

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 7. STATE OFFICE OF ADMINISTRATIVE HEARINGS

CHAPTER 155. RULES OF PROCEDURE SUBCHAPTER J. DISPOSITION OF CASE

1 TAC §155.503

The State Office of Administrative Hearings (SOAH) adopts amendments to Texas Administrative Code, Title 1, Part 7, Chapter 155, Rules of Procedure, Subchapter J, §155.503, concerning Dismissal Proceedings. The amendments are adopted without changes to the proposed text as published in the March 12, 2021, issue of the *Texas Register* (46 TexReg 1577) and will not be republished.

Reasoned Justification

Effective November 29, 2020, SOAH amended its Rules of Procedure in Chapter 155, including amendments to §155.503 regarding the dismissal of contested case proceedings. Section 155.503(c)(3) provides that when a case is dismissed for a failure to prosecute a matter, the case will be remanded to the referring agency, unless the case is reinstated by order of the presiding judge in response to a timely motion for reinstatement.

While the procedure described in §155.503(c)(3) is suitable for most cases in which one or more parties fail to prosecute their case, SOAH's administrative law judges recommend that the rule should be clarified to address the procedure to be followed where SOAH is authorized by law to render a final decision. The adopted amendments to §155.503(c)(3) clarify that: (A) if SOAH is not authorized to render a final decision, then the case will be remanded to the referring agency; and (B) if SOAH is authorized to render a final decision, then SOAH will conclude its involve-

ment in the matter and surrender jurisdiction. Both of these outcomes are supported by Texas Government Code §2003.051.

Public Comments

No comments were received regarding the proposed rule.

Statutory Authority

The amendments are adopted under: (i) Texas Government Code §2003.050, which provides that the Chief Administrative Law Judge shall adopt rules that govern procedures that relate to hearings conducted by SOAH; and (ii) Texas Government Code §2003.051, which provides that a state agency that has referred a matter to the office in which the office will conduct a hearing may not take any adjudicative action relating to the matter until the office has issued its proposal for decision or otherwise concluded its involvement in the matter.

Cross Reference to Statute

The adopted rule affects Chapters 2001 and 2003 of the Texas Government Code.

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

Filed with the Office of the Secretary of State on April 16, 2021.

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