

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

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

Proposed Rule Reviews

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, under Texas Government Code §2001.039, *Agency Review of Existing Rules*. Chapter 22 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 The text of the rule sections will not be published.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 50741 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 under 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. 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 filed through the interchange on the commission's website as long as the commission's order filed in Docket No. 50664, *Issues Related to the State of Disaster for Coronavirus Disease 2019*, is in effect. Should the commission's order entered into in Docket No. 50664 no longer be in effect, then parties may file written comments by submitting sixteen copies to the commission's filing clerk at 1701 North Congress Avenue, Austin, Texas 78701 or mailed to P.O. Box 13326, Austin, Texas 78711-3326, by September 4, 2020. 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 50741.

The notice of intention to review Chapter 22 is proposed under the Public Utility Regulatory Act, Tex. Util. Code §14.002 (PURA), which provides the 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 State Office of Administrative Hearings; and Texas Government Code §2001.039, 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-202003125

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: July 31, 2020



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 120, Licensed Dyslexia Therapists and Licensed Dyslexia Practitioners. 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 electronically on the Department's website at <https://ga.tdlr.texas.gov:1443/form/gcerules>; by facsimile to (512) 475-3032; or by mail to Monica Nuñez, Legal Assistant, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. 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.

- §120.1 Authority
- §120.10 Definitions
- §120.20 Applications
- §120.21 Dyslexia Therapist Licensing Requirements
- §120.22 Dyslexia Practitioner Licensing Requirements
- §120.23 Examination
- §120.24 Requirements for Training Programs
- §120.25 Continuing Education
- §120.26 Renewal
- §120.65 Dyslexia Therapists and Practitioners Advisory Committee; Membership
- §120.66 Duties
- §120.67 Terms; Vacancies
- §120.68 Officers
- §120.69 Meetings
- §120.70 Responsibilities of License Holders
- §120.80 Fees
- §120.90 Professional Standards and Basis for Disciplinary Action
- §120.95 Complaints

Issued in Austin, Texas on August 5, 2020

TRD-202003175

Brad Bowman

General Counsel

Texas Department of Licensing and Regulation

Filed: August 5, 2020



Employees Retirement System of Texas

Title 34, Part 4

The Employees Retirement System of Texas will review and consider whether to re-adopt, re-adopt with amendments, or repeal 34 Texas Administrative Code, Chapter 81, Insurance. This review is done pursuant to Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting this chapter continue to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current general provisions in the governance of the Board, and/or whether it is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedures Act).

Proposed amendments to Chapter 81 were published on July 10, 2020, in the *Texas Register* (45 TexReg 4711), and a correction notice was published on July 24, 2020, in the *Texas Register* (45 TexReg 5224).

Comments on the review may be submitted in writing within 30 days following the publication of this rule review in the *Texas Register* to Paula A. Jones, Deputy Executive Director and General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207 or you may email Ms. Jones at paula.jones@ers.texas.gov. The deadline for receiving comments is Monday, September 14, 2020. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional 30 day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202003092

Paula A. Jones

Deputy Executive Director and General Counsel

Employees Retirement System of Texas

Filed: July 29, 2020



Adopted Rule Reviews

Texas Board of Occupational Therapy Examiners

Title 40, Part 12

The Texas Board of Occupational Therapy Examiners adopts the review of 40 Texas Administrative Code §367.4, Process for Selecting a Peer Organization to Evaluate and Approve Continuing Education Courses, in accordance with Texas Government Code §2001.039. The notice of intent to review §367.4, along with all other sections of the Board's rules, was published in the March 20, 2020, issue of the *Texas Register* (45 TexReg 2055).

No comments were received on the proposed rule review. However, Board rule §367.4, Process for Selecting a Peer Organization to Evaluate and Approve Continuing Education Courses, was identified by the Regulatory Compliance Division of the Office of the Governor as possibly having an anticompetitive market effect. The Board has obtained the approval of the Regulatory Compliance Division of the rule after the completion of the division's review of such.

The Board has assessed whether the reasons for adopting §367.4 continue to exist. As a result of the review, the Board finds the reasons for adopting the rule continue to exist and readopts the rule in accordance with the requirements of Texas Government Code §2001.039.

Notice of the adoption of the review of the Board's remaining rule sections was published in the May 15, 2020, issue of the *Texas Register* (45 TexReg 3337).

This concludes the review of all sections of the Board's rules.

TRD-202003119

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Filed: July 31, 2020