

# 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 State Board of Dental Examiners

### Title 22, Part 5

The Texas State Board of Dental Examiners (Board) files this Notice of Intent to Review to consider for re-adoption, revision, or repeal the chapters listed below, in their entirety, contained in Title 22, Part 5, of the Texas Administrative Code. This review is being conducted in accordance with Texas Government Code §2001.039.

#### Rule Chapters Under Review

Chapter 108, Professional Conduct

Chapter 112, Visual Dental Health Inspections

During the review, the Board will assess whether the reasons for adopting or readopting the rules in these chapters continue to exist. The Board will review each rule to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current Board procedures. This review is required every four years.

Written comments regarding the review of these chapters may be submitted to Carol Pepper, Legal Assistant at 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701; by facsimile to (512) 649-2482; or by email to [official\\_rules\\_comments@tsbde.texas.gov](mailto:official_rules_comments@tsbde.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

Any proposed changes to the rules in these chapters as a result of the rule review will be published in the Proposed Rules section of the *Texas Register*. The proposed rules will be open for public comment before final adoption by the Board in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

TRD-202405719

Lauren Studdard

General Counsel

Texas State Board of Dental Examiners

Filed: November 22, 2024



## Adopted Rule Reviews

Texas Appraiser Licensing and Certification Board

### Title 22, Part 8

In accordance with Texas Government Code §2001.039, the Texas Appraiser Licensing and Certification Board (TALCB) has concluded its review of 22 TAC Chapter 155, Rules Relating to Standard of Practice,

and Chapter 157, Rules Relating to Practice and Procedure. The notice of proposed rule review was published in the May 31, 2024, issue of the *Texas Register* (49 TexReg 3938).

TALCB has determined that the reasoned justification for adopting 22 TAC 155 and 157 continues to exist. Furthermore, the review process may indicate that a specific rule needs to be amended to further refine or better reflect current TALCB procedures and policy considerations, or that rules be combined or reduced for simplification and clarity. Accordingly, TALCB adopts with amendments 22 TAC 157, Subchapters B, C, D, and E as proposed in the September 6, 2024, issue of the *Texas Register* (49 TexReg 6955) and adopted under the Adopted Rules section of this issue of the *Texas Register*.

No comments were received regarding TALCB's notice of review. This notice concludes TALCB's review of 22 TAC Chapter 155, Rules Relating to Standard of Practice, and Chapter 157, Rules Relating to Practice and Procedure.

TRD-202405625

Kathleen Santos

General Counsel

Texas Appraiser Licensing and Certification Board

Filed: November 20, 2024



Texas Commission on Environmental Quality

### Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 11, Contracts, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039 requires a state agency to review and consider for re adoption, re adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the July 26, 2024, issue of the *Texas Register* (49 TexReg 5549).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules in Chapter 11 provide the general procedures concerning TCEQ's contract operations. The rules define the procedures for vendors to protest procurement selections and provide the procedures for resolving contract claims. For contracts procured pursuant to the methods described in TGC, §2261.001, the rules define the roles and responsibilities for agency staff and establish a procedure to identify contracts that require enhanced monitoring. The rules also adopt by reference the Texas Comptroller of Public Account's rules relating to Historically Underutilized Businesses, Competitive Sealed Bidding, and Competitive Sealed Proposals. The rules in Chapter 11 are necessary to imple-

ment the requirements in the TGC, Chapters 2155, 2156, 2161, 2260, and 2261; and Texas Water Code, Chapter 5

Public Comment

The public comment period closed on September 3, 2024. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 11 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039. Changes to the rules identified as part of this review process will be addressed in a separate rulemaking action, in accordance with the Texas Administrative Procedure Act.

TRD-202405703

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 21, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 12, Payment of Fees, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039, requires a state agency to review and consider for re adoption, re adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the July 26, 2024, issue of the *Texas Register* (49 TexReg 5549).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 12 are required because the rules provide the commission the ability to charge penalties and interest on delinquent fees owed to TCEQ. The rules define the administration of charges on delinquent fees. The primary purpose of the charges is to ensure the agency receives fees owed in a timely manner. These rules provide the timeframe, penalty percentage, and interest rate the commission charges on delinquent fees.

Public Comment

The public comment period closed on August 26, 2024. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 12 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039. Changes to the rules identified as part of this review process will be addressed in a separate rulemaking action, in accordance with the Texas Administrative Procedure Act.

TRD-202405701

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 21, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 14, Grants, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039, requires a state agency to review and consider for re adoption, re adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the July 26, 2024, issue of the *Texas Register* (49 TexReg 5550).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules in Chapter 14 are required under Texas Water Code, §5.124(b), Authority to Award Grants. The agency may award grants for one resource conservation or protection purpose. Grants awarded under this chapter may use state or federal funds if it relates directly to a purpose specified in the grant.

Public Comment

The public comment period closed on September 3, 2024. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 14 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039. Changes to the rules identified as part of this review process will be addressed in a separate rulemaking action, in accordance with the Texas Administrative Procedure Act.

TRD-202405702

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 21, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 37, Financial Assurance, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039, requires a state agency to review and consider for re adoption, re adoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the July 26, 2024, issue of the *Texas Register* (49 TexReg 5550).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules in Chapter 37 are required because the rules specify how financial assurance requirements may be satisfied, including when financial assurance must be provided, the specific financial assurance mechanisms that may be used, wording of the mechanisms, how the amount of financial assurance required may be adjusted, circumstances authorizing TCEQ to draw on financial assurance, and circumstances when financial assurance may be terminated among other requirements. The rules are necessary because they implement several critical provisions of the Texas Water Code and the Texas Health and Safety Code which require financial assurance as well as satisfy financial assurance requirements of federal programs delegated from the United States Environmental Protection Agency to the state of Texas.

Public Comment

The public comment period closed on September 3, 2024. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review, TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 37 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

Changes to the rules identified as part of this review process will be addressed in a separate rulemaking action, in accordance with the Texas Administrative Procedure Act.

TRD-202405704

Charmaine Backens  
Deputy Director, Environmental Law Division  
Texas Commission on Environmental Quality  
Filed: November 21, 2024

