

REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Department of Criminal Justice

Title 37, Part 6

The Texas Board of Criminal Justice files this notice of intent to review §151.55 concerning Disposal of Surplus Agricultural Goods and Agricultural Personal Property. This review is conducted pursuant to Texas Government Code §2001.039, which requires rule review every four years.

Elsewhere in this issue of the *Texas Register*, the Texas Board of Criminal Justice contemporaneously proposes amendments to §151.55.

Comments should be directed to Sharon Felfe Howell, General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, Sharon.Howell@tdcj.texas.gov. Written comments from the general public must be received within 30 days of the publication of this notice in the *Texas Register*.

TRD-201600829

Sharon Howell

General Counsel

Texas Department of Criminal Justice

Filed: February 22, 2016



Texas Board of Professional Engineers

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 Texas 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whether each rule reflects current legal and policy considerations, reflects current procedures of the Board, or is obsolete.

Any comments pertaining to this notice may be submitted within the next 30 days to David Howell, Deputy Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@engineers.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-201600854

Lance Kinney, P.E.

Executive Director

Texas Board of Professional Engineers

Filed: February 22, 2016



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.

This review is conducted pursuant to §2001.039 of the Texas 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 reflects current legal and policy considerations, reflects current procedures of the Board, or is obsolete.

Any comments pertaining to this notice may be submitted within the next 30 days to David Howell, Deputy Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@engineers.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-201600855

Lance Kinney, P.E.

Executive Director

Texas Board of Professional Engineers

Filed: February 22, 2016



The Texas Board of Professional Engineers will review and consider for readoption, revision, or repeal Texas Administrative Code, Title 22, Part 6, Chapter 135, 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 David Howell, Deputy Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@engineers.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-201600856
Lance Kinney, P.E.
Executive Director
Texas Board of Professional Engineers
Filed: February 22, 2016



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.

This review is conducted pursuant to §2001.039 of the Texas 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 reflects current legal and policy considerations, reflects current procedures of the Board, or is obsolete.

Any comments pertaining to this notice may be submitted within the next 30 days to David Howell, Deputy Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@engineers.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-201600857
Lance Kinney, P.E.
Executive Director
Texas Board of Professional Engineers
Filed: February 22, 2016



The Texas Board of Professional Engineers will review and consider for readoption, 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 David Howell, Deputy Executive Director, Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741 or sent by email to rules@engineers.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-201600858
Lance Kinney, P.E.
Executive Director
Texas Board of Professional Engineers
Filed: February 22, 2016



Adopted Rule Reviews

Texas Department of Banking

Title 7, Part 2

On behalf of the Finance Commission of Texas (the commission), the Texas Department of Banking has completed review of Texas Administrative Code, Title 7, Part 2, Chapter 35 (Check Verification Entities), in its entirety, specifically Subchapter A (§35.1); Subchapter B (§§35.11 - 35.17); Subchapter C (§35.31); Subchapter D (§§35.51 - 35.59); and Subchapter E (§35.71 and §35.72).

Notice of the review of Chapter 35 was published in the November 20, 2015, issue of the *Texas Register* (40 TexReg 8345). No comments were received in response to the notice.

The commission believes the reasons for initially adopting Chapter 35 continue to exist. However, the commission has determined that certain revisions and amendments may be appropriate and necessary. Proposed amendments and revisions to Chapter 35, with discussion of the justification for the proposed changes, will be published in the *Texas Register* at a later date.

Accordingly, the commission finds that the reasons for initially adopting these rules continue to exist and readopts Chapter 35 in accordance with the requirements of the Government Code, §2001.039.

TRD-201600761
Catherine Reyer
General Counsel
Texas Department of Banking
Filed: February 19, 2016



Office of Consumer Credit Commissioner

Title 7, Part 5

The Finance Commission of Texas (commission) has completed the review of Texas Administrative Code, Title 7, Part 5, Chapter 84, concerning Motor Vehicle Installment Sales. Chapter 84 contains Subchapter A, concerning General Provisions (§§84.101 - 84.105); Subchapter B, concerning Retail Installment Contract (§§84.201 - 84.205); Subchapter C, concerning Insurance and Debt Cancellation Agreements (§§84.301 - 84.308); Subchapter D, concerning Acquisition of Contract or Balance (§84.401); Subchapter E, concerning Holder's Rights, Duties, and Limitations (§§84.501, 84.503, and 84.504); Subchapter F, concerning Licensing (§§84.601 - 84.616); Subchapter G, concerning Examinations (§§84.702 - 84.709); and Subchapter H, concerning Retail Installment Sales Contract Provisions (§§84.801 - 84.809). The rule review was conducted pursuant to Texas Government Code, §2001.039.

Notice of the review of 7 TAC Part 5, Chapter 84 was published in the *Texas Register* as required on January 15, 2016 (41 TexReg 637). 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 internal review by the Office of Consumer Credit Commissioner, the agency that administers these rules, the commission has determined that certain revisions are appropriate and necessary. The commission is concurrently proposing rule changes to Chapter 84, as published elsewhere in this issue of the *Texas Register*.

Subject to the concurrently proposed rule changes to Chapter 84, the commission finds that the reasons for initially adopting these rules continue to exist, and readopts this chapter in accordance with the requirements of Texas Government Code, §2001.039.

This concludes the review of 7 TAC Part 5, Chapter 84.

TRD-201600796

Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: February 19, 2016



Employees Retirement System of Texas

Title 34, Part 4

Pursuant to the notice of the proposed rule review that was published in the May 8, 2015, issue of the *Texas Register* (40 TexReg 2577), the Employees Retirement System of Texas (ERS) reviewed 34 Texas Administrative Code (TAC) Chapter 61, Terms and Phrases, pursuant to Texas Government Code §2001.039, to determine whether the reason for adopting the rule in Chapter 61 continues to exist. No comments were received concerning the proposed review.

As a result of the review, the ERS Board of Trustees (Board) has determined that the reason for adopting the rule in 34 TAC Chapter 61 continues to exist, and therefore, the Board readopts Chapter 61 with the amendment as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 432) and adopted by the Board at its February 23, 2016 meeting. This completes ERS' review of 34 TAC Chapter 61, Terms and Phrases.

TRD-201600878
Paula A. Jones
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Filed: February 23, 2016



Pursuant to the notice of the proposed rule review that was published in the May 8, 2015, issue of the *Texas Register* (40 TexReg 2577), the Employees Retirement System of Texas (ERS) reviewed 34 Texas Administrative Code (TAC) Chapter 63, Board of Trustees, pursuant to Texas Government Code §2001.039, to determine whether the reason for adopting the rules in Chapter 63 continues to exist. No comments were received concerning the proposed review.

As a result of the review, the ERS Board of Trustees (Board) has determined that the reason for adopting the rules in 34 TAC Chapter 63 continues to exist, and therefore, the Board readopts Chapter 63 with the amendments as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 433) and adopted by the Board at its February 23, 2016 meeting. This completes ERS' review of 34 TAC Chapter 63, Board of Trustees.

TRD-201600879
Paula A. Jones
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Filed: February 23, 2016



Pursuant to the notice of the proposed rule review that was published in the May 8, 2015, issue of the *Texas Register* (40 TexReg 2577), the Employees Retirement System of Texas (ERS) reviewed 34 Texas Administrative Code (TAC) Chapter 65, Executive Director, pursuant to Texas Government Code §2001.039, to determine whether the reason for adopting the rules in Chapter 65 continues to exist. No comments were received concerning the proposed review.

As a result of the review, the ERS Board of Trustees (Board) has determined that the reason for adopting the rules in 34 TAC Chapter 65

continues to exist, and therefore, the Board readopts Chapter 65 with the amendments as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 434) and adopted by the Board at its February 23, 2016 meeting. This completes ERS' review of 34 TAC Chapter 65, Executive Director.

TRD-201600880
Paula A. Jones
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Filed: February 23, 2016



Pursuant to the notice of the proposed rule review that was published in the May 8, 2015, issue of the *Texas Register* (40 TexReg 2578), the Employees Retirement System of Texas (ERS) reviewed 34 Texas Administrative Code (TAC) Chapter 85, Flexible Benefits, pursuant to Texas Government Code §2001.039, to determine whether the reason for adopting the rules in Chapter 85 continues to exist. No comments were received concerning the proposed review.

As a result of the review, the ERS Board of Trustees (Board) has determined that the reason for adopting the rules in 34 TAC Chapter 85 continues to exist, and therefore, the Board readopts Chapter 85 with the amendments as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 435) and adopted by the Board at its February 23, 2016 meeting. This completes ERS' review of 34 TAC Chapter 85, Flexible Benefits.

TRD-201600881
Paula A. Jones
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Filed: February 23, 2016



Texas State Board of Pharmacy

Title 22, Part 15

The Texas State Board of Pharmacy re-adopts the review of Chapter 283 (§§283.1 - 283.11), concerning Licensing Requirements for Pharmacists, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed review was published in the November 27, 2015, issue of the *Texas Register* (40 TexReg 8667).

No comments were received.

The agency finds the reason for adopting the rule continues to exist.

TRD-201600771
Gay Dodson, R.Ph.
Executive Director
Texas State Board of Pharmacy
Filed: February 19, 2016



The Texas State Board of Pharmacy re-adopts the review of Chapter 291, Subchapter B (§§291.31 - 291.35), concerning Community Pharmacy (Class A), pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed review was published in the November 27, 2015, issue of the *Texas Register* (40 TexReg 8667).

No comments were received.

The agency finds the reason for adopting the rule continues to exist.

TRD-201600772
Gay Dodson, R.Ph.
Executive Director
Texas State Board of Pharmacy
Filed: February 19, 2016

