

REVIEW OF AGENCY RULES

notices of *intention to review*, which invite 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 Licensing and Regulation

Title 16, Part 4

The Texas Department of Licensing and Regulation (Department) files this notice of intent to review and consider for re-adoption, revision, or repeal Title 16, Texas Administrative Code, Chapter 91, Dog or Cat Breeders Program. This review and consideration is being conducted in accordance with the requirements of Texas Government Code, §2001.039.

An assessment will be made by the Department as to whether the reasons for adopting or readopting these rules continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current procedures of the Department.

Any questions or written comments pertaining to this rule review may be submitted by mail to Pauline Easley, Legal Assistant, General Counsel's Office, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, or by facsimile to (512) 475-3032, or electronically to erule.comments@tdlr.texas.gov. The deadline for comments is 30 days after publication in the *Texas Register*.

Any proposed changes to these rules as a result of the rule review will be published in the Proposed Rule Section of the *Texas Register*. The proposed rules will be open for public comment prior to final adoption or repeal by the Department, in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

- §91.1. Authority.
- §91.10. Definitions.
- §91.20. Applicability.
- §91.21. License Required--Presumptions.
- §91.22. License Required--Dog or Cat Breeder.
- §91.23. License Requirements--Dog or Cat Breeder.
- §91.24. License Requirements--Dog or Cat Breeders License Renewal.
- §91.25. License Approval and Issuance.
- §91.27. License or Registration--Notice of Proposed Denial, Opportunity to Comply.
- §91.28. Department Notifications to Licensee or Registrant.
- §91.29. License or Registration--Term.
- §91.30. Exemptions.

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)

- §91.50. Inspections--Prelicense.
- §91.51. Inspections--Prelicense Exemption.
- §91.52. Inspections--Periodic.
- §91.53. Out-of-Cycle Inspections.
- §91.54. Corrective Actions Following Periodic or Out-of-Cycle Inspections.
- §91.55. Responsibilities of the Department--Directory.
- §91.56. Responsibilities of the Department--Disciplinary Database.
- §91.57. Responsibilities of the Department--Consumer Interest Information.
- §91.58. Responsibilities of the Department--Donations, Disbursements and Reporting.
- §91.59. Responsibilities of the Department--Reporting Violations; Eligibility of Applicant.
- §91.60. Responsibilities of the Department--Payment of Rewards.
- §91.65. Advisory Committee.
- §91.66. Responsibilities of Inspectors--Inspections, Investigations, and Reports of Animal Cruelty.
- §91.71. Responsibilities of Licensee--Advertising.
- §91.72. Responsibilities of Licensee--Display of Breeders License.
- §91.73. Responsibilities of Licensee--Onsite Availability of Law and Rules.
- §91.74. Responsibilities of Licensee--Mandatory Contract Provisions.
- §91.75. Responsibilities of Licensee--Change in License Information.
- §91.76. Responsibilities of Licensee--Annual Inventory.
- §91.77. Responsibilities of Licensee--Animal Records Content, Availability, and Retention Period.
- §91.78. Responsibilities of Licensee--Inspections.
- §91.80. Fees.
- §91.90. Administrative Sanctions and Penalties.
- §91.91. Enforcement Authority.
- §91.92. License Revocation and Suspension.
- §91.100. Standards of Care--Housing Generally.
- §91.101. Standards of Care--Indoor Housing Facilities.

- §91.102. Standards of Care--Sheltered Housing Facilities.
- §91.103. Standards of Care--Outdoor Housing Facilities.
- §91.104. Standards of Care--Primary Enclosure.
- §91.105. Standards of Care--Compatible Grouping.
- §91.106. Standards of Care--Exercise for Dogs.
- §91.107. Standards of Care--Feeding.
- §91.108. Standards of Care--Watering.
- §91.109. Standards of Care--Cleaning, Sanitization, Housekeeping, and Pest Control.
- §91.110. Standards of Care--Onsite Personnel.
- §91.111. Standards of Care--Grooming.
- §91.112. Standards of Care--Veterinary Care.
- §91.113. Standards of Care--Sales and Transfers.
- §91.200. Transportation Standards-Food and Water Requirements.
- §91.201. Transportation Standards--Mobile or Traveling Facilities.
- §91.202. Transportation Standards--Primary Enclosure Used to Transport Live Dogs and Cats.

TRD-201602134

William H. Kuntz, Jr.
Executive Director

Texas Department of Licensing and Regulation
Filed: May 4, 2016



Public Utility Commission of Texas

Title 16, Part 2

The Public Utility Commission of Texas (commission) publishes this notice of intention to review Chapter 22, Procedural Rules, pursuant to Texas Government Code §2001.039, *Agency Review of Existing Rules*. The commission's Chapter 22, Procedural Rules, provides a system of procedures for practice before the commission intended to promote the just and efficient disposition of proceedings and public participation in the decision-making process. Chapter 22 governs the initiation, conduct, and determination of proceedings required or permitted by law, including proceedings referred to the State Office of Administrative Hearings, whether instituted by order of the commission or by the filing of an application, complaint, petition or any other pleading. The text of the rule sections will not be published. The text of the rules may be found in the Texas Administrative Code, Title 16, Economic Regulation, Part 2, or through the commission's website at www.puc.texas.gov. Project Number 45856, *Rule Review of Chapter 22, Procedural Rules, Pursuant to Texas Government Code §2001.039* is assigned to this rule review project.

Texas Government Code §2001.039 requires that each state agency review and readopt, readopt with amendments, or repeal the rules adopted by that agency pursuant to Texas Government Code, Chapter 2001, Subchapter B, Rulemaking. As required by §2001.039(e), this review is to assess whether the reason for adopting or readopting the rules continues to exist. The commission requests specific comments from interested persons on whether the reasons for adopting each section in Chapter 22 continue to exist. In addition, the commission welcomes comments on any modifications interested persons believe would improve the rules.

If it is determined during this review that any section of Chapter 22 needs to be repealed or amended, the repeal or amendment will be initiated under a separate proceeding; thus, this notice of intention to review Chapter 22 has no effect on the sections as they currently exist.

Comments on the review of Chapter 22 may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Sixteen copies of comments to the proposed rule review are required to be filed pursuant to §22.71(c)(13) of this title. When filing comments, interested persons are requested to comment on the sections in the same order they are found in the chapters and to clearly designate which section is being commented upon. All comments should refer to Project Number 45856.

The notice of intent to review Chapter 22, Procedural Rules, is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2015) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; PURA §14.052, which requires the commission to adopt and enforce rules governing practice and procedure before the commission and, as applicable, practice and procedure before the utility division of the State Office of Administrative Hearings; and Texas Government Code §2001.039 (West 2016 and Supp. 2015) which requires each state agency to review its rules every four years.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and §14.052; Texas Government Code §2001.039.

TRD-201602143

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Public Utility Commission of Texas
Filed: May 4, 2016



Adopted Rule Reviews

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 1, Management, Chapter 5, Finance, Chapter 11, Design, Chapter 15, Financing and Construction of Transportation Projects, Chapter 21, Right of Way, and Chapter 27, Toll Projects.

This review and readoption has 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 February 12, 2016, issue of the *Texas Register* (41 TexReg 1132).

This concludes the review of Chapters 1, 5, 11, 15, 21, and 27.

TRD-201602012

Joanne Wright

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Texas Department of Transportation
Filed: April 28, 2016

