TITLE 19. EDUCATION
PART 2. TEXAS EDUCATION AGENCY
CHAPTER 97. PLANNING AND ACCOUNTABILITY
SUBCHAPTER AA. ACCOUNTABILITY AND PERFORMANCE MONITORING

19 TAC §97.1002

The Texas Education Agency (TEA) adopts the repeal of §97.1002, concerning accountability rating system provisions related to Hurricane Harvey. The repeal is adopted without changes to the proposed text as published in the May 24, 2019 issue of the Texas Register (44 TexReg 2565) and will not be republished. The adopted repeal is necessary because the Hurricane Harvey Provision applied only to excerpts of the 2018 Accountability Manual, which will be replaced by the 2019 Accountability Manual in August 2019.

REASONED JUSTIFICATION. The TEA has adopted the academic accountability manual in rule since 2000. The accountability system evolves from year to year, so the criteria and standards for rating and acknowledging schools in the most current year differ to some degree over those applied in the prior year.

Effective August 14, 2018, §97.1002 adopted an excerpt of the 2018 Accountability Manual into rule as a figure. The excerpt, Chapter 10 of the 2018 Accountability Manual, described the Hurricane Harvey Provision used to evaluate school districts, open-enrollment charter schools, and campuses affected by Hurricane Harvey. The provision specified the criteria that school districts, open-enrollment charter schools, and campuses must have met in order to receive a Not Rated label due to the effects of Hurricane Harvey.

Because the provision applied only to 2018 accountability, §97.1002 is outdated and should be removed from rule.

SUMMARY OF COMMENTS AND AGENCY RESPONSES. The public comment period on the proposal began May 24, 2019, and ended June 24, 2019. No public comments were received.

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §39.052(a) and (b)(1)(A), which require the commissioner to evaluate and consider the performance on achievement indicators, including those described in TEC, §39.053(c), when determining the accreditation status of each school district and open-enrollment charter school; TEC, §39.053, which requires the commissioner to adopt a set of performance indicators related to the quality of learning and achievement in order to measure and evaluate school districts and campuses; TEC, §39.054, which requires the commissioner to adopt rules to evaluate school district and campus performance and to assign a performance rating; TEC, §39.0541, which allows the commissioner to adopt indicators and standards under TEC, Subchapter C, at any time during a school year before the evaluation of a school district or campus; TEC, §39.0548, which requires the commissioner to designate campuses that meet specific criteria as dropout recovery schools and to use specific indicators to evaluate them; TEC, §39.055, which prohibits the use of assessment results and other performance indicators of students in a residential facility in state accountability; TEC, §39.151, which provides a process for a school district or an open-enrollment charter school to challenge an academic or financial accountability rating; TEC, §39.201, which requires the commissioner to award distinction designations to a campus or district for outstanding performance; TEC, §39.2011, which makes open-enrollment charter schools and campuses that earn an acceptable rating eligible for distinction designations; TEC, §39.202 and §39.203, which authorize the commissioner to establish criteria for distinction designations for campuses and districts; TEC, §29.081(e), (e-1), and (e-2), which define criteria for alternative education programs for students at risk of dropping out of school and subjects those campuses to the performance indicators and accountability standards adopted for alternative education programs; and TEC, §12.104(b)(2)(L), which subjects open-enrollment charter schools to the rules adopted under public school accountability in TEC, Chapter 39.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§39.052(a) and (b)(1)(A); 39.053; 39.054; 39.0541; 39.0548; 39.055; 39.151; 39.201; 39.2011; 39.202; 39.203; 29.081(e), (e-1), and (e-2); and 12.104(b)(2)(L).

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 July 26, 2019.
TRD-201902407
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Effective date: August 15, 2019
Proposal publication date: May 24, 2019
For further information, please call: (512) 475-1497

19 TAC §97.1004

The Texas Education Agency (TEA) adopts the repeal of §97.1004, concerning adequate yearly progress (AYP). The repeal is adopted without changes to the proposed text as published in the May 31, 2019 issue of the Texas Register (44...
TexReg 2653) and will not be republished. The adopted repeal is necessary because the rule is concerned with requirements from the No Child Left Behind Act of 2001 (NCLB), which is no longer in effect.

REASONED JUSTIFICATION. Under the federal accountability provisions in NCLB, all campuses, school districts, and the state were evaluated for AYP. Districts, campuses, and the state were required to meet AYP criteria on three measures: reading/English language arts, mathematics, and either graduation rate (for high schools and districts) or attendance rate (for elementary and middle/junior high schools). If a campus, district, or state receiving Title I, Part A, funds failed to meet AYP for two consecutive years, that campus, district, or state was subject to certain requirements such as offering supplemental educational services, offering school choice, or taking corrective actions. To implement these requirements, TEA developed the AYP guide effective July 14, 2005. In 2015, NCLB was replaced by the Every Student Succeeds Act, which did not continue AYP.

The adopted repeal of 19 TAC §79.1004 repeals applicable excerpts, Sections II-V, of the 2012 Adequate Yearly Progress Guide. These excerpted sections describe specific features of the system, AYP measures and standards, and appeals, which are no longer applicable since NCLB has been replaced.

SUMMARY OF COMMENTS AND AGENCY RESPONSES. The public comment period on the proposal began May 31, 2019, and ended July 1, 2019. No public comments were received.

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §7.055(b)(32), which requires the commissioner to perform duties in connection with accreditation status and the public school accountability system as prescribed by TEC, Chapter 39; TEC, §39.073, as that section existed before amendment by House Bill (HB) 3, 81st Texas Legislature, 2009, which required the commissioner to perform duties in connection with accreditation status and the public school accountability system as prescribed by TEC, Chapter 39; and TEC, §39.075(a)(4), as that section existed before amendment by HB 3, 81st Texas Legislature, 2009, which required the commissioner to authorize special accreditation investigations to be conducted in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §7.055(b)(32); and §39.073 and §39.075(a)(4), as those sections existed before amendment by House Bill 3, 81st Texas Legislature, 2009.

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 July 23, 2019.
TRD-201902346
John P. Maline
Executive Director
Texas Board of Physical Therapy Examiners

Effective date: September 1, 2019
Proposal publication date: June 14, 2019
For further information, please call: (512) 305-6900

CHAPTER 344. ADMINISTRATIVE FINES AND PENALTIES

22 TAC §344.1

The Texas Board of Physical Therapy Examiners adopts an amendment to §344.1, concerning Administrative Fines and Penalties, pursuant to the amendment of the PT Practice Act, Occupations Code, Chapter 453, pertaining to the repeal of physical therapy facility registration and annual renewal in SB 317 during the 85th Legislative Session. The amendment is adopted without changes to the proposed text as published in the June 14, 2019, issue of the Texas Register (44 TexReg 2911) and will not be republished.

The amendment is adopted in order to establish a process for expungement of facility-related administrative violations from a licensee's record.

No comments were received regarding the proposed amendment.
The amended rules are adopted under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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 July 23, 2019.

TRD-201902347
John P. Maline
Executive Director
Texas Board of Physical Therapy Examiners
Effective date: September 1, 2019
Proposal publication date: June 14, 2019
For further information, please call: (512) 305-6900

CHAPTER 347. REGISTRATION OF PHYSICAL THERAPY FACILITIES

22 TAC §§347.1, 347.2, 347.4 - 347.6, 347.8, 347.9, 347.11 - 347.13, 347.15

The Texas Board of Physical Therapy Examiners adopts the repeal of Chapter 347, Registration of Physical Therapy Facilities pursuant to the amendment of the PT Practice Act, Occupations Code Chapter 453 pertaining to the repeal of physical therapy facility registration and annual renewal in SB 317 during the 85th Legislative Session. The sections repealed include §§347.1, 347.2, 347.4 - 347.6, 347.8, 347.9, 347.11 - 347.13, and 347.15. The repeal is adopted without changes to the proposed repeal as published in the June 14, 2019, issue of the Texas Register (44 TexReg 2912). The rules will not be republished.

The repeal is adopted in order to eliminate all rules pertaining to the registration and renewal of physical therapy facilities.

No comments were received regarding the proposed amendment.

The repeal is adopted under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

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 July 23, 2019.

TRD-201902347
John P. Maline
Executive Director
Texas Board of Physical Therapy Examiners
Effective date: September 1, 2019
Proposal publication date: June 14, 2019
For further information, please call: (512) 305-6900

CHAPTER 34. PUBLIC FINANCE

PART 3. TEACHER RETIREMENT SYSTEM OF TEXAS

CHAPTER 25. MEMBERSHIP CREDIT

The Teacher Retirement System of Texas (TRS) adopts amendments to §25.162 relating to State Personal or Sick Leave Credit of Chapter 25, Subchapter L, in Title 34, Part 3, of the Texas Administrative Code (TAC) and §25.303 relating to Calculation of Actuarial Costs for Purchase of Compensation Credit, of Chapter 25, Subchapter P, in Title 34, Part 3, of the TAC without changes to the proposed text as published in the June 14, 2019, issue of the Texas Register (44 TexReg 2914). These rules will not be republished. In addition, TRS adopts amendments to §25.302 relating to Calculation of Actuarial Cost of Service Credit of Chapter 25, Subchapter P, in Title 34, Part 3, of the TAC with changes to the proposed text as published in the same issue of the Texas Register. The rule is republished below.

REASONED JUSTIFICATION

The adopted amendments update one or more actuarial table used to calculate the cost of a service credit or compensation credit purchase. The adopted amendments incorporate new actuarial tables into each rule that have been updated based on the most recently-approved mortality assumptions and new investment return assumption adopted by the TRS Board of Trustees (Board). The new actuarial tables were prepared by the TRS actuary of record, Gabriel, Roeder, Smith & Company.

The adopted amendments to §25.162 update the actuarial table for the purchase or one year of service credit based on accumulated state personal or sick leave. The adopted amendments to §25.302 update several actuarial tables relating to the purchase of service credit that must be purchased based on the actuarial present value of the credit, such as service credit for unreported service or out-of-state service. Lastly, adopted amendments to §25.303 update several actuarial tables relating to the purchase of compensation credit that statute must be purchased based on the actuarial present value of the compensation. Minor, conforming changes have also been made to the text of adopted amendments to §25.302 and §25.303 to incorporate these tables, and a clarifying change has been made to §25.303 that provides that the cost factor for purchasing compensation credit shall be applied to the difference between a participant's final average salary before and after the purchase, not the additional compensation being purchased. Lastly, an additional clarifying change has been made to the proposed text of §25.302 that provides that the 103.5% multiplier shall be applied to all service credit purchases for grandfathered members regardless of whether the cost factor is found in the upper or lower region of the applicable table. This change ensures the tables are consistent with instructions of the TRS Actuary of Record regarding implementation of the new tables.

The adopted amendments and updated tables will be effective on September 1, 2019, and will be used to calculate the cost of any relevant service or compensation credit purchases initiated beginning in the 2019-2020 school year and going forward.

COMMENTS

No comments on the proposed adoption of the amendments were received.

SUBCHAPTER L. OTHER SPECIAL SERVICE CREDIT

ADOPTED RULES  August 9, 2019  44 TexReg 4185
34 TAC §25.162

STATUTORY AUTHORITY
The adopted amendments were proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board and Government Code §823.403, which provides that an eligible member is entitled to receive service credit based on the member's accumulated sick and personal leave if the member pays to TRS at the time service credit is granted the actuarial present value of the additional standard retirement annuity benefits under the option selected by the member that would be attributable to the conversion of the unused state personal or sick leave into the service credit based on rates and tables recommended by the TRS actuary of record and adopted by the Board.

CROSS-REFERENCE TO STATUTE
The adopted amendments implement Chapter 823, Subchapter E, Texas Government Code, concerning establishment of equivalent membership service.

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 July 26, 2019.
TRD-201902394
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Effective date: September 1, 2019
Proposal publication date: June 14, 2019
For further information, please call: (512) 542-6201

SUBCHAPTER P.  CALCULATION OF FEES AND COSTS
34 TAC §25.302, §25.303

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figures in 34 TAC §25.302 are not included in the print version of the Texas Register. The figures are available in the on-line version of the August 9, 2019, issue of the Texas Register.)

STATUTORY AUTHORITY
The amendments are adopted under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board; Government Code §823.401, which provides that eligible members may establish equivalent member service credit based on certain types of out-of-state service by depositing with TRS the actuarial present value, at the time of deposit, of the additional standard retirement annuity benefits that would be attributable to the purchase of the service credit based on rates and tables recommended by the TRS actuary of record and adopted by the Board; Government Code §823.402, which provides that eligible members may establish equivalent membership service credit for certain developmental leave by depositing with TRS the actuarial present value, at the time of deposit, of the additional standard retirement annuity benefits that would be attributable to the purchase of the service credit based on rates and tables recommended by the TRS actuary of record and adopted by the Board; Government Code §823.404, which provides that an eligible member may establish equivalent membership service credit for work experience for which the member is entitled to a salary step under Education Code §21.403(b) if the member deposits with TRS, for each year of service, the actuarial present value, at the time of deposit, of the additional standard retirement annuity benefits that would be attributable to the conversion of the work experience into service credit based on rates and tables recommended by the TRS actuary of record and adopted by the Board; Government Code §823.406, which provides that a member may establish membership service credit for service performed during a 90-day waiting period to become a member by depositing with TRS, for each month of service credit, the actuarial present value, at the time of deposit, of the additional standard retirement annuity benefits that would be attributable to the purchase of the service or compensation credit based on rates and tables recommended by the TRS actuary of record and adopted by the Board.

CROSS-REFERENCE TO STATUTE
The proposed amendments implement Chapter 823, Subchapter E, Texas Government Code, concerning establishment of equivalent membership service and Government Code §825.403, concerning the collection of member's contributions.

§25.302.  Calculation of Actuarial Costs of Service Credit.

(a)  When a member is purchasing TRS service credit for which the law requires that the actuarial cost or actuarial present value be deposited and for which the method in this section is referenced by another section of this title, TRS will calculate the cost using the cost factors obtained from the Actuarial Cost Tables adopted and method described in this section. Effective September 1, 2015, for purposes of this section, TRS will use the age of the member and the service credit established by the member on September 1 of the school year in which the cost of the purchase is established.

(b)  The factors for individuals whose membership was established before September 1, 2007 and who have five years of service credit on August 31, 2014, and maintain membership in TRS until the time of purchase, are shown in the tables adopted as part of this subsection, which shall be used when the service credit cost is paid on or after September 1, 2019, or an installment agreement is entered into on or after September 1, 2019. Within each set of tables, the number of years of service credit to be purchased will determine which specific table will be used. Each of the tables cross-references the member's age in rows with years of credited service (before purchase) in columns. The intersection of the participant's age and service is the cost per $1,000 of salary. The cost factor for a participant with more years of service credit than shown on the table is the same as the factor shown for the highest number of years of service credit on the table for the participant. TRS will calculate the cost to purchase service credit under this section by dividing the participant's salary by 1000 and multiplying the resulting quotient by the appropriate cost factor obtained from the table. The
tables set forth the cost, per $1,000 of salary, to purchase from one year to fifteen years of service credit. The number of years of service credit available for purchase is determined by the laws and rules applicable to the type of service credit to be purchased. For the purpose of calculating the required amount for a member who is not grandfathered to use a three-year salary average under §51.12 of this title (relating to Applicability of Certain Laws in Effect Before September 1, 2005), the term "salary" is defined as follows:

(1) For the upper region of the table (where the factors appear above the line), salary is the greater of the annual salary for the last year of credited service or the average of the member's highest years of compensation calculated on September 1 of the school year in which the cost of the service credit is established. For the fewer of five years of uncredited service or all of the member's years of compensation shall be used for the average; or

(2) For the lower region of the table (where the factors appear below the line), salary is the average of the member's highest five years of compensation calculated on September 1 of the school year in which the cost of the service credit is established. A member's highest five years of compensation shall be calculated as if the member were retiring at the time the service credit is purchased. The lower region of the table (where the factors appear below the line) reflects those age and service combinations where the purchase of service credit results in immediate eligibility of the member for unreduced retirement benefits.

Figure: 34 TAC §25.302(b)(2)

(c) For the purpose of calculation of actuarial cost for service credit for a member described in subsection (b) of this section who is grandfathered to use a three-year salary average, the term "salary" shall have the same meaning as in subsection (b) of this section except that a three-year salary average shall be used instead of a five-year salary average. Additionally, the cost shall be 103.5 percent of the cost as calculated under subsection (b) of this section.

(d) For individuals whose membership was established on or after September 1, 2007 and who have five years of service credit on August 31, 2014, and maintain membership in TRS until the time of purchase, the methodology described in subsection (b) of this section shall be used to determine cost of additional service credit, but TRS shall use the factors in the tables adopted as part of this subsection, which shall be used when the service credit cost is paid on or after September 1, 2019, or an installment agreement is entered into on or after September 1, 2019. If the member is not grandfathered to use a three-year salary average, the term "salary" shall have the same meaning as in subsection (b) of this section.

Figure: 34 TAC §25.302(d)

(e) If an individual established membership on or after September 1, 2007 and has five years of service credit on August 31, 2014, and maintains membership in TRS until the time of purchase, but is grandfathered to use a three-year salary average, the term "salary" shall have the same meaning as in subsection (b) of this section except that a three-year salary average shall be used instead of a five-year salary average. The cost of establishing additional service credit for a grandfathered member described in this subsection, shall be 1.035 times the cost as calculated under subsection (d) of this section.

(f) An individual who first was a member of TRS before September 1, 2007, but who terminated membership through withdrawal of accumulated contributions and then again joined TRS on or after September 1, 2007, and has five years of service credit on August 31, 2014 and maintains membership in TRS until the time of purchase, is subject to the calculation of cost for additional service credit under subsections (d) and (e) of this section.

(g) For members who do not have five years of service credit on August 31, 2014 or whose current membership began after August 31, 2014, the methodology described in subsections (b) and (c) of this section shall be used to determine the cost of additional service credit, but TRS shall use the factors in the tables adopted as part of this subsection.

Figure: 34 TAC §25.302(g)

(h) For the purpose of calculation of actuarial cost for service credit for a member described in subsection (g) of this section who is not grandfathered to use a three-year salary average, the term "salary" shall have the same meaning as in subsection (b) of this section.

(i) If the individual did not have five years of service credit on August 31, 2014 or whose current membership began after August 31, 2014, but is grandfathered to use a three-year salary average, the term "salary" shall have the same meaning as in subsection (b) of this section except that a three-year salary average shall be used instead of a five-year salary average. The cost of establishing additional service credit for a grandfathered member described in this subsection shall be 1.035 times the cost as calculated under subsection (g) of this section.

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 July 26, 2019.
TRD-201902396
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Effective date: September 1, 2019
Proposal publication date: June 14, 2019
For further information, please call: (512) 542-6201

CHAPTER 29. BENEFITS

( Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figures in 34 TAC §29.11 are not included in the print version of the Texas Register. The figures are available in the online version of the August 9, 2019, issue of the Texas Register.)

The Teacher Retirement System of Texas (TRS) adopts amendments to §29.21 relating to Beneficiary Tables, Subchapter A, in Title 34, Part 3, of the Texas Administrative Code and §29.71 relating to Tables, Subchapter F, in Title 34, Part 3, of the Texas Administrative Code without changes to the text as proposed in the June 14, 2019, issue of the Texas Register (44 TexReg 2917). These rules will not be republished. In addition, TRS adopts amendments to §29.11 relating to Actuarial Tables, Subchapter A, in Title 34, Part 3, of the Texas Administrative Code with changes to the text as proposed in the same issue of the Texas Register. This rule is republished below.

REASONED JUSTIFICATION

Each rule TRS adopts to amend currently incorporates one or more actuarial table used to calculate the retirement benefits of TRS retirees based on various retirement selections, such as electing for early-age retirement or a partial lump-sum option payment. The adopted amendments incorporate new actuarial tables into each rule that have been updated based on the TRS Board of Trustees (Board) most recently approved mortality
assumptions and new investment return assumption. The new actuarial tables were prepared by the TRS actuary of record, Gabriel, Roeder, Smith & Company.

Adopted amended §29.11 updates several actuarial tables relating to early-age retirement reduction factors, reduction factors for service and disability retirement options, and reserve transfer factors. TRS has also made a minor clarifying change to both Graphic 34 TAC §29.11(c) and Graphic 34 TAC §29.11(d) as originally proposed. The reduction factor tables for Option 3 and Option 4 annuities under each graphic both now include a footnote clarifying that for members younger than 40 years of age the age 40 reduction factor shall apply. In addition, TRS has made nonsubstantive changes to each graphic as proposed to correct typographical errors. Adopted amended §29.21 updates the tables for unisex joint beneficiary life expectancy that are used when calculating life expectancy for the purposes of option beneficiary changes made under §824.1013, Government Code. Lastly, adopted amended §29.71 updates the actuarial table relating to the reduction factors to be applied to the annuity payments of retirees that elect to receive a partial lump-sum payment at the time of retirement. Minor, conforming changes have also been made to the text of adopted amended §29.11 to incorporate the updated tables.

The adopted amended rules and updated tables are effective on September 1, 2019 and will generally be used to calculate the benefits for all service or disability retirements or option beneficiary changes that will be effective in the 2019-2020 school year and going forward. If an update to one of the tables would have an adverse impact to the benefits of a retiree or member who is eligible for normal-age service retirement at the time of the proposed change becomes effective, the retiree or member's benefit will continue to be calculated under the tables as they existed prior to the update.

COMMENTS
No comments on the proposed adoption of the amendments were received.

SUBCHAPTER A. RETIREMENT

34 TAC §29.11, §29.21

STATUTORY AUTHORITY

The adopted amendments were proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board; Government Code §824.1013, which limits the monthly payments a new option beneficiary may receive after a beneficiary change under that section to the life expectancy of the beneficiary designated at retirement; Government Code §824.202, which provides the early-age retirement reduction factors and authorizes the Board to adopt tables that interpolate the application of each reduction factor by each month of age of retiree between two years of age; Government Code §824.204, which requires that an optional annuity payment be actuarially reduced from the standard annuity payment to its actuarially equivalent based on the service retirement option selected; Government Code §824.308, which requires that an optional annuity payment be actuarially reduced from the standard annuity payment to its actuarially equivalent based on the disability retirement option selected; and Government Code §825.309, which describes that if TRS transfers funds to a retired reserve account the amount transferred from the state con-
tribution account must be an amount determined under actuarial tables adopted by the Board sufficient for the payments of benefits as they become due.

CROSS-REFERENCE TO STATUTE


§29.11. Actuarial Tables.

(a) Actuarial tables furnished by the TRS actuary of record will be used for computation of benefits. Factors for ages or types of annuities not included in the tables will be computed from the same data by the same general formulas.

(b) The Teacher Retirement System adopts the actuary's early age reduction factors. The factor tables are as follows: Figure: 34 TAC §29.11(b)

(c) The Teacher Retirement System adopts the actuary's factors for service retirement options. The factor tables are as follows: Figure: 34 TAC §29.11(c)

(d) The Teacher Retirement System adopts the actuary's factors for disabled member retirement options. The factor tables are as follows: Figure: 34 TAC §29.11(d)

(e) The Teacher Retirement System adopts the actuary's reserve transfer factors. The reserve transfer factor tables are as follows: Figure: 34 TAC §29.11(e)

(f) The board of trustees may change the tables or adopt new tables from time to time by amending this section; provided, however, that any such change does not result in any retiree or member eligible for service retirement with an unreduced annuity as of the date of the change receiving a smaller benefit than the benefit computed immediately before the change. If such a change would result in a smaller benefit, then TRS will use the tables in effect immediately prior to the change to calculate the benefits for any retiree or member eligible for service retirement with an unreduced annuity as of the date of the change.

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 July 26, 2019.
TRD-201902399
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Effective date: September 1, 2019
Proposal publication date: June 14, 2019
For further information, please call: (512) 542-6201

SUBCHAPTER F. PARTIAL LUMP-SUM PAYMENT

34 TAC §29.71

STATUTORY AUTHORITY
The adopted amendment was proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board, and Government Code §824.2045, which requires the service retirement annuity selected by a retiree to be actuarially reduced to reflect the lump-sum option selected by the member and shall be actuarially equivalent to a standard or optional service retirement annuity, as applicable, reduced for early age without the partial lump-sum distribution.

CROSS-REFERENCE TO STATUTE

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 July 26, 2019.

TRD-201902401

Don Green

Chief Financial Officer

Teacher Retirement System of Texas

Effective date: September 1, 2019

Proposal publication date: June 14, 2019

For further information, please call: (512) 542-6201

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CHAPTER 41. HEALTH CARE AND INSURANCE PROGRAMS

The Teacher Retirement System of Texas (TRS) adopts amendments to rules §41.1, relating to Initial Enrollment Periods for the Health Benefit Program under the Texas Public School Retired Employees Group Benefits Act (TRS-Care); §41.2, relating to Additional Enrollment Opportunities; §41.3, relating to Retirees Advisory Committee; §41.4, relating to Employer Health Benefit Surcharge; §41.7, relating to Effective Date of Coverage; §41.8, relating to Eligible Bidders; §41.9, relating to Bid Procedure; §41.11, relating to Years of Service Credit Used to Determine Premiums; §41.15, relating to Requirements to Bid on Insurance for School District Employees and Retirees Under Chapter 1576 of the Insurance Code; §41.31, relating to Eligible Bidders; §41.32, relating to Bid Procedure; §41.34, relating to Eligibility for Coverage under the Texas School Employees Uniform Group Health Coverage Program; §41.39, relating to Coverage for Individuals Changing Employers; §41.41, relating to Premium Payments; and §41.50, relating to Appeals Relating to Claims or Other Benefits, of Chapter 41, Subchapter A, Subchapter B and Subchapter C, in Title 34, Part 3, of the Texas Administrative Code. The amendments are adopted without changes to the proposed text as published in the June 14, 2019, issue of the Texas Register (44 TexReg 2920) and therefore will not be republished.

REASONED JUSTIFICATION

Subchapter A, Retiree Health Care Benefits (TRS-CARE): This subchapter contains 14 rules addressing the health coverage that can be offered pursuant to Chapter 1575 of the Insurance Code. Changes are adopted for eight rules in this subchapter: §§41.1 - 41.4, 41.7 - 9, and 41.11.

TRS-Care Program Rule 41.1 Initial Enrollment Periods for the Health Benefit Program under the Texas Public School Retired Employees Group Benefits Act (TRS-Care). In addition to non-substantive adopted amendments to streamline the wording of this rule, amendments are also adopted in subsection (e) to eliminate specific references to initial enrollment opportunities for new spouses and new dependent children. Those have been replaced by references to broader enrollment opportunities under Rule §41.2 and under applicable law, which themselves include initial enrollment opportunities for new spouses and new dependent children. Therefore, these adopted amendments in subsection (e) do not make any substantive changes to the initial enrollment periods available to potential enrollees.

TRS-Care Program Rule 41.2 Additional Enrollment Opportunities. Subsection (a) of this rule expired on December 31, 2017, as evidenced by subsection (a)(9). Accordingly, this subsection is deleted, along with the re-lettering of the remainder of the subsections of this rule. In addition, subsection (b)(3) is deleted because it is no longer needed.

TRS-Care Program Rule 41.3 Retirees Advisory Committee. Along with the correction of a typographical reference to the "Committees" in subsection (g), the adopted amendment concerning subsection (b) more closely aligns its language with the language found in Section 1.7(t) of the TRS Board Bylaws.

TRS-Care Program Rule 41.4 Employer Health Benefit Surcharge. With the passage of time, the introductory phrase in subsection (c), along with existing subsections (b), (j) and (k), are no longer needed. All of the other amendments adopted in this rule simply re-letter references to the remaining subsections of this rule.

TRS-Care Program Rule 41.7 Effective Date of Coverage. The adopted amendments in subsection (g) and subsection (h) are responsive to the above noted re-lettering of the remaining subsections of Rule 41.2. Further, a new subsection (n) has been added as a means of providing notice to enrollees in a Medicare plan under TRS-Care that their effective date of coverage is determined by the federal laws, regulations, policies and procedures that control the Medicare program.

TRS-Care Program Rules 41.8 Eligible Bidders and Rule 41.9 Bid Procedure. These rules deal with bidding issues related to the TRS-Care Program. The adopted revisions to these rules, as well as the similar rules for the other two programs addressed under Chapter 41, have two objectives in mind: (1) where appropriate, to create greater consistency between and among these rules, given that all of them address bidding issues; and (2) to eliminate specific bidding terms. Specific bidding terms are now included in the minimum qualification standards outlined in each solicitation, when appropriate; accordingly, the adopted revisions to the rules for each program include more general and more flexible requirements that each bidder "must comply with the minimum qualification standards contained in the applicable solicitation from TRS" and each bid must be "submitted in compliance with the bid requirements provided by TRS."

TRS-Care Program Rule 41.11 Years of Service Credit Used to Determine Premiums. Subsection (a) provides that TRS may use years of service credit to determine applicable premium rates. The adopted amendments add an introductory phrase to subsections (b) and (c) in order to clarify that subsections (b) and (c), with their mandatory "will use the retiree's years

ADOPTED RULES August 9, 2019 44 TexReg 4189
of service credit" language, are subject first and foremost to an election by TRS under subsection (a) to use such years of service credit in determining premiums.

Subchapter B, Long-Term Care, Disability, and Life Insurance Rule 41.15 Requirements to Bid on Insurance for School District Employees and Retirees Under Chapter 1576 of the Insurance Code. This subchapter contains six rules addressing the long-term care coverage that can be offered pursuant to Chapter 1576 of the Insurance Code. Changes are adopted for one rule in this subchapter, §41.15. The adopted amendments to this rule provide consistency with the changes adopted to the other rules that address bidding for contracts (i.e., Rules 41.8, 41.9, 41.31, and 41.32); also, existing subsections (c) and (d) of Rule 41.15 are deleted because the possible offering of permanent life insurance and disability insurance are not a part of the Long-Term Care Program and, therefore, should not be included in this rule.

Subchapter C, Texas School Employees Group Health (TRS-ActiveCare). This subchapter contains sixteen rules addressing the administration and operation of the TRS-ActiveCare Program. Changes are adopted for six rules in the subchapter: §§41.31, 41.32, 41.34, 41.39, 41.41, and 41.50.

TRS-ActiveCare Program Rule 41.31 Eligible Bidders and Rule 41.32 Bid Procedures. These rules relate to bidding issues associated with the TRS ActiveCare Program. The adopted revisions to these rules, as well as the similar rules for the other two programs addressed under Chapter 41, have two objectives in mind: (1) where appropriate, to create greater consistency between and among these rules, given that all of them address bidding issues; and (2) to eliminate specific bidding terms. Specific bidding terms are now included in the minimum qualification standards outlined in each solicitation, when appropriate; accordingly, the adopted revisions include for each program more general and more flexible requirements that each bidder "must comply with the minimum qualification standards contained in the applicable solicitation from TRS" and each bid must be "submitted in compliance with the bid requirements provided by TRS."

TRS-ActiveCare Program Rule 41.34 Eligibility for Coverage under the Texas School Employees Uniform Group Health Coverage Program. As marked in subsections (1), (2), (3), (5) and (6), the adopted substitution of the word "title" for "chapter" align these references with similar such references found in other rules under Chapter 41. With the passage of time, the introductory phrase in subsection (8), along with existing subsection (9), are no longer needed. These above-noted adopted amendments make no substantive changes to this rule.

TRS-ActiveCare Program Rule 41.39 Coverage for Individuals Changing Employers. The only adopted amendment to this rule is found in subsection (d). Subsection (d) provides that an eligible employee who has previously waived coverage may enroll during any subsequent open enrollment period. However, a change in employment that takes place during the same plan year in which the employee waived coverage, but outside of an open-enrollment period, will not allow the employee to enroll in TRS-ActiveCare. Yet, Rule 41.36(b) provides that if an eligible part-time employee waives coverage during an enrollment opportunity and later, during that same plan year, becomes an eligible full-time employee, then that employee has a 31-day enrollment opportunity to enter into TRS-ActiveCare; this change in status to a full-time employee could take place when the employee changes employment during the same plan year in which the employee previously waived coverage. This adopted amendment provides notice to enrollees of this exception to the general prohibition found in subsection (d) of Rule 41.39.

TRS-ActiveCare Program Rule 41.41 Premium Payments. With the passage of time, existing subsection (a), along with the introductory phrase in subsection (b), are no longer needed. All of the other amendments adopted in this rule simply re-letter references to the remaining subsections of this rule.

TR-ActiveCare Program Rule 41.50 Appeals, relating to Claims or Other Benefits. With the passage of time, the phrase in subsection (a) that references "September 1, 2011," along with existing subsection (b), are no longer needed.

COMMENTS

No comments on the proposed adoption of the amendments were received.

SUBCHAPTER A. RETIREE HEALTH CARE BENEFITS (TRS-CARE)

34 TAC §§41.1 - 41.4, 41.7 - 41.9, 41.11

STATUTORY AUTHORITY

The adopted amendments were proposed under the authority of Texas Insurance Code §1575.051 and 1575.052(a), relating to the adoption of rules to implement TRS-Care; Texas Insurance Code §1576.006, relating to the adoption of rules for group long-term care insurance for public school employees; and Texas Insurance Code §1579.051 and §1579.052 (a), (b) and (e), relating to the adoption of rules for TRS-ActiveCare.

CROSS-REFERENCE TO STATUTE

The adopted amended rules implement the Texas Public School Retired Employees Group Benefits Act (Chapter 1575 of the Texas Insurance Code); Chapter 1576 of the Texas Insurance Code, relating to group long-term care insurance for public school employees; and the Texas School Employees Group Health Coverage Act (Chapter 1579 of the Texas Insurance 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 July 26, 2019.

TRD-201902385
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Effective date: August 15, 2019
Proposal publication date: June 14, 2019
For further information, please call: (512) 542-6201

SUBCHAPTER B. LONG-TERM CARE, DISABILITY AND LIFE INSURANCE

34 TAC §41.15

STATUTORY AUTHORITY

The adopted amendments were proposed under the authority of Texas Insurance Code §1575.051 and 1575.052(a), relating to
the adoption of rules to implement TRS-Care; Texas Insurance Code §1576.006, relating to the adoption of rules for group long-term care insurance for public school employees; and Texas Insurance Code §1579.051 and §1579.052 (a), (b) and (e), relating to the adoption of rules for TRS-ActiveCare.

CROSS-REFERENCE TO STATUTE

The adopted amended rules implement the Texas Public School Retired Employees Group Benefits Act (Chapter 1575 of the Texas Insurance Code); Chapter 1576 of the Texas Insurance Code, relating to group long-term care insurance for public school employees; and the Texas School Employees Group Health Coverage Act (Chapter 1579 of the Texas Insurance 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 July 26, 2019.
TRD-201902386

Don Green
Chief Financial Officer
Teacher Retirement System of Texas

Effective date: August 15, 2019
Proposal publication date: June 14, 2019
For further information, please call: (512) 542-6201

SUBCHAPTER C. TEXAS SCHOOL EMPLOYEES GROUP HEALTH (TRS-ACTIVECARE)

34 TAC §§41.31, 41.32, 41.34, 41.39, 41.41, 41.50

STATUTORY AUTHORITY

The adopted amendments were proposed under the authority of Texas Insurance Code §1575.051 and 1575.052(a), relating to the adoption of rules to implement TRS-Care; Texas Insurance Code §1576.006, relating to the adoption of rules for group long-term care insurance for public school employees; and Texas Insurance Code §1579.051 and §1579.052 (a), (b) and (e), relating to the adoption of rules for TRS-ActiveCare.

CROSS-REFERENCE TO STATUTE

The adopted amended rules implement the Texas Public School Retired Employees Group Benefits Act (Chapter 1575 of the Texas Insurance Code); Chapter 1576 of the Texas Insurance Code, relating to group long-term care insurance for public school employees; and the Texas School Employees Group Health Coverage Act (Chapter 1579 of the Texas Insurance 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 July 26, 2019.
TRD-201902387

Don Green
Chief Financial Officer
Teacher Retirement System of Texas

Effective date: August 15, 2019
Proposal publication date: June 14, 2019
For further information, please call: (512) 542-6201

CHAPTER 47. QUALIFIED DOMESTIC RELATIONS ORDERS

34 TAC §47.17

The Teacher Retirement System of Texas (TRS) adopts an amendment to rule §47.17, relating to Calculation for Alternate Payee Benefits Before a Member’s Benefit Begins, of Chapter 47, in Title 34, Part 3, of the Texas Administrative Code. The amended rule is adopted without changes to the proposed text as published in the June 14, 2019, issue of the Texas Register (44 TexReg 2930). The rule will not be republished.

REASONED JUSTIFICATION

The adopted amendment to §47.17 incorporates three actuarial tables used to calculate distributions made to an alternate payee under Government Code §804.005. The adopted amendment incorporates new actuarial tables into the rule that have been updated based on the TRS Board of Trustees most recently approved mortality assumptions and new investment return assumption. The new actuarial tables were prepared by the TRS actuary of record, Gabriel, Roeder, Smith & Company.

The adopted amended rule and updated tables are adopted to become effective on September 1, 2019, and will generally be used to calculate the benefits for all distributions made to an alternate payee under Government Code §804.005 and will be effective in the 2019-2020 school year and going forward.

COMMENTS

No comments on the proposed adoption of the amendment were received.

STATUTORY AUTHORITY

The amended rule §47.17 is adopted under the authority of Government Code §825.102, which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board and Government Code §804.005, which requires that a distribution made pursuant to that section be the actuarial equivalent of the accrued retirement benefit of the member of the retirement system, determined as if the member retired on the date of the alternate payee’s election.

CROSS-REFERENCE TO STATUTE

The adopted amendment to rule §47.11 implements Chapter 804, Subchapter A, Texas Government Code, concerning Qualified Domestic Relations Orders.

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 July 26, 2019.
TRD-201902389

ADOPTED RULES  August 9, 2019  44 TexReg 4191
§4.11. General Applicability and Definitions.

(a) The director of the Texas Department of Public Safety incorporates, by reference, the Federal Motor Carrier Safety Regulations, Title 49, Code of Federal Regulations, Parts 40, 380, 382, 385-387, 390-393, and 395-397 including all interpretations thereto, as amended through July 1, 2019. All other references in this subchapter to the Code of Federal Regulations also refer to amendments and interpretations issued through July 1, 2019. The rules detailed in this section ensure:

(1) a commercial motor vehicle is safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed on a commercial motor vehicle's operator do not impair the operator's ability to operate the vehicle safely;

(3) the physical condition of a commercial motor vehicle's operator enables the operator to operate the vehicle safely;

(4) commercial motor vehicle operators are qualified, by reason of training and experience, to operate the vehicle safely; and

(5) the minimum levels of financial responsibility for motor carriers of property or passengers operating commercial motor vehicles in interstate, foreign, or intrastate commerce is maintained as required.

(b) Certain terms, when used in the federal motor carrier safety regulations as adopted in subsection (a) of this section, have the following meanings, unless the context clearly indicates otherwise.

(1) Motor carrier--Has the meaning assigned by Texas Transportation Code, §643.001(6) when vehicles operated by the motor carrier meet the applicability requirements of subsection (c) of this section.

(2) Hazardous material shipper--A consignor, consignee, or beneficial owner of a shipment of hazardous materials.

(3) Interstate or foreign commerce--All movements by motor vehicle, both interstate and intrastate, over the streets and highways of this state.

(4) Department--The Texas Department of Public Safety.

(5) Director--The director of the Texas Department of Public Safety or the designee of the director.

(6) Federal Motor Carrier Safety Administration (FMCSA)--The director of the Texas Department of Public Safety for vehicles operating in intrastate commerce.

(7) Farm vehicle--Any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agriculture commodities, farm machinery, and farm supplies to or from a farm or ranch.

(8) Commercial motor vehicle--Has the meaning assigned by Texas Transportation Code, §548.001(1) if operated intrastate; commercial motor vehicle has the meaning assigned by Title 49, Code of Federal Regulations, §390.5 if operated interstate.

(9) Foreign commercial motor vehicle--Has the meaning assigned by Texas Transportation Code, §648.001.

(10) Agricultural commodity--Has the meaning as defined in Title 49, Code of Federal Regulations, §395.2 and includes wood chips.

(11) Planting and harvesting seasons--Are January 1 to December 31.

(12) Producer--A person engaged in the business of producing or causing to be produced for commercial purposes an agricultural commodity. The term includes the owner of a farm on which the commodity is produced and the owner's tenant or sharecropper.

(13) Off-road motorized construction equipment--Includes but is not limited to, motor scrapers, backhoes, motor graders, compactors, excavators, tractors, trenchers, bulldozers, and other similar equipment routinely found at construction sites and that is occasionally moved to or from construction sites by operating the equipment short distances on public highways. Off-road motorized construction equipment is not designed to operate in traffic and such appearance on a public highway is only incidental to its primary functions. Off-road motorized construction equipment is not considered to be a commercial motor vehicle as that term is defined in Texas Transportation Code, §644.001.
(14) The phrase "The commercial driver's license requirements of part 383 of this subchapter" as used in Title 49, Code of Federal Regulations, §382.103(a)(1) shall mean the commercial driver's license requirements of Texas Transportation Code, Chapter 522.

(15) For purposes of removal from safety-sensitive functions for prohibited conduct as described in Title 49, Code of Federal Regulations, §382.501(c), commercial motor vehicle means a vehicle subject to the requirements of Texas Transportation Code, Chapter 522 and a vehicle subject to §4.22 of this title (relating to Contract Carriers of Certain Passengers), in addition to those vehicles enumerated in Title 49, Code of Federal Regulations, §382.501(c).

(c) Applicability.

(1) The FMCSA regulations are applicable to the vehicles detailed in subparagraph (A) - (F) of this paragraph:

(A) a vehicle or combination of vehicles with an actual gross weight or a gross weight rating in excess of 26,000 pounds when operating intrastate;

(B) a farm vehicle or combination of farm vehicles with an actual gross weight or a gross weight rating of 48,000 pounds or more when operating intrastate;

(C) a vehicle designed or used to transport more than 15 passengers, including the driver;

(D) a vehicle transporting hazardous material requiring a placard;

(E) a foreign commercial motor vehicle that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States; and

(F) a contract carrier transporting the operating employees of a railroad on a road or highway of this state in a vehicle designed to carry 15 or fewer passengers.

(2) The regulations contained in Title 49, Code of Federal Regulations, §392.9a, and all interpretations thereto, are applicable to motor carriers operating exclusively in intrastate commerce and to the intrastate operations of interstate motor carriers that have not been federally preempted by the United Carrier Registration Act of 2005. The term "operating authority" as used in Title 49, Code of Federal Regulations, §392.9a, for the motor carriers described in this paragraph, shall mean compliance with the registration requirements found in Texas Transportation Code, Chapter 643. For purposes of enforcement of this paragraph, peace officers certified to enforce this chapter, shall verify that a motor carrier is not registered, as required in Texas Transportation Code, Chapter 643, before placing a motor carrier out-of-service. Motor carriers placed out-of-service under Title 49, Code of Federal Regulations, §392.9a may request a review under §4.18 of this title (relating to Intrastate Operating Authority Out-of-Service Review). All costs associated with the towing and storage of a vehicle and load declared out-of-service under this paragraph shall be the responsibility of the motor carrier and not the department or the State of Texas.

(3) All regulations contained in Title 49, Code of Federal Regulations, Parts 40, 380, 382, 385 - 387, 390 - 393 and 395 - 397, and all interpretations thereto pertaining to interstate drivers and vehicles are also adopted except as otherwise excluded.

(4) A medical examination certificate, issued in accordance with Title 49, Code of Federal Regulations, §§391.14, 391.41, 391.43, and 391.45, shall expire on the date indicated by the medical examiner; however, no such medical examination certificate shall be valid for more than two years from the date of issuance.

(5) Nothing in this section shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee health and safety.

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 July 26, 2019.

TRD-201902406

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: August 15, 2019

Proposal publication date: June 21, 2019

For further information, please call: (512) 424-5848

PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 429. FIRE INSPECTOR AND PLAN EXAMINER

SUBCHAPTER B. MINIMUM STANDARDS FOR PLAN EXAMINER

37 TAC §429.201

The Texas Commission on Fire Protection (the commission) adopts amendments to Chapter 429, Fire Inspector and Plan Examiner, Subchapter B, Minimum Standards For Plan Examiner, §429.201, Minimum Standards for Plan Examiner Personnel. The amendments are adopted with changes to the proposed text as published in the May 24, 2019, Texas Register (44 TexReg 2587). The changes are adding language to clarify who is responsible for submitting a letter of verification that the individual seeking the certification has been assigned to the duties of that discipline. The rule will be republished.

The adoption adds language that would provide a temporary "grandfathering" provision for Plan Examiner I, allowing additional individuals meeting one of the listed requirements to also qualify for the certification; and clarifies who is responsible for submitting proper documentation as required.

No comments were received from the public regarding the adoption of the amendments.

The amendments are adopted under Texas Government Code, Chapter 419, §419.008, which provides the commission the authority to adopt rules for the administration of its powers and duties and §419.032 which provides the commission the authority to adopt rules regarding qualifications and competencies for fire protection personnel.

§429.201. Minimum Standards for Plan Examiner Personnel.

(a) Plan examiner duties are defined as the review of building or other structure plans for the purpose of determining compliance with adopted fire codes and standards.

(b) Special temporary provision. Individuals are eligible to apply for Plan Examiner certification if they hold an active Fire Inspector certification and any of the following criteria is met:
(1) the individual passed the Plan Examiner section of a Fire Inspector exam at any time; or

(2) the individual is or has been assigned to plan review duties with a local jurisdiction. Verification of plan review duties must be in the form of a letter from the head of the department for the jurisdiction; or

(3) the individual is or has served as an instructor for a Fire Inspector training program approved by the commission for Fire Inspector certification. Verification of instructor duties must be in the form of a letter from the head of the department if the training program is part of a suppression or prevention department, or the chief training officer if the program is not a part of a suppression or prevention department.

(4) This subsection will expire on September 1, 2020.

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 July 25, 2019.

TRD-201902374
Tim Rutland
Executive Director
Texas Commission on Fire Protection
Effective date: August 14, 2019
Proposal publication date: May 24, 2019
For further information, please call: (512) 936-3812

CHAPTER 459. FIRE AND LIFE SAFETY EDUCATOR

The Texas Commission on Fire Protection (commission) adopts amendments to Chapter 459, Fire and Life Safety Educator, Subchapter A, Minimum Standards for Fire and Life Safety Educator I, concerning §459.1, Fire and Life Safety Educator I Certification, and new §459.7, International Fire Service Accreditation Congress (IFSAC) Seal; and Subchapter B, Minimum Standards for Fire and Life Safety Educator II, concerning new §459.207, International Fire Service Accreditation Congress (IFSAC) Seal. The amendments are adopted without changes to the proposed text as published in the May 24, 2019, Texas Register, (44 TexReg 2589) and will not be republished.

The amendments and new sections are adopted to remove obsolete language regarding a temporary provision that has expired, and to add language allowing individuals to gain IFSAC credentials for Fire and Life Safety Educator I and II.

No comments were received from the public regarding the adoption of the amendments and new sections.

SUBCHAPTER A. MINIMUM STANDARDS FOR FIRE AND LIFE SAFETY EDUCATOR I

37 TAC §459.19

The Texas Commission on Fire Protection (the commission) adopts amendments to Chapter 439, Examinations for Certification, Subchapter A, Examinations for On-Site Delivery Training, concerning §439.19, Number of Test Questions. The amendments are adopted without changes to the proposed text as published in the May 24, 2019, Texas Register (44 TexReg 2588) and will not be republished.

The amendments are adopted to establish more consistent guidelines regarding the maximum number of pilot questions that may be included on a certification examination.

No comments were received from the public regarding the adoption of the amendments.

The amendments are adopted under Texas Government Code, Chapter 419, §419.008, which provides the commission the authority to adopt rules for the administration of its powers and duties and §419.032 which provides the commission the authority to adopt rules regarding qualifications and competencies for fire protection personnel.

The adopted amendments implement Texas Government Code, Chapter 419, §419.008 and §419.032.

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 July 25, 2019.

TRD-201902375
Tim Rutland
Executive Director
Texas Commission on Fire Protection
Effective date: August 14, 2019
Proposal publication date: May 24, 2019
For further information, please call: (512) 936-3812

SUBCHAPTER B. MINIMUM STANDARDS FOR FIRE AND LIFE SAFETY EDUCATOR II

37 TAC §459.207
The new section is adopted under Texas Government Code, Chapter 419, §419.008, which provides the commission the authority to adopt rules for the administration of its powers and duties, and §419.032, which allows the commission the authority to adopt rules regarding the appointment of fire protection personnel.

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 July 25, 2019.