or the Bingo Enabling Act, respectively. In addition, the Texas Administrative Procedure Act at §2001.004 requires state agencies to adopt such rules of practice. Thus, the reasons for adopting the Subchapter C rules continue to exist. No substantive amendment or repeal of these rules is recommended at this time.

Subchapter D (Lottery Game Rules) includes the following rules:

§401.301 - General Definitions

§401.302 - Scratch Ticket Game Rules

§401.303 - Grand Prize Drawing Rule

§401.304 - Draw Game Rules (General)

§401.305 - "Lotto Texas" Draw Game Rule

§401.306 - Video Lottery Games

§401.307 - "Pick 3" Draw Game Rule

§401.308 - "Cash Five" Draw Game Rule

§401.309 - Assignability of Prizes

§401.310 - Payment of Prize Payments Upon Death of Prize Winner

§401.312 - "Texas Two Step" Draw Game Rule

§401.313 - Promotional Drawings

§401.314 - Retailer Bonus Programs

§401.315 - "Mega Millions" Draw Game Rule

§401.316 - "Daily 4" Draw Game Rule

§401.317 - "Powerball" Draw Game Rule

§401.318 - Withholding of Delinquent Child-Support Payments from Lump-sum and Periodic Installment Payments of Lottery Winnings in Excess of Six Hundred Dollars

§401.319 - Withholding of Child-Support Payments from Periodic Installment Payments of Lottery Winnings

§401.320 - "All or Nothing" Draw Game Rule

§401.321 - Scratch Tickets Containing Non-English Words

§401.324 - Prize Winner Election to Remain Anonymous

Subchapter D includes the Commission's lottery game rules. These rules provide information regarding how Texas Lottery scratch ticket and draw games are played, the prizes that can be won, the methods by which lottery tickets may be claimed and validated, as well as information relating to debt set-off for child-support payments, retailer bonus programs, payment of prize money to the estate of a deceased prize winner, and statements to be included in court orders involving assignments of prize payments. Because the Commission generates revenue for the state through the sale of lottery game tickets, the reasons for adopting each of these rules continue to exist.

The Commission, however, has determined that amendments to Rule 401.301(1), (4), (51), and (55) are necessary to make minor updates to multiple definitions to increase the clarity of those definitions. The proposed amendments will also add a definition of "Present at the terminal" that was deleted in a non-substantive rule amendment in August 2020. The purpose of re-inserting the definition, in combination with

the related proposed amendment to Rule 401.304(b)(3), is to dispel any misconception that the deletion was substantive and make clear that all aspects of a sales transaction under Rule 401.304 must take place at the retail location.

The proposed amendments to Rule 401.302(a)(1) will add language from Rule 401.304(b)(3) (Draw Game Rules (General)) regarding the requirement that all aspects of a ticket purchase must take place at a licensed retail location, to make Rule 401.302 more consistent with Rule 401.304. The proposed amendments to Rule 401.302(e)(6) and (f)(2) will update the rule by requiring all scratch ticket prize claim processes to be made in accordance with Commission procedures and deleting requirements that are inapplicable to mobile prize claims.

The proposed amendments to Rule 401.304(b)(3) will add language that was deleted in a non-substantive rule amendment in 2020 to reiterate and clarify that no part of a draw game ticket sale may take place away from the terminal. The proposed amendments to Rule 401.304(d)(3) will update the rule by requiring all draw ticket prize claim processes to be made in accordance with Commission procedures and deleting requirements that are inapplicable to mobile prize claims.

Subchapter E (Retailer Rules) includes the following rules:

§401.351 - Proceeds from Ticket Sales

§401.352 - Settlement Procedures

§401.353 - Retailer Settlements, Financial Obligations, and Commissions

§401.355 - Restricted Sales

§401.357 - Texas Lottery as Retailer

§401.360 - Payment of Prizes

§401.361 - Required Purchases of Lottery Tickets

§401.362 - Retailer's Financial Responsibility for Lottery Tickets Received and Subsequently Damaged or Rendered Unsaleable, for Winning Lottery Tickets Paid and for Lottery-Related Property

§401.363 - Retailer Record

§401.364 - Training

§401.366 - Compliance with All Applicable Laws

§401.368 - Lottery Ticket Vending Machines

§401.370 - Retailer's Financial Responsibility for Lottery Tickets Received and Subsequently Stolen or Lost

§401.371 - Collection of Delinquent Obligations for Lottery Retailer Related Accounts

§401.372 - Display of License

As noted above, the Commission licenses approximately 21,000 lottery ticket sales agents. The Subchapter E rules set forth the operational requirements, duties, and obligations of sales agents, including their financial responsibility to the State of Texas. These rules are necessary for the administration and effective oversight of Texas Lottery ticket sales; thus, the reasons for adopting these rules continue to exist.

The Commission, however, has determined that amendments to Rule 401.355(a) are necessary to clarify that retailers shall not sell lottery tickets via the internet, a gap that was identified by the Staff Report, and the proposed amendments to Rule 401.355(b) will update a cross-reference.

Subchapter F (ADA Requirements) includes the following rules:

§401.401 - Definitions

- §401.402 - General Requirements
- §401.403 - Readily Achievable Barrier Removal
- §401.404 - Priority of ADA Compliance by Lottery Licensees
- §401.405 - Alternatives to Barrier Removal
- §401.406 - Future Alterations to a Lottery Licensed Facility
- §401.407 - Complaints Relating to Non-accessibility
- §401.408 - Requests for Hearings

The Subchapter F rules address the prohibition against discrimination imposed by the federal Americans with Disabilities Act (ADA), compliance by licensed lottery ticket sales agents with ADA accessibility requirements, and the procedure for the Commission to receive and to address complaints regarding discrimination or accessibility under the ADA. Because the designated location of a Texas Lottery ticket sales agent license is subject to the ADA's requirements, the reasons for adopting each of these rules continue to exist. No substantive amendment or repeal of these rules is recommended at this time.

Subchapter G (Lottery Security) includes the following rule:

§401.501 - Lottery Security

The reasons for adopting §401.501, regarding the Commission's statutory mandate to ensure the security and integrity of the Texas Lottery, and to maintain a security plan and other security procedures, continue to exist.

The Commission, however, will propose amendments to Rule 401.501 to update the language regarding lottery security to state that several divisions of the Commission are responsible for developing and maintaining security plans and procedures, including information security, gaming security, and facility security as required by the State Lottery Act to ensure the integrity and security of the lottery games, and confirming that these plans and procedures are protected from required public disclosure as allowed under the Texas Public Information Act.

The Commission will propose amendments to the rules requiring amendments in a separate rulemaking action.

This review and readoption has been conducted in accordance with the requirements of Texas Government Code §2001.039. The Commission received no comments on the proposed review, which was published in the October 27, 2023 issue of the *Texas Register* (48 TexReg 6393).

This action concludes the Commission's review of 16 TAC Chapter 401.

TRD-202405169
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: October 30, 2024



The Texas Lottery Commission (Commission) has reviewed the Commission's rules at 16 Texas Administrative Code (TAC) Chapter 402 (Charitable Bingo Operations Division) in accordance with the requirements of Texas Government Code §2001.039 (Agency Review of Existing Rules), and hereby readopts the rules in Chapter 402. The Commission has determined that the reasons for adopting each of the rules in Chapter 402 continue to exist, as discussed below. As a result of this review, and as discussed below, the Commission has determined that some rules in Chapter 402 need to be repealed, added, or amended, actions which will be proposed in a separate rulemaking proceeding. The repeal of several rules is for organizational purposes only and their sub-

stance will remain in other rules. Further, the Commission notes that the Bingo Advisory Committee (BAC) met on April 3, 2024, June 5, 2024, and August 6, 2024, to discuss this rule review and presented the staff with its recommendations and comments. On August 7, 2024, during a meeting of the Commission, BAC Chairman Trace Smith informed the Commissioners that the BAC supports closing the rule review process and moving forward with the proposed rulemaking. The purpose of the BAC includes advising the Commission on the needs and problems of the state's bingo industry and to report their activities to the Commission. The Commission hereby takes the BAC's recommendations under advisement and will continue to work with the BAC and industry stakeholders on future rulemaking initiatives.

Among the more significant changes, the proposed amendments will address issues identified as rulemaking gaps in the May 2024 Texas Sunset Advisory Commission Staff Report (Staff Report). Specifically, the Staff Report noted that there was "no clarification of what classifies as a bingo hall's 'premises'... (addressed in Rule 402.100), "no clarification that bingo products may not be purchased using a credit card ... (addressed in Rule 402.200), "no clarification of how certain grandfathered bingo licenses may be transferred" (addressed in Rule 402.443), and "no definition of what constitutes a repeat violation ... (addressed in Rule 402.706). The Staff Report also recommended considering a licensee's compliance history in audit determinations (addressed in Rule 402.703) and eliminating warnings for serious offenses and repeat violations of less serious offenses (addressed in Rules 402.706 and 402.707).

The proposed amendments will also amend aspects of the BAC to ensure that it complies with the Bingo Enabling Act (BEA); break two comprehensive rules on pull-tabs and bingo paper into multiple smaller rules for ease of reference; create a single standard for determining when a form, report, application, or payment has been mailed to the Commission; clarify and update agency processes; eliminate references to terms, laws, and processes that are no longer in place; and conform the rules to the BEA.

The Chapter 402 rules consist of seven (7) subchapters with a total of seventy-nine (79) rules. Subchapter A (Administration) consists of the following rules:

- §402.100 - Definitions
- §402.101 - Advisory Opinions
- §402.102 - Bingo Advisory Committee
- §402.103 - Training Program
- §402.104 - Delinquent Obligations

Subchapter A consists of rules addressing the Commission's administration of charitable bingo and the process for handling delinquent obligations owed to the Commission.

Rule 402.100 remains necessary and the reasons for initially adopting the rule continue to exist because this rule defines key terms used throughout the Chapter 402 rules.

Rule 402.101 remains necessary and the reasons for initially adopting the rule continue to exist, because this rule provides details regarding the process for requesting and issuing bingo advisory opinions, which is a duty imposed upon the Commission under Texas Occupations Code §2001.059.

Rule 402.102 governs the operations of the BAC and the reasons for initially adopting the rule continue to exist.

Rule 402.103 remains necessary and the reasons for initially adopting the rule continue to exist, because the rule implements Texas Occupations Code §2001.107, which requires the Commission to establish by

rule a training program for certain individuals associated with bingo conductors.

Finally, Rule 402.104 remains necessary and the reasons for initially adopting the rule continue to exist, because this rule implements Texas Government Code §2107.002, which requires all state agencies to establish procedures by rule for collecting delinquent obligations.

The Commission, however, intends to propose amendments to Rules 402.100, 402.101, 402.102, 402.103, and to propose a new rule at 402.105.

The proposed amendments to Rule 402.100 will include a definition of "premises", as noted in the Staff Report.

The proposed amendments to Rule 402.101 will change a reference to the bingo operations director from "his" to "his or her" and eliminate the requirement that the general counsel approve bingo advisory opinions before they are issued.

The proposed amendments to Rule 402.102 are necessary to ensure that the BAC appointment process complies with the Bingo Enabling Act (BEA) and to allow for virtual meetings.

The proposed amendments to Rule 402.103 are needed to reflect that the agency does not always offer conductors on-site training and to codify the agency's practice that non-regular conductors are not subject to training requirements.

The proposed new Rule 402.105 will provide a single standard for determining the delivery date of all submissions to the agency. No other substantive amendments are recommended at this time.

Subchapter B (Conduct of Bingo) consists of the following rules:

§402.200 - General Restrictions on the Conduct of Bingo

§402.201 - Prohibited Bingo Occasion

§402.202 - Transfer of Funds

§402.203 - Unit Accounting

§402.204 - Prohibited Price Fixing

§402.205 - Unit Agreements

§402.210 - House Rules

§402.211 - Other Games of Chance

§402.212 - Promotional Bingo

Subchapter B consists of rules governing the conduct and operation of charitable bingo, the creation and operation of bingo units, the transfer of funds into an organization's bingo account, the prohibition on price fixing for bingo equipment, and the restrictions on other games of chance conducted during a bingo occasion. These rules remain necessary and the reasons for initially adopting these rules continue to exist, because they help ensure that charitable bingo in Texas is conducted fairly and in accordance with Article III, Section 47 of the Texas Constitution and the BEA.

The Commission, however, intends to propose amendments to Rules 402.200, 402.201, 402.202, 402.203, 402.210, and 402.212.

The proposed amendments to Rule 402.200 will correct a typo and specify that formal complaints to the Commission must be in writing. The amendments will also codify a prior bingo advisory opinion holding that organizations may not accept credit payments for bingo products, which was noted in the Staff Report.

The proposed amendments to Rule 402.201 will codify the long-standing Commission practice and process of issuing cease-and-desist let-

ters and copying local law enforcement in substantiated cases of illegal bingo.

The proposed amendments to Rule 402.202 will delete a reference to the timely submission of a transfer of funds form which is no longer necessary due to the proposed new Rule 402.105.

The proposed amendments to Rule 402.203 will conform the rules regarding the sale of pull-tabs between organizations with the BEA.

The proposed amendments to Rule 402.210 are necessary to prohibit organizations from allowing people to offer to sell bingo products or award bingo prizes to people outside of an occasion via a telecommunications device.

The proposed amendments to Rule 402.212 will clarify that approval for a promotional bingo event will only be issued if the request complies with all the requirements of the rule. No other substantive amendments are recommended at this time.

Subchapter C (Bingo Games and Equipment) consists of the following rules:

§402.300 - Pull-Tab Bingo

§402.301 - Bingo Card/Paper

§402.303 - Pull-tab or Instant Bingo Dispensers

§402.321 - Card-Minding Systems--Definitions

§402.322 - Card-Minding Systems--Site System Standards

§402.323 - Card-Minding Systems--Device Standards

§402.324 - Card-Minding Systems--Approval of Card-Minding Systems

§402.325 - Card-Minding Systems--Licensed Authorized Organizations Requirements

§402.326 - Card-Minding Systems--Distributor Requirements

§402.327 - Card-Minding Systems--Security Standards

§402.328 - Card-Minding Systems--Inspections and Restrictions

§402.331 - Shutter Card Bingo Systems - Definitions

§402.332 - Shutter Card Bingo Systems - Site System Standards

§402.333 - Shutter Card Bingo Systems - Shutter Card Station and Customer Account Standards

§402.334 - Shutter Card Bingo Systems - Approval of Shutter Card Bingo Systems

§402.335 - Shutter Card Bingo Systems - Licensed Authorized Organization Requirements

§402.336 - Shutter Card Bingo Systems - Distributor Requirements

§402.337 - Shutter Card Bingo Systems - Security Standards

§402.338 - Shutter Card Bingo Systems - Inspections and Restrictions

Subchapter C consists of rules governing bingo equipment, including pull-tab tickets, bingo cards and paper, ticket dispensers, shutter card bingo systems, and card-minding systems. These rules remain necessary and the reasons for initially adopting these rules continue to exist because they help ensure that charitable bingo games are conducted, and bingo equipment is created, in compliance with the BEA.

The Commission, however, intends to propose repeals of Rules 402.301 and 402.303, amendments to Rules 402.300, 402.324, 402.325, 402.326, and 402.334, and new Rules 402.301, 402.302,

402.303, 402.304, 402.305, 402.306, 402.307, 402.308, 402.309, 402.310, and 402.311.

The changes associated with Rules 402.300-402.311 relate to breaking up Rules 402.300 (Pull-Tab Bingo) and 402.301 (Bingo Card/Paper) into smaller, more manageable rules. To that end, Rules 402.301 and 402.303 must be repealed and replaced, along with proposed amendments to Rule 402.300 and proposed new rules at 402.302, 402.304, 402.305, 402.306, 402.307, 402.308, 402.309, 402.310, and 402.311. There are no substantive changes to the text of these rules except that the proposed new Rules 402.306 and 402.310 will allow break-open bingo games to be pre-called, and will properly categorize braille and loteria cards as bingo equipment that require approval by the Commission.

The proposed amendments to Rule 402.324 will eliminate all references to the Commission's testing lab and will require manufacturers to provide any forms and documentation necessary to ensure that their card-minding systems comply with required standards.

The proposed amendments to Rule 402.325 will provide that the voided receipts organizations are required to attach to the bingo occasion report must include all payments (cash or otherwise) for pre-sales.

The proposed amendments to Rule 402.326 will delete an obsolete reference to modems.

The proposed amendments to Rule 402.334 will require a manufacturer to provide any software necessary to determine if its shutter card bingo system meets rule requirements. No other substantive amendments are recommended at this time.

Subchapter D (Licensing Requirements) consists of the following rules:

§402.400 - General Licensing Provisions

§402.401 - Temporary License

§402.402 - Registry of Bingo Workers

§402.403 - Licenses for Conduct of Bingo Occasions and to Lease Bingo Premises

§402.404 - License Classes and Fees

§402.405 - Temporary Authorization

§402.406 - Bingo Chairperson

§402.407 - Unit Manager

§402.408 - Designation of Members

§402.409 - Amendment for Change of Premises or Occasions Due to Lease Termination or Abandonment

§402.410 - Amendment of a License - General Provisions

§402.411 - License Renewal

§402.412 - Signature Requirements

§402.413 - Military Service Members, Military Veterans, and Military Spouses

§402.420 - Qualifications and Requirements for Conductor's License

§402.422 - Amendment to a Regular License to Conduct Charitable Bingo

§402.424 - Amendment of a License by Electronic Mail, Telephone or Facsimile

§402.442 - Amendment to a Commercial Lessor License

§402.443 - Transfer of a Grandfathered Lessor's Commercial Lessor License

§402.450 - Request for Waiver

§402.451 - Operating Capital

§402.452 - Net Proceeds

§402.453 - Request for Operating Capital Increase

The Commission currently licenses around thirteen hundred (1,300) charitable bingo conductors, commercial lessors, and manufacturers and distributors, and has approved around eight thousand seven hundred (8,700) individuals to be listed on the bingo worker registry in Texas. Subchapter D includes rules governing the application, renewal, and amendment process for Commission-issued licenses and listings on the bingo worker registry. These rules are necessary for the proper administration of the Commission's charitable bingo licensing and worker registry program. Therefore, the Commission has determined that the reasons for initially adopting these rules continue to exist.

Subchapter D also includes rules that implement BEA provisions that govern the amount of operating capital a bingo conductor may maintain, the net proceeds a bingo conductor must produce, and the process by which licensees may request a waiver of these requirements. These rules are necessary to help ensure that bingo proceeds are directed to statutorily-authorized purposes. Therefore, the Commission has determined that the reasons for initially adopting these rules continue to exist.

The Commission, however, intends to propose amendments to Rules 402.400, 402.401, 402.402, 402.404, 402.411, and 402.443.

The proposed amendments to Rule 402.400 will provide that the Commission will not return a license application when the applicant has failed to respond to a request for more information within 21 days.

The proposed amendments to Rule 402.401 will clarify how many temporary licenses a regular organization may retain after surrendering its regular license.

The proposed amendments to Rule 402.402 will eliminate the requirement to list an applicant's race on an application for the worker registry.

The proposed amendments to Rule 402.404 will eliminate an unnecessary term.

The proposed amendments to Rule 402.411 will delete a reference to the timely submission of license renewal applications, which is no longer necessary due to the proposed new Rule 402.105.

The proposed amendments to Rule 402.443 will codify the Commission's practice on the transfer of grandfathered lessor licenses, as noted in the Staff Report. No other substantive amendments are recommended at this time.

Subchapter E (Books and Records) consists of the following rules:

§402.500 - General Records Requirements

§402.501 - Charitable Use of Net Proceeds

§402.502 - Charitable Use of Net Proceeds Recordkeeping

§402.503 - Bingo Gift Certificates

§402.504 - Debit Card Transactions

§402.505 - Permissible Expense

§402.506 - Disbursement Records Requirements

§402.511 - Required Inventory Records

§402.514 - Electronic Fund Transfers

Subchapter E consists of rules governing the record-keeping and reporting requirements related to the conduct of charitable bingo and the standards for determining the propriety of certain expenses. These rules remain necessary and the reasons for initially adopting these rules continue to exist, because they help ensure that bingo proceeds are only used for statutorily-authorized purposes.

The Commission, however, intends to propose amendments to Rules 402.500 and 402.502.

The proposed amendments to Rule 402.500 will codify the Commission's practice requiring cash basis accounting.

The proposed amendments to Rule 402.502 will eliminate unnecessary language related to the kinds of documentation that may be relied on to prove charitable distributions were properly made. No other substantive amendments are recommended at this time.

Subchapter F (Payment of Taxes, Prize Fees and Bonds) consists of the following:

§402.600 - Bingo Reports and Payments

§402.601 - Interest on Delinquent Tax

§402.602 - Waiver of Penalty, Settlement of Prize Fees, Penalty and/or Interest

§402.603 - Bond or Other Security

§402.604 - Delinquent Purchaser

Subchapter F consists of rules governing the payment of requisite fees, the submission of bonds or other security, and the delinquent payment of the costs for bingo equipment.

Rule 402.600 governs the payment of bingo-related fees and the filing of quarterly reports, which are required by statute and used by the Commission to track its licensees' bingo-related finances. This rule remains necessary and the reasons for initially adopting the rule continue to exist because the rule helps ensure that licensees are remitting fees in the proper amount and that bingo proceeds are only used for statutorily-authorized purposes. Furthermore, the Commission is required by Texas Occupations Code §2001.504 to adopt rules governing the payment of fees.

Rule 402.601 governs the payment of interest on delinquent fees, refunds and credits, while Rule 402.602 governs the Commission's settlement of penalties and fees due. These rules remain necessary and the reasons for initially adopting the rules continue to exist, because they implement Texas Tax Code §§ 111.060 (Interest on Delinquent Tax), 111.064 (Interest on Refund or Credit), 111.101 (Settlement) and 111.103 (Settlement of Penalty and Interest Only), which are made applicable to the Commission through Texas Occupations Code §§ 2001.508 and 2001.512.

Rule 402.603 governs the submission of a bond or other security by a licensee, which is required under Texas Occupations Code §2001.514. This rule remains necessary and the reasons for initially adopting the rule continue to exist, because the rule helps secure the payment of statutorily-authorized fees by licensees.

Finally, Rule 402.604 imposes requirements when a purchaser of bingo equipment is delinquent in its payment of the amount due for the equipment. This rule implements Texas Occupations Code §2001.218, and it remains necessary to help ensure that transactions for bingo equipment comply with that statute.

Therefore, the Commission has determined that the reasons for initially adopting these rules continue to exist.

The Commission, however, intends to propose amendments to Rules 402.600, 402.601, and 402.602.

The proposed amendments to Rule 402.600 will delete references to the timely submission of bingo reports and payments, which are no longer necessary due to the proposed new Rule 402.105.

The proposed amendments to Rule 402.601 will provide that credits that were previously pre-printed on quarterly reports will be viewable on the Bingo Service Portal.

The proposed amendments to Rule 402.602 will eliminate waivers of penalties and interest based on late payment of prize fees because those waivers are not provided for in the BEA. No other substantive amendments are recommended at this time.

Subchapter G (Compliance and Enforcement) consists of the following rules:

§402.700 - Denials; Suspensions; Revocations; Hearings

§402.701 - Investigation of Applicants for Licenses

§402.702 - Disqualifying Convictions

§402.703 - Audit Policy

§402.705 - Inspection of Premises

§402.706 - Schedule of Sanctions

§402.707 - Expedited Administrative Penalty Guideline

§402.708 - Dispute Resolution

§402.709 - Corrective Action

Subchapter G includes rules governing the Commission's disciplinary, inspection, and audit processes. These rules are necessary, and the reasons for initially adopting these rules continue to exist, because they help ensure that licensees and other persons abide by all applicable statutes and rules. Subchapter G also includes rules governing the conduct of criminal background checks on applicants and criminal convictions which may disqualify a license or bingo worker registry applicant. These rules are necessary, and the reasons for initially adopting these rules continue to exist, because they help implement Texas Occupations Code §2001.541, which requires the Commission to adopt rules regarding the use of criminal history record information in the licensing process.

The Commission, however, intends to propose amendments to Rules 402.702, 402.703, 402.706 and 402.707.

The proposed amendments to Rule 402.702 will eliminate a reference to a statute that no longer exists.

The proposed amendments to Rule 402.703 will require consideration of an organization's compliance history in audit determinations, as noted in the Staff Report.

The proposed amendments to Rule 402.706 will eliminate warnings for first time violations of serious offenses and repeat violations of lesser offenses, as noted in the Staff Report.

The proposed amendments to Rule 402.707 will change a pronoun, reiterate that formal complaints must be in writing, and eliminate warnings for repeat violations. No other substantive amendments are recommended at this time.

The Commission will propose these amendments, repeals, and new rules in a separate rulemaking action. The Commission will take the recommendations of the BAC under advisement and will continue to work with the BAC and industry stakeholders on any future rulemaking actions.

This review and readoption has been conducted in accordance with the requirements of Texas Government Code §2001.039. The Commission received no written comments during the public comment period, but received oral comments regarding Chapter 402 from the BAC and other industry stakeholders at BAC meetings on April 3, 2024, June 5, 2024, and August 6, 2024. On August 7, 2024, during a meeting of the Commission, BAC Chairman Trace Smith informed the Commissioners that the BAC supports closing the rule review process and moving forward with the proposed rulemaking. The proposed review was published in the October 27, 2023 issue of the *Texas Register* (48 TexReg 6394).

This action concludes the Commission's review of 16 TAC Chapter 402.

TRD-202405170

Bob Biard

General Counsel

Texas Lottery Commission

Filed: October 30, 2024



The Texas Lottery Commission (Commission) has reviewed the Commission's rules at 16 Texas Administrative Code (TAC) Chapter 403 (General Administration) in accordance with the requirements of Texas Government Code §2001.039 (Agency Review of Existing Rules), and hereby readopts the rules in Chapter 403. The Commission has determined that the reasons for adopting each of the rules in Chapter 403 continue to exist, as discussed below. As a result of this review, and as discussed below, the Commission has determined that none of the rules in Chapter 403 need to be amended at this time.

Rule 403.101 (Public Information) sets forth agency procedures under which public information may be inspected and copied, as authorized by Texas Government Code §552.230, (Rules of Procedure for Inspection and Copying of Public Information). This rule also explains the implementation of Texas Government Code §552.275 (Requests that Require Large Amounts of Employee or Personnel Time) establishing a reasonable limit of 36 hours per fiscal year as the maximum amount of time Commission personnel are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without the Commission recovering costs attributable to that personnel time. This rule has been reviewed by and discussed with the Commission's Public Information Coordinator and the Commission has determined that all practices and procedures contained in the rule are current, the need for this rule still exists, and no amendments are needed.

Rule 403.102 (Items Mailed to the Commission) is necessary to establish a standard approach to determine when items are mailed to the Commission, consistent with the requirements of Texas Government Code §2001.004(1), relating to state agency rules of practice. This rule and Texas Government Code §2001.004(1) were reviewed alongside current Commission procedures and the Commission has determined that the need for this rule still exists to provide a consistent measurement for the public to know when the Commission will consider an item to have been placed in the mail. This rule is current and does not require amendment.

Rule 403.110 (Petition for Adoption of Rule Changes) is necessary to comply with the requirement set forth in Texas Government Code §2001.021(b) that a state agency adopt rules prescribing the form for a petition for adoption of rules. This rule is statutorily mandated by Texas Government Code §2001.021(b) and the procedures contained in this rule are consistent with the statute and are still needed. This

rule is also consistent with current agency practice and does not need amendment at this time.

Rule 403.115 (Negotiated Rulemaking and Alternative Dispute Resolution) sets forth Commission procedures and policy to comply with the requirements of Texas Government Code §467.109, relating to Negotiated Rulemaking and Alternative Dispute Resolution Policy. This rule is statutorily mandated and upon review the Commission has determined that the reasons for this rule continue to exist. This rule does not require amendment at this time.

Rules 403.201 (Definitions), 403.202 (Prerequisites to Suit), 403.203 (Sovereign Immunity), 403.204 (Notice of Claim of Breach of Contract), 403.205 (Agency Counterclaim), 403.206 (Request for Voluntary Disclosure of Additional Information), 403.207 (Duty to Negotiate), 403.208 (Timetable), 403.209 (Conduct of Negotiation), 403.210 (Settlement Approval Procedures), 403.211 (Settlement Agreement), 403.212 (Costs of Negotiation), 403.213 (Request for Contested Case Hearing), 403.214 (Mediation Timetable), 403.215 (Conduct of Mediation), 403.216 (Qualifications and Immunity of the Mediator), 403.217 (Confidentiality of Mediation and Final Settlement Agreement), 403.218 (Costs of Mediation), 403.219 (Settlement Approval Procedures), 403.220 (Initial Settlement Agreement), 403.221 (Final Settlement Agreement), 403.222 (Referral to the State Office of Administrative Hearings), and 403.223 (Use of Assisted Negotiation Processes) were adopted to govern the submission, negotiation and mediation of certain claims against the Commission, as mandated in Texas Government Code, Chapter 2260. These rules were reviewed and are current with Commission practice and procedure and the reason for their adoption continues to exist. There are no amendments required for these rules at this time.

Rule 403.301 (Historically Underutilized Businesses) was adopted to comply with the requirement that a state agency adopt the Comptroller of Public Accounts' rules on Historically Underutilized Businesses, set forth in Texas Government Code §2161.003, relating to Agency Rules. This rule was reviewed and discussed with pertinent agency personnel, and the reason for its adoption continues to exist. No amendments to this rule are required at this time.

Rule 403.401 (Use of Commission Motor Vehicles) was adopted to comply with the requirement that a state agency adopt rules relating to the assignment and use of agency vehicles, set forth in Texas Government Code §2171.1045, relating to Restrictions on Assignment of Vehicles. This rule was reviewed by and discussed with the agency's facilities manager and the reason for its adoption continues to exist. No amendments to this rule are required at this time.

Rule 403.501 (Custody and Use of Criminal History Record Information) is necessary to implement provisions governing the Commission's access to criminal history record information obtained from the Texas Department of Public Safety, set forth in Texas Government Code §411.108, relating to Access to Criminal History Record Information: Texas Lottery Commission. This rule was reviewed and discussed with the agency's Enforcement Director and the reason for its adoption continues to exist. No amendments to this rule are required at this time.

Rule 403.600 (Complaint Review Process) sets forth agency procedures to comply with Texas Government Code §467.111, relating to Complaints, which requires the Commission to maintain a system to promptly and efficiently act on each complaint filed with the Commission; and, specifically, the requirement in §467.111(d) that the agency adopt rules governing the entire complaint process from submission to disposition. This rule was reviewed and discussed with the agency's Retailer Services Manager and the reason for its adoption continues to exist. No amendments to this rule are required at this time.

Rule 403.700 (Employee Tuition Reimbursement) sets forth necessary internal procedures under which the Commission provides financial assistance to employees who wish to improve or supplement their knowledge and skills by attending classes at accredited colleges, junior colleges, or universities while pursuing a degree plan. This rule was reviewed and discussed with the agency's Human Resources Director and the reason for its adoption continues to exist. No amendments to this rule are required at this time.

Rule 403.701 (Family Leave Pool) is necessary to comply with the requirement that a state agency adopt rules and implement procedures relating to the operation of the Commission's family leave pool, set forth in Texas Government Code, Chapter 661, Subchapter A-1, relating to State Employee Family Leave Pool. This rule was reviewed and discussed with the agency's Human Resources Director and the reason for its adoption continues to exist. No amendments to this rule are required at this time.

Rule 403.800 (Savings Incentive Program) implements Chapter 2108 of the Texas Government Code, which requires state agencies to provide notice to the Texas Comptroller of savings realized from appropriated undedicated general revenue and to retain a portion of the amounts verified by the Comptroller. While currently the Commission has no undedicated general revenue appropriated to it that would allow for a savings incentive program, the statute requires that the Commission maintain rules in case such funds are appropriated in the future. The Charitable Bingo Operations Division is currently funded by general revenue. The Charitable Bingo program is supported by bingo prize fees, license fees for manufacturers, distributors, and lessors, and administrative penalties, and the Commission does not foresee retaining any general revenue savings. This rule was reviewed and discussed with the agency's Controller and the reason for its adoption continues to exist. No amendments to this rule are required at this time.

This review and readoption has been conducted in accordance with the requirements of Texas Government Code §2001.039. The Commission received no comments on the proposed review, which was published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6395).

This action concludes the Commission's review of 16 TAC Chapter 403.

TRD-202405171
Bob Biard
General Counsel
Texas Lottery Commission
Filed: October 30, 2024



Texas State Board of Examiners of Psychologists

Title 22, Part 21

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts the review of the chapters below in Title 22, Part 21 of the Texas Administrative Code:

Chapter 463, Applications and Examinations

Chapter 465, Rules of Practice

Chapter 470, Schedule of Sanctions

Notice of the review of this chapter was published in the July 12, 2024, issue of the *Texas Register* (49 TexReg 5181). The Texas Behavioral Health Executive Council received public comments identifying rules 463.9, 463.10, 463.11, 463.31, and 465.17 as needing amendments, as well as request for updates to rules related to school psychology internships, licensure requirements, and scope of practice.

The Texas Behavioral Health Executive Council has reviewed Chapters 463, 465, and 470 in accordance with 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.

The agency has determined that the original reasons for adopting rules in the chapter continue to exist and readopts all chapters.

The identified repeals and any amendments, if applicable, to Chapters 463, 465, and 470 identified by Texas Behavioral Health Executive Council in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes the Texas Behavioral Health Executive Council review of Title 22, Part 21 as required by the Texas Government Code §2001.039.

TRD-202405015
Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
Filed: October 25, 2024



Texas State Board of Examiners of Professional Counselors

Title 22, Part 30

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts the review of the chapters below in Title 22, Part 30 of the Texas Administrative Code:

Chapter 681, Professional Counselors

Notice of the review of this chapter was published in the July 12, 2024, issue of the *Texas Register* (49 TexReg 5181). The Texas Behavioral Health Executive Council received public comments identifying rules §681.2, §681.4, §681.31, §681.35, §681.36, §681.37, §681.41, §681.42, §681.43, §681.44, §681.47, §681.49, §681.51, §681.53, §681.72, §681.73, §681.81, §681.82, §681.83, §681.91, §681.92, §681.93, §681.101, §681.140, and §681.204 as needing amendments, as well as requests for updates to rules related to counseling in the context of court proceedings and custody agreements, requirements related to supervised experience, increasing mobility between similar license types, and continuing education requirements.

The Texas Behavioral Health Executive Council has reviewed Chapter 681 in accordance with 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.

The agency has determined that the original reasons for adopting rules in the chapter continue to exist and readopts all chapters.

The identified repeals and any amendments, if applicable, to Chapter 681 identified by Texas Behavioral Health Executive Council in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes the Texas Behavioral Health Executive Council review of Title 22, Part 30 as required by the Texas Government Code §2001.039.

TRD-202404998
Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Professional Counselors
Filed: October 25, 2024



Texas State Board of Social Worker Examiners

Title 22, Part 34

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Social Worker Examiners adopts the review of the chapters below in Title 22, Part 34 of the Texas Administrative Code:

Chapter 781, Social Worker Licensure

Notice of the review of this chapter was published in the July 12, 2024, issue of the *Texas Register* (49 TexReg 5182). The Texas Behavioral Health Executive Council received public comments identifying rules §781.301, §781.302, §781.303, §781.304, §781.305, §781.306, §781.309, §781.312, §781.313, §781.316, §781.319, §781.401, §781.402, §781.403, and §781.404 as needing amendments, as well as requests for updates to rules related to the ability of license holders to engage in independent practices and the requirements of supervision.

The Texas Behavioral Health Executive Council has reviewed Chapter 781 in accordance with 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.

The agency has determined that the original reasons for adopting rules in the chapter continue to exist and readopts all chapters.

The identified repeals and any amendments, if applicable, to Chapter 781 identified by Texas Behavioral Health Executive Council in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes the Texas Behavioral Health Executive Council review of Title 22, Part 34 as required by the Texas Government Code §2001.039.

TRD-202404999

Darrel D. Spinks
Executive Director

Texas State Board of Social Worker Examiners
Filed: October 25, 2024



Texas State Board of Examiners of Marriage and Family Therapists

Title 22, Part 35

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts the review of the chapters below in Title 22, Part 35 of the Texas Administrative Code:

Chapter 801, Licensure and Regulation of Marriage and Family Therapists

Notice of the review of this chapter was published in the July 12, 2024, issue of the *Texas Register* (49 TexReg 5182). The Texas Behavioral Health Executive Council received public comments identifying rules §801.42, §801.142, and §801.261 as needing amendments, as well as request for updates to rules related to the amount of supervised experience needed to receive an MFT license.

The Texas Behavioral Health Executive Council has reviewed Chapter 801 in accordance with 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.

The agency has determined that the original reasons for adopting rules in the chapter continue to exist and readopts all chapters.

The identified repeals and any amendments, if applicable, to Chapters 681 identified by Texas Behavioral Health Executive Council in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes the Texas Behavioral Health Executive Council review of Title 22, Part 35 as required by the Texas Government Code §2001.039.

TRD-202405016

Darrel D. Spinks
Executive Director

Texas State Board of Examiners of Marriage and Family Therapists
Filed: October 25, 2024



Texas Behavioral Health Executive Council

Title 22, Part 41

The Texas Behavioral Health Executive Council adopts the review of the chapters below in Title 22, Part 41 of the Texas Administrative Code:

Chapter 881, General Provisions

Chapter 882, Applications and Licensing

Chapter 883, Renewals

Chapter 884, Complaints and Enforcement

Chapter 885, Fees

Notice of the review of this chapter was published in the July 12, 2024, issue of the *Texas Register* (49 TexReg 5182). The Texas Behavioral Health Executive Council received public comments identifying rules §881.20 and §885.1 as needing amendments, including requests for updates to the Council's rulemaking process. Public comments also proposed a new rule prohibiting the use of AI technology in professional services and a rule guiding the transfer of clients when a license holder closes their practice. Commenters requested the Council repeal §882.28 stating it was an unnecessary rule. At this time, the Council declines to repeal this rule, but will evaluate its implementation and consider whether future repeal is warranted. Many commenters suggested changes to the Council's continuing education rules. The Council declines to make changes now, but will consider the suggested changes in later rule proposals.

The Texas Behavioral Health Executive Council has reviewed Chapters 881, 882, 883, 884, and 885 in accordance with 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.

The agency has determined that the original reasons for adopting rules in the chapter continue to exist and readopts all chapters.

The identified repeals and any amendments, if applicable, to Chapters 881, 882, 883, 884, and 885 identified by Texas Behavioral Health Executive Council in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes the Texas Behavioral Health Executive Council review of Title 22, Part 41 as required by the Texas Government Code §2001.039.

TRD-202405008

Darrel D. Spinks
Executive Director

Texas Behavioral Health Executive Council
Filed: October 25, 2024

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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), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 218, Evaluation of Milk and Shellfish Laboratories

Notice of the review of this chapter was published in the August 30, 2024, issue of the *Texas Register* (49 TexReg 6757). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 218 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 218. Any amendments, if applicable, to Chapter 218 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 25 TAC Chapter 218 as required by Texas Government Code §2001.039.

TRD-202404964

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: October 23, 2024

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Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 214, National Senior Services Corps Program

Notice of the review of this chapter was published in the August 30, 2024, issue of the *Texas Register* (49 TexReg 6757). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 214 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

HHSC has determined that the original reasons for adopting Chapter 214 continue to exist and readopts Chapter 214. Any amendments, if applicable, to Chapter 214 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 214 as required by Texas Government Code §2001.039.

TRD-202404963

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: October 23, 2024

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 277, Primary Home Care, Community Attendant Services, and Family Care Programs

Notice of the review of this chapter was published in the July 19, 2024, issue of the *Texas Register* (49 TexReg 5365). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 277 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 277. Any amendments, if applicable, to Chapter 277 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 277 as required by the Texas Government Code §2001.039.

TRD-202404965

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: October 23, 2024

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The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 278, Adult Foster Care (AFC) Program

Notice of the review of this chapter was published in the July 19, 2024, issue of the *Texas Register* (49 TexReg 5365). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 278 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting rules in the chapter continue to exist and readopts Chapter 278 except for:

278.1, Definitions;

278.3, Eligibility Determination Process;

278.5, Income Eligibility;

278.7, Functional Eligibility;

278.9, Service Plan;

278.11, Allowable In Home and Family Support Program (IH/FSP) Services;

278.13, Program Restrictions;

278.15, Service Subsidy and Capital Expenditure;

278.17, Payments;

278.19, Right to Appeal;

278.21, Recertification;

278.23, Definitions for the Transition to Life in the community (TLC) program;

278.25, Transition to Life in the Community (TLC) Client Eligibility Criteria;

278.27, Application for Transition to Life in the Community (TLC) Benefits;

278.29, Transition to Life in the Community (TLC) Program Benefits; and

278.31, Transition to life in the Community (TLC) Client Rights.

The repeals identified by HHSC in the rule review and any amendments, if applicable, to Chapter 278 will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 278 as required by the Texas Government Code §2001.039.

TRD-202404966

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: October 23, 2024



The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 304, Diagnostic Assessment

Notice of the review of this chapter was published in the September 6, 2024, issue of the *Texas Register* (49 TexReg 7059). HHSC received no comments concerning this chapter.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 304. Any amendments, if applicable, to Chapter 304 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 304 as required by Texas Government Code §2001.039.

TRD-202405148

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: October 28, 2024



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 209, Finance; and 43 TAC Chapter 217, Vehicle Titles and Registration, Subchapter A; Subchapter B, §§217.21 - 217.26 and 217.28 - 217.64; Subchapter C; Subchapter D; Subchapter E; Subchapter F; Subchapter G; Subchapter H; Subchapter I; Subchapter J; Subchapter K; and Subchapter L that were published in the *Texas Register*. The review was conducted pursuant to Government Code, §2001.039. The department will review §217.27 separately in the future.

Notice of the department's intention to review was published in the July 12, 2024, issue of the *Texas Register* (49 TexReg 5183). The department did not receive any comments on the rule review for either Chapter 209 or the reviewed sections of Chapter 217.

As a result of the review, the department readopts Chapter 209 with amendments and a repeal in accordance with the requirements of Government Code, §2001.039. The department has determined that the reasons for initially adopting the readopted rules continue to exist. In this issue of the *Texas Register*, the department adopts amendments and a repeal in Chapter 209 resulting from the rule review.

As a result of the review, the department readopts Chapter 217 Subchapter A; Subchapter B, §§217.21 - 217.26 and 217.28 - 217.64; Subchapter C; Subchapter D; Subchapter E; Subchapter F; Subchapter G; Subchapter H; Subchapter I; Subchapter J; Subchapter K; and Subchapter L with amendments and repeals in accordance with the requirements of Government Code, §2001.039. The department has determined that the reasons for initially adopting the readopted rules continue to exist. In this issue of the *Texas Register*, the department adopts amendments and repeals in Chapter 217 resulting from the rule review.

This concludes the review of Chapter 209, Finance; and Chapter 217, Vehicle Titles and Registration, Subchapter A; Subchapter B, §§217.21 - 217.26 and 217.28 - 217.64; Subchapter C; Subchapter D; Subchapter E; Subchapter F; Subchapter G; Subchapter H; Subchapter I; Subchapter J; Subchapter K; and Subchapter L.

TRD-202404997

Laura Moriaty

General Counsel

Texas Department of Motor Vehicles

Filed: October 25, 2024

