

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

Texas Board of Professional Engineers and Land Surveyors

Title 22, Part 6

The Texas Board of Professional Engineers will review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title 22, Part 6, Chapter 131, Organization and Administration.

This review is conducted pursuant to §2001.039 of the Government Code.

In conducting its review, the Board will determine whether the reasons for each rule continue to exist. The rule review will also determine whether each rule is obsolete, reflects current legal and policy considerations, and reflects current procedures of the Board.

Any comments pertaining to this notice may be submitted within the next 30 days to Lance Kinney, Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@pels.texas.gov. Any proposed changes to the rules as a result of this review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional comment period prior to final adoption or repeal by the Board.

TRD-202405528

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Filed: November 15, 2024



The Texas Board of Professional Engineers will review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title 22, Part 6, Chapter 133, Licensing for Engineers.

This review is conducted pursuant to §2001.039 of the Government Code.

In conducting its review, the Board will determine whether the reasons for each rule continue to exist. The rule review will also determine whether each rule is obsolete, reflects current legal and policy considerations, and reflects current procedures of the Board.

Any comments pertaining to this notice may be submitted within the next 30 days to Lance Kinney, Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@pels.texas.gov. Any proposed changes to the rules as a result of this review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional comment period prior to final adoption or repeal by the Board.

TRD-202405529

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Filed: November 15, 2024



The Texas Board of Professional Engineers will review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title 22, Part 6, Chapter 134, Licensing, Registration, and Certification for Surveyors.

This review is conducted pursuant to §2001.039 of the Government Code.

In conducting its review, the Board will determine whether the reasons for each rule continue to exist. The rule review will also determine whether each rule is obsolete, reflects current legal and policy considerations, and reflects current procedures of the Board.

Any comments pertaining to this notice may be submitted within the next 30 days to Lance Kinney, Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@pels.texas.gov. Any proposed changes to the rules as a result of this review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional comment period prior to final adoption or repeal by the Board.

TRD-202405530

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Filed: November 15, 2024



The Texas Board of Professional Engineers will review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title 22, Part 6, Chapter 135, Engineering Firm Registration.

This review is conducted pursuant to §2001.039 of the Government Code.

In conducting its review, the Board will determine whether the reasons for each rule continue to exist. The rule review will also determine whether each rule is obsolete, reflects current legal and policy considerations, and reflects current procedures of the Board.

Any comments pertaining to this notice may be submitted within the next 30 days to Lance Kinney, Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@pels.texas.gov. Any proposed changes to the rules as a result of this review will be published in the Proposed Rule Sec-

tion of the *Texas Register* and will be open for an additional comment period prior to final adoption or repeal by the Board.

TRD-202405531
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: November 15, 2024



The Texas Board of Professional Engineers will review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title 22, Part 6, Chapter 136, Surveying Firm Registration.

This review is conducted pursuant to §2001.039 of the Government Code.

In conducting its review, the Board will determine whether the reasons for each rule continue to exist. The rule review will also determine whether each rule is obsolete, reflects current legal and policy considerations, and reflects current procedures of the Board.

Any comments pertaining to this notice may be submitted within the next 30 days to Lance Kinney, Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@pels.texas.gov. Any proposed changes to the rules as a result of this review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional comment period prior to final adoption or repeal by the Board.

TRD-202405532
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: November 15, 2024



The Texas Board of Professional Engineers will review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title 22, Part 6, Chapter 137, Compliance and Professionalism for Engineers.

This review is conducted pursuant to §2001.039 of the Government Code.

In conducting its review, the Board will determine whether the reasons for each rule continue to exist. The rule review will also determine whether each rule is obsolete, reflects current legal and policy considerations, and reflects current procedures of the Board.

Any comments pertaining to this notice may be submitted within the next 30 days to Lance Kinney, Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@pels.texas.gov. Any proposed changes to the rules as a result of this review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional comment period prior to final adoption or repeal by the Board.

TRD-202405533
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: November 15, 2024



The Texas Board of Professional Engineers will review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title

22, Part 6, Chapter 138, Compliance and Professionalism for Surveyors.

This review is conducted pursuant to §2001.039 of the Government Code.

In conducting its review, the Board will determine whether the reasons for each rule continue to exist. The rule review will also determine whether each rule is obsolete, reflects current legal and policy considerations, and reflects current procedures of the Board.

Any comments pertaining to this notice may be submitted within the next 30 days to Lance Kinney, Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@pels.texas.gov. Any proposed changes to the rules as a result of this review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional comment period prior to final adoption or repeal by the Board.

TRD-202405534
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: November 15, 2024



The Texas Board of Professional Engineers will review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title 22, Part 6, Chapter 139, Enforcement.

This review is conducted pursuant to §2001.039 of the Government Code.

In conducting its review, the Board will determine whether the reasons for each rule continue to exist. The rule review will also determine whether each rule is obsolete, reflects current legal and policy considerations, and reflects current procedures of the Board.

Any comments pertaining to this notice may be submitted within the next 30 days to Lance Kinney, Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@pels.texas.gov. Any proposed changes to the rules as a result of this review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional comment period prior to final adoption or repeal by the Board.

TRD-202405535
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Filed: November 15, 2024



The Texas Board of Professional Engineers will review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title 22, Part 6, Chapter 140, Criminal History and Convictions.

This review is conducted pursuant to §2001.039 of the Government Code.

In conducting its review, the Board will determine whether the reasons for each rule continue to exist. The rule review will also determine whether each rule is obsolete, reflects current legal and policy considerations, and reflects current procedures of the Board.

Any comments pertaining to this notice may be submitted within the next 30 days to Lance Kinney, Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@pels.texas.gov. Any proposed changes to the rules

as a result of this review will be published in the Proposed Rule Section of the *Texas Register* and will be open for an additional comment period prior to final adoption or repeal by the Board.

TRD-202405536

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Filed: November 15, 2024



Texas Parks and Wildlife Department

Title 31, Part 2

The Texas Parks and Wildlife Department files this notice of intention to review the following chapters of 31 TAC, Part 2:

Chapter 56. Agency Decision to Refuse License or Permit Issuance or Renewal and Agency Decision to Suspend or Revoke Affected License or Permit

Chapter 57. Fisheries

Subchapter A. Harmful or Potentially Harmful Fish, Shellfish, and Aquatic Plants

Subchapter B. Mussels and Clams

Subchapter C. Introduction of Fish, Shellfish and Aquatic Plants

Subchapter D. Commercially Protected Finfish

Subchapter E. Permits to Possess or Sell Nongame Fish Taken from Public Fresh Water

Subchapter F. Collection of Broodstock from Texas Waters

Subchapter G. Marking of Vehicles

Subchapter H. Fishery Management Plans

Subchapter I. Consistency with Federal Regulations in the Exclusive Economic Zone

Subchapter J. Fish Pass Proclamation

Subchapter K. Scientific Areas

Subchapter L. Aquatic Vegetation Management

Subchapter M. Artificial Reefs

Subchapter N. Statewide Recreational and Commercial Fishing Proclamation

Subchapter O. Coastal Management Areas

Chapter 58. Oysters, Shrimp, and Finfish

Subchapter A. Statewide Oyster Fishery Proclamation

Subchapter B. Statewide Shrimp Fishery Proclamation

Subchapter C. Statewide Crab Fishery Proclamation

Subchapter D. Finfish Fishery Proclamation

Subchapter E. Cultivated Oyster Mariculture

Chapter 65. Wildlife

Subchapter A. Statewide Hunting Proclamation

Subchapter B. Disease Detection and Response

Subchapter C. Permits for Trapping, Transporting, and Transplanting Game Animals and Game Birds

Subchapter D. Deer Management Permit (DMP)

Subchapter F. Permits for Aerial Management of Wildlife and Exotic Species

Subchapter G. Threatened and Endangered Nongame Species

Subchapter H. Public Hunting Proclamation

Subchapter I. Depredation Permits

Subchapter J. Bobcat Proclamation

Subchapter K. Raptor Proclamation

Subchapter N. Migratory Game Bird Proclamation

Subchapter O. Commercial Nongame Permits

Subchapter P. Alligator Proclamation

Subchapter Q. Statewide Fur-bearing Animal Proclamation

Subchapter T. Deer Breeder Permits

Subchapter U. Authority to Refuse to Issue or Renew Permit

Subchapter V. Wildlife Management Association Area Hunting Lease License

Subchapter W. Special Permits

Subchapter X. Mountain Lions

This review is pursuant to Government Code, §2001.039. The department 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 by the Parks and Wildlife Commission is scheduled for the commission meeting to be held in Austin, Texas on March 27, 2025.

Any questions or written comments pertaining to this notice of intent to review should be directed to James Murphy, General Counsel, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744. Any proposed changes to rules as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption or repeal by the commission.

TRD-202405518

James Murphy

General Counsel

Texas Parks and Wildlife Department

Filed: November 14, 2024



State Employee Charitable Campaign

Title 34, Part 12

The State Employee Charitable Campaign, State Policy Committee files this notice of its intent to review the following rules in Title 34, Part 12 of the Texas Administrative Code:

Chapter 325, General State Policy Committee Provisions; Chapter 326, Campaign Management; Chapter 327, Local Campaign Management; Chapter 329, Eligibility Criteria for Statewide Federations/Funds and Affiliated Organizations; Chapter 330, Eligibility Criteria for Local Federations/Funds, Affiliated Organizations, and Local Charitable Organizations; Chapter 331, Review and Appeal Procedures for Statewide Federations/Funds and Affiliated Organizations; Chapter 332, Review and Appeal Procedures for Local Federations/Funds, Affiliated Organizations, and Local Charitable Organizations, Chapter 333, Campaign Materials; Chapter 334, Grievance Procedures.

The review is conducted in accordance with Texas Government Code §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During the review, the SPC will assess whether the reasons for initially adopting the rules continue to exist.

Comments on the review may be submitted to Greg Bennett, State Employee Charitable Campaign State Campaign Manager, via email at greg.bennett@uwtexas.org or mail at SECC, 106 East 6th Street, Suite 900-116, Austin, Texas 78701, within 30 days following the publication of this notice in the *Texas Register*. It is requested when sending a comment that individuals include the rule section to which the comment refers and that comments sent by email include "Public Comment" in the email's subject line.

Any proposed changes to these rules as a result of the review will be published at a future time 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.

TRD-202405512

Brent Connett

SECC State Policy Committee Chair

State Employee Charitable Campaign

Filed: November 13, 2024

Adopted Rule Reviews

Texas Alcoholic Beverage Commission

Title 16, Part 3

The Texas Alcoholic Beverage Commission (TABC) has completed its review of rule 16 TAC §31.1, relating to Separation of Duties Between Commission and Executive Director. This review was done pursuant to Texas Government Code §2001.039, which directs state agencies to review and consider for readoption each of their rules. The proposed rule review was published in the October 11, 2024, issue of the *Texas Register* (49 TexReg 8407).

SUMMARY OF COMMENTS. TABC did not receive any comments on this rule review.

READOPTATION OF RULES. After review, TABC finds that the reasons for adopting 16 TAC §31.1 continue to exist. Therefore, TABC readopts the rule.

TRD-202405546

Matthew Cherry

Senior Counsel

Texas Alcoholic Beverage Commission

Filed: November 15, 2024

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 370, Human Trafficking Resource Center

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.

HHSC has reviewed Chapter 370 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 370. Any amendments, if applicable, to Chapter 370 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 370 as required by Texas Government Code §2001.039.

TRD-202405610

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: November 19, 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 567, Certificate of Public Advantage

Notice of the review of this chapter was published in the August 30, 2024, issue of the *Texas Register* (49 TexReg 6758). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 567 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 do not continue to exist and the repeal of Chapter 567 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 567 as required by Texas Government Code §2001.039.

TRD-202405566

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: November 18, 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 568, Standards of Care and Treatment in Psychiatric Hospitals

Notice of the review of this chapter was published in the September 20, 2024, issue of the *Texas Register* (49 TexReg 7645). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 568 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 568. Any amendments, if applicable, to Chapter 568 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 568 as required by Texas Government Code §2001.039.

TRD-202405604

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: November 19, 2024



Texas Department of Transportation

Title 43, Part 1

Notice of Readoption

The Texas Department of Transportation (department) files notice of the completion of review and the readoption of Title 43 TAC, Part 1, Chapter 2, Environmental Review of Transportation Projects, Chapter 7, Rail Facilities, Chapter 26, Regional Mobility Authorities, Chapter

28, Oversize and Overweight Vehicles and Loads, Chapter 30, Aviation, and Chapter 31, Public Transportation.

This review and readoption have been conducted in accordance with Government Code, §2001.039. The Texas Transportation Commission (commission) has reviewed these rules and determined that the reasons for adopting them continue to exist. The department received no comments on the proposed rule review, which was published in the September 6, 2024, issue of the *Texas Register* (49 TexReg 7060).

This concludes the review of Chapters 2, 7, 26, 28, 30, and 31.

TRD-202405519

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Filed: November 14, 2024

