

ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 1. ADMINISTRATION

PART 1. OFFICE OF THE GOVERNOR

CHAPTER 4. TEXAS MILITARY

PREPAREDNESS COMMISSION

SUBCHAPTER A. TEXAS MILITARY VALUE REVOLVING LOAN FUND PROGRAM

1 TAC §§4.1 - 4.8

The Texas Military Preparedness Commission (TMPC or Commission) within the Office of the Governor (OOG) adopts amendments to 1 TAC §§4.1 - 4.8 relating to the Texas Military Value Revolving Loan Fund Program. The amendments are adopted without changes to the proposed text as published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6799). The rules will not be republished.

The purpose of the adopted amendments to the rules is to implement legislative changes that were enacted by the 84th Legislature, Regular Session.

No written comments were received on the adopted rules.

The amendments are adopted under Government Code, §436.101, which provides the Texas Military Preparedness Commission may enact administrative rules necessary to administer its duties.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Shane Linkous

Assistant General Counsel

Office of the Governor

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For further information, please call: (512) 475-1475



SUBCHAPTER B. DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT PROGRAM

1 TAC §§4.30, 4.31, 4.34 - 4.36, 4.39, 4.40

The Texas Military Preparedness Commission (TMPC or Commission) within the Office of the Governor (OOG) adopts amend-

ments to 1 TAC §§4.30, 4.31, 4.34 - 4.36, 4.39 and 4.40 relating to the Defense Economic Adjustment Assistance Grant Program. The amendments are adopted without changes to the proposed text as published in the October 2, 2015 issue of the *Texas Register* (40 TexReg 6802). The rules will not be republished.

The purpose of the adopted amendments to the rules is to implement legislative changes that were enacted by the 84th Legislature, Regular Session.

One comment in support of the adopted rule was received from the City of Corpus Christi. No other comments were received.

The amendments are adopted under Government Code, §436.101, which provides the Texas Military Preparedness Commission may enact administrative rules necessary to administer its duties.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Shane Linkous

Assistant General Counsel

Office of the Governor

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TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 17. MARKETING AND PROMOTION

SUBCHAPTER C. GO TEXAN CERTIFICA- TION MARK

4 TAC §17.61

The Texas Department of Agriculture (Department) adopts the repeal of §17.61, relating to the Department's GO TEXAN Wildlife Program (Program), as published in the November 20, 2015, issue of the *Texas Register* (40 TexReg 8082). The adoption of the repeal is made as a result of insufficient Program participation.

No comments were received on the adopted repeal.

The repeal of §17.61 is adopted pursuant to the Texas Agriculture Code, §12.0175, which provides the Department with authority to establish programs by rule to promote and market agricultural products and other products grown, processed, or produced in the state, and charge a membership fee, and §12.016, which provides the Department may adopt rules as necessary for the administration of its powers and duties.

The statutory code affected by the adoption is Texas Agriculture Code, Chapter 12.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Jessica Escobar

Assistant General Counsel

Texas Department of Agriculture

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For further information, please call: (512) 463-4075



TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 53. FINANCE

SUBCHAPTER A. FEES

DIVISION 1. LICENSE, PERMIT, AND BOAT AND MOTOR FEES

31 TAC §53.3

The Texas Parks and Wildlife Commission in a duly noticed meeting on November 5, 2015 adopted an amendment to §53.3, concerning Combination Hunting and Fishing License Packages, without changes to the proposed text as published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6855).

Under Parks and Wildlife Code, §42.012, the Texas Parks and Wildlife Commission (commission) is required to waive the hunting license fee for a qualified disabled veteran, defined as "a veteran with a service connected disability, as defined by the Veteran's Administration, consisting of the loss of the use of a lower extremity or of a disability rating of 50 percent or more and who is receiving compensation from the United States for the disability." Under Parks and Wildlife Code, §46.004, the commission is required to waive fishing license fees for a qualified disabled veteran as defined by Parks and Wildlife Code, §42.012. Under Parks and Wildlife Code, §50.001, the commission is required to establish fees for combination hunting and fishing licenses.

The amendment removes the current language describing the exact nature of the disability that qualifies a person to obtain a disabled veterans license and replaces it with a reference to the statute in which the standard is articulated. House Bill 721, enacted by the most recent session of the legislature, altered

the statutory definition to decrease the minimum disability rating (from 60 percent to 50 percent) required to qualify to obtain a disabled veteran's license. Rather than amend the current rule to update the definition, the amendment cites the statutory reference. House Bill 721 also replaced the outdated term "Veterans' Administration" with the updated name of that agency, the "United States Department of Veterans Affairs."

The department received three comments opposing adoption of the rule as proposed. Two of the commenters opposing adoption provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption and stated that making references complicate the reading of the law. The department disagrees with the comment and responds that it is necessary for the department's regulations to accurately reflect the law in effect. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the disability requirement should remain at 60 percent. The department disagrees with the comment and responds that the 50 percent disability rating is established by statute and the commission does not have the authority to eliminate or modify that standard.

The department received 23 comments supporting adoption of the rule as proposed.

No groups or associations commented on the rule as proposed

The amendment is adopted under the authority House Bill 721, 84th Texas Legislature, 2015, Regular Session, which amended Parks and Wildlife Code, §42.012, to provide that a qualified disabled veteran is a veteran with a service connected disability, as defined by the United States Department of Veterans Affairs, consisting of the loss of the use of a lower extremity or of a disability rating of 50 percent or more and who is receiving compensation from the United States for the disability; §46.004, which requires the commission to waive fishing license fees for a qualified disabled veteran as defined by Parks and Wildlife Code, §42.012; and §50.001, which requires the commission to establish fees for combination hunting and fishing licenses.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Ann Bright

General Counsel

Texas Parks and Wildlife Department

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For further information, please call: (512) 389-4775



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 3. TAX ADMINISTRATION

SUBCHAPTER D. OCCUPATION TAX ON SULPHUR PRODUCERS

34 TAC §3.41

The Comptroller of Public Accounts adopts amendments to §3.41, concerning definition and due dates, without changes to the proposed text as published in the November 20, 2015, issue of the *Texas Register* (40 TexReg 8178). The amendments are adopted to implement the provisions of Senate Bill 757, 84th Legislature, 2015 which repealed Tax Code, Chapter 203, effective September 1, 2015.

New subsection (a) indicates the applicability of the rule prior to September 1, 2015.

New subsection (b) clarifies the filing period for the last required report. Subsequent subsections are relettered accordingly.

Rellettered subsection (d) is amended to reflect that the due dates for the reports and tax payments only apply to sulphur produced prior to September 1, 2015.

No comments were received regarding adoption of the amendment.

The amendments are adopted under Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2.

The amendments implement the repeal of Tax Code, Chapter 203 (Sulphur Production Tax).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Lita Gonzalez

General Counsel

Comptroller of Public Accounts

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For further information, please call: (512) 475-0387



SUBCHAPTER S. MOTOR FUEL TAX

34 TAC §3.430

The Comptroller of Public Accounts adopts amendments to §3.430, concerning records required, information required, without changes to the proposed text as published in the November 20, 2015, issue of the *Texas Register* (40 TexReg 8179). The section is amended to correct formatting and implement the provisions of House Bill 1905, 84th Legislature, 2015 which repealed the tax on liquefied gas effective September 1, 2015.

Subsection (a)(11)(B), (C)(ii), and (D) are amended to remove references to liquefied gas. Paragraph (17) regarding a licensed liquefied gas dealer is deleted, all subsequent paragraphs are renumbered, and existing cross-references to those renumbered paragraphs are revised in paragraph (11)(E) and paragraph (13). Renumbered paragraph (18)(D) is amended to delete the reference to a liquefied gas prepaid decal.

No comments were received regarding adoption of the amendment.

The amendments are adopted under Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2.

The amendments implement the repeal of Tax Code, Chapter 162, Subchapter D (Motor Fuel Taxes).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Lita Gonzalez

General Counsel

Comptroller of Public Accounts

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For further information, please call: (512) 475-0387



34 TAC §3.436

The Comptroller of Public Accounts adopts amendments to §3.436, concerning liquefied gas dealer licenses, without changes to the proposed text as published in the November 20, 2015, issue of the *Texas Register* (40 TexReg 8183). The amendments are adopted to implement the provisions of House Bill 1905, 84th Legislature, 2015 which repealed the tax on liquefied gas effective September 1, 2015.

Subsection (a) is amended to indicate the rule applies to periods on or after January 1, 2004 and prior to September 1, 2015 and provides the date of the repeal of the tax on liquefied gas.

No comments were received regarding adoption of the amendment.

The amendments are adopted under Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2.

The amendments implement the repeal of Tax Code Chapter 162, Subchapter D (Motor Fuel Taxes).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Lita Gonzalez

General Counsel

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For further information, please call: (512) 475-0387



34 TAC §3.447

The Comptroller of Public Accounts adopts amendments to §3.447, concerning reports, due dates, bonding requirements, and qualifications for annual filers, without changes to the proposed text as published in the November 20, 2015, issue of the *Texas Register* (40 TexReg 8184). The section is amended to implement the provisions of House Bill 1905, 84th Legislature, 2015, which repealed the tax on liquefied gas and to memorialize current reporting procedures for compressed natural gas and liquefied natural gas dealers.

Subsection (a)(3) is deleted to remove the references to liquefied gas dealers and liquefied gas interstate truckers to reflect the repeal of the tax on liquefied gas. All subsequent paragraphs are renumbered.

Subsection (b)(3) is amended to replace references to liquefied gas with compressed natural gas and liquefied natural gas to reflect the repeal of the tax on liquefied gas and insert "Texas" in front of interstate trucker to clarify this subsection only addresses Texas interstate truckers that travel exclusively between Texas and Mexico.

The title to subsection (d) is changed to better reflect the content of the subsection.

Subsection (e) is amended to replace references to liquefied gas with compressed natural gas and liquefied natural gas to reflect the repeal of the tax on liquefied gas and to identify the specific gases to which the subsection applies. This amendment memorializes current reporting procedures.

No comments were received regarding adoption of the amendment.

The amendments are adopted under Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2.

The section implements Tax Code, Chapter 162, (Motor Fuel Taxes).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Lita Gonzalez

General Counsel

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For further information, please call: (512) 475-0387



34 TAC §3.448

The Comptroller of Public Accounts adopts amendments to §3.448, concerning transportation services for Texas public school districts, without changes to the proposed text as published in the November 20, 2015, issue of the *Texas Register* (40 TexReg 8185). The section is amended to implement the provisions of House Bill 1905, 84th Legislature, 2015 which repealed the tax on liquefied gas effective September 1, 2015.

Subsection (a) is amended to remove references to liquefied gas, paragraph (3) is deleted to reflect the repeal of the tax on liquefied gas, and paragraphs (1) and (2) are amended to make conforming changes.

Subsection (b) is amended to remove references to liquefied gas and to liquefied gas dealers.

Subsection (c)(1), (2), (3), and (4) are amended to remove references to liquefied gas.

Subsection (e) is amended to incorporate the reporting requirements for a commercial transportation company currently listed in paragraph (1). Paragraph (1) is deleted. Paragraph (2) that references liquefied gas and liquefied gas tax decals for vehicles used to provide transportation services under a canceled/completed contract is deleted.

Subsection (g)(2) is amended to remove references to liquefied gas. Subsection (g) is amended to delete paragraph (3) and related attached graphic to reflect the repeal of the tax on liquefied gas.

No comments were received regarding adoption of the amendment.

The amendments are adopted under Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2.

The amendments implement the repeal of Tax Code, Chapter 162, Subchapter D (Motor Fuel Taxes).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Lita Gonzalez

General Counsel

Comptroller of Public Accounts

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