

# 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

### Commission on State Emergency Communications

#### Title 1, Part 12

The Commission on State Emergency Communications (CSEC) files this notice of review to consider whether to readopt, readopt with amendments, or repeal the rules in Title 1, Part 12, Texas Administrative Code, Chapter 252, *Administration*. This review is conducted in accordance with Texas Government Code §2001.039.

CSEC has conducted a preliminary review of Chapter 252 and determined that the reasons for initially adopting the chapter continue to exist. Staff has identified revisions that may be required to rules 252.2 - 252.9.

Comments or questions regarding this review should be submitted in writing within 30 days following publication of this notice in the *Texas Register* to Kenny Moreland, General Counsel, Commission on State Emergency Communications, 1801 Congress Avenue, Suite 11.100, Austin, Texas 78701; or by email to [csecinfo@csec.texas.gov](mailto:csecinfo@csec.texas.gov). Please include "CSEC Chapter 252 Rule Review" in the subject line.

All proposed changes (repeal, readoption, or readoption with amendments) to the Chapter 252 rules will be published for comment in the "Proposed Rules" section of a subsequent issue of the *Texas Register* and posted to CSEC's website. In accordance with the requirements of the Administrative Procedures Act, Texas Government Code Chapter 2001. Any proposed changes will be open for public comment prior to being considered for adoption by CSEC.

#### Chapter 252 - Administration

§252.1 Definition of State Agency for Billing Purpose of the 9-1-1 Service Fees and Surcharges

§252.2 Purchase of Goods and Services: Historically Underutilized Businesses

§252.3 State Employee Sick and Family Leave Pools

§252.4 Charges for Open Records Requests

§252.5 Employee Training

§252.6 Wireless Service Fee Proportional Distribution

§252.7 Definitions

§252.8 Emergency Communications Advisory Committee

§252.9 Liability Protection of NG9-1-1 Service Providers

TRD-202502742

Kenny Moreland

General Counsel

Commission on State Emergency Communications

Filed: August 4, 2025



The Commission on State Emergency Communications (CSEC) files this notice of review to consider whether to readopt, readopt with amendments, or repeal the rules in Title 1, Part 12, Texas Administrative Code, Chapter 253, *Practice and Procedure*. This review is conducted in accordance with Government Code §2001.039.

CSEC has conducted a preliminary review of Chapter 253 and determined that the reasons for initially adopting the chapter continue to exist. Staff has identified revisions that may be required to rules 253.1 and 253.3 - 253.5.

Comments or questions regarding this review may be submitted in writing within 30 days following publication of this notice in the *Texas Register* to Kenny Moreland, General Counsel, Commission on State Emergency Communications, 1801 Congress Avenue, Suite 11.100, Austin, Texas 78701; or by email to [csecinfo@csec.texas.gov](mailto:csecinfo@csec.texas.gov). Please include "CSEC Chapter 253 Rule Review" in the subject line.

Any proposed changes to a Chapter 253 rule will be published for comment in the "Proposed Rules" section of a subsequent issue of the *Texas Register*. In accordance with the requirements of the Administrative Procedures Act, Texas Government Code Chapter 2001. Any proposed changes will be open for public comment prior to being considered for adoption by CSEC.

§253.1 Petitions for Rulemaking before the Commission

§253.2 Competitive Sealed Bids or Proposals

§253.3 Protest Procedures

§253.4 Negotiated Rulemaking and Alternative Dispute Resolution

§253.5 Enhanced Contract and Performance Monitoring

TRD-202502743

Kenny Moreland

General Counsel

Commission on State Emergency Communications

Filed: August 4, 2025



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, in accordance with Texas Government Code §2001.039, Agency Review of Existing Rules. 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](http://www.puc.texas.gov).

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 Texas Government Code §2001.039(e), this review is to assess whether the reasons for adopting or readopting a rule continue to exist. The commission requests specific comments from interested persons on whether the reasons for adopting each rule section in Chapter 22 continue to exist.

The commission has conducted a review of the rules based on comments received in response to the preliminary notice published in the *Texas Register* on May 17, 2024 (49 TexReg 3635) and proposes a repeal and amendments of several rules throughout the chapter. The commission contemporaneously proposes the repeal and amendments in the Proposed Rules section of the *Texas Register*, and will propose additional amendments in the near future. These proposals will be filed in a separate proceeding. Comments submitted in response to the commission's preliminary notice are already under consideration and do not need to be resubmitted at this time.

If it is determined during this review that any other 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.

Interested persons may file comments on the review of Chapter 22 electronically through the interchange on the commission's website by September 10, 2025. When filing comments, interested persons are requested to comment on the sections in the same order they are found in the chapter and to clearly designate which section is being commented upon. All comments should refer to Project Number 56574.

The notice of intention to review Chapter 22 is proposed for publication under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002, which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction and Texas Government Code §2001.039 which requires each state agency to review its rules every four years.

Cross Reference to Statutes: Texas Utilities Code Annotated, Title II, Public Utility Regulatory Act, §14.002; Texas Government Code §2001.039.

TRD-202502697  
Adriana Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: July 31, 2025



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 to consider for re-adoption, revision, or repeal the chapters listed below, in their entirety, contained in Title 16, Part 4, of the Texas Administrative Code. This review is being conducted in accordance with Texas Government Code §2001.039.

#### Rule Chapters Under Review

Chapter 62, Code Enforcement Officers

Chapter 78, Mold Assessors and Remediators

Chapter 79, Weather Modification

Chapter 90, Court-Ordered Education Programs

Chapter 92, Responsible Pet Owners

Chapter 95, Transportation Network Companies

Chapter 117, Massage Therapy

Chapter 118, Laser Hair Removal

Chapter 119, Sanitarians

Chapter 121, Behavior Analyst

Chapter 130, Podiatric Medicine Program

During the review, the Department will assess whether the reasons for adopting or readopting the rules in these chapters continue to exist. The Department will review each rule to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current Department procedures. This review is required every four years.

Written comments regarding the review of these chapters may be submitted electronically on the Department's website at <https://ga.tdlr.texas.gov:1443/form/gcerules> (select the appropriate chapter name for your comment); 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 of this notice in the *Texas Register*.

No changes to the rules in these chapters are being proposed at this time. If the Department determines that changes to the rules are necessary as a result of this rule review, the proposed changes will be published in the Proposed Rules section of the *Texas Register* and will be open for public comment before final adoption by the Texas Commission of Licensing and Regulation, the Department's governing body, in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

TRD-202502773  
Doug Jennings  
General Counsel  
Texas Department of Licensing and Regulation  
Filed: August 6, 2025



Texas Health and Human Services Commission

#### Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 88, State Long-Term Care Ombudsman Program

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 88, State Long-Term Care Ombudsman Program, may be submitted to HHSC Rules Coordination

Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [hhsrulescoordinationoffice@hhs.texas.gov](mailto:hhsrulescoordinationoffice@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 88" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202502705

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: July 31, 2025



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 259, Community Living Assistance And Support Services (CLASS) Program And Community First Choice (CFC) Services

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 259, Community Living Assistance And Support Services (CLASS) Program And Community First Choice (CFC) Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [hhsrulescoordinationoffice@hhs.texas.gov](mailto:hhsrulescoordinationoffice@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 259" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202502703

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: July 31, 2025



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 260, Deaf Blind With Multiple Disabilities (DBMD) Program And Community First Choice (CFC) Services

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule con-

tinue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 260, Deaf Blind With Multiple Disabilities (DBMD) Program And Community First Choice (CFC) Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to [hhsrulescoordinationoffice@hhs.texas.gov](mailto:hhsrulescoordinationoffice@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 260" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202502704

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: July 31, 2025



## Adopted Rule Reviews

Texas Department of Licensing and Regulation

### Title 16, Part 4

The Texas Department of Licensing and Regulation (Department) filed a Notice of Intent to Review to consider for readoption, revision, or repeal the rule chapters listed below, in their entirety, under Title 16, Part 4, of the Texas Administrative Code (TAC). This review was conducted in accordance with Texas Government Code §2001.039.

### Rule Chapters Under Review

The Department reviewed the following rule chapters:

Chapter 59, Continuing Education Requirements

Chapter 60, Procedural Rules of the Commission and the Department

Chapter 70, Industrialized Housing and Buildings

Chapter 72, Professional Employer Organization

Chapter 73, Electricians

### Public Comments

A combined Notice of Intent to Review for all of the chapters listed above was published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 667). The public comment period closed on March 3, 2025. The Department received public comments from 43 interested parties in response to the Notice of Intent to Review. The public comments received for each chapter are explained below.

### Chapter 59, Continuing Education Requirements

The Department received public comments from 23 interested parties in response to the Notice of Intent to Review for Chapter 59, Continuing Education Requirements. The Department received six comments in support of re-adoption of the rules and in support of continuing education. The Department has taken these comments into consideration as part of this review.

The Department received comments from nine interested parties requesting amendments to the Chapter 59 rules or to the continuing education rules for specific programs. These comments requested making continuing education optional; eliminating continuing education

for persons who have been practicing for a certain number of years; removing the continuing education requirements from Chapter 59; eliminating continuing education for the Barbering and Cosmetology program; eliminating the continuing education refresher course for the Mold program; including and enforcing continuing education provider rules §59.20, §59.21, and §59.51 for the Driver Education and Safety program; and updating and enforcing the rules regarding continuing education for persons who upgrade their licenses for the Laser Hair Removal program. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

The Department received three comments requesting changes to the statute and/or changes to the rules that first require statutory changes be made. One comment suggested that the need for continuing education or an auctioneers license is obsolete and should be eliminated. A second comment suggested either including all kinds of auctions in the rules or deregulating auctioneers. A third comment requested eliminating the human trafficking prevention training course for podiatrists. The Department cannot take any rulemaking action on these comments because they first require statutory changes be made by the Texas Legislature.

The Department received five public comments that are unrelated to the rules under review. The Department will not take any further rulemaking action as result of these unrelated comments.

#### **Chapter 60, Procedural Rules of the Commission and the Department**

The Department received public comments from eight interested parties in response to the Notice of Intent to Review for Chapter 60, Procedural Rules of the Commission and the Department. The Department received five comments in support of re-adoption of the rules and one comment against re-adoption of the rules. The Department has taken these comments into consideration as part of this review. The Department received two comments that are unrelated to the rules under review. The Department will not take any further rulemaking action as result of these unrelated comments.

#### **Chapter 70, Industrialized Housing and Buildings**

The Department did not receive any public comments in response to the Notice of Intent to Review for Chapter 70, Industrialized Housing and Buildings.

#### **Chapter 72, Professional Employer Organization**

The Department received public comments from two interested parties in response to the Notice of Intent to Review for Chapter 72, Professional Employer Organization. The Department received one comment from the National Association of Professional Employer Organizations (NAPEO) in support of re-adoption of the rules. The Department has taken this comment into consideration as part of this review. The Department received one comment from an individual that is unrelated to the rules under review. The Department will not take any further rulemaking action as result of this unrelated comment.

#### **Chapter 73, Electricians**

The Department received public comments from nine interested parties in response to the Notice of Intent to Review for Chapter 73, Electricians. The Department received six comments in support of re-adoption of the rules. The Department has taken these comments into consideration as part of this review. The Department received three comments that are unrelated to the rules under review. The Department will not take any further rulemaking action as result of these unrelated comments.

#### **Other Rule Chapters**

The Department received public comments from one interested party in response to the Notice of Intent to Review for two other rule chapters: Chapter 111, Speech-Language Pathologists and Audiologists, and Chapter 112, Hearing Instrument Fitters and Dispensers. The comments were submitted by the Texas Academy of Audiology (TAA) in response to the Notice of Intent to Review that was published January 31, 2025. Chapters 111 and 112, however, were part of a previous Notice of Intent to Review that was published November 22, 2024. The Department treated these comments on Chapters 111 and 112 as late comments and addressed them as part of the previous rule review. The previous rule review was adopted by the Commission on April 9, 2025, and published in the *Texas Register* on May 16, 2025 (50 TexReg 2985).

#### **Department Review and Recommendation**

The Department reviewed each of the rule chapters listed above and determined that the reasons for adopting or readopting the rules in these chapters continue to exist. The rules are still essential in implementing the enabling statute of the Commission and the Department, other statutes applicable to state agencies, and the statutes for each of the affected programs. The rules provide details that are not found in these statutes but are necessary for the operations and functions of the Commission and the Department and for implementation and operation of the programs. The Department recommended that the Commission readopt all of the rule chapters listed above, in their entirety and in their current form.

The Department may propose amendments in the future to update, clarify, or supplement the existing rules. Any proposed changes to the rules will be published in the Proposed Rules section of the *Texas Register* and will be open for public comment before final adoption by the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, and in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

#### **Commission Action**

At its meeting on July 8, 2025, the Texas Commission of Licensing and Regulation, the Department's governing body, readopted the following rule chapters, in their entirety and in their current form: 16 TAC, Chapter 59, Continuing Education Requirements; Chapter 60, Procedural Rules of the Commission and the Department; Chapter 70, Industrialized Housing and Buildings; Chapter 72, Professional Employer Organization; and Chapter 73, Electricians. This concludes the review of these rule chapters in accordance with Texas Government Code §2001.039.

TRD-202502717

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Filed: August 1, 2025



Texas Health and Human Services Commission

#### **Title 26, Part 1**

Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 561, Employee Misconduct Registry

Notice of the review of this chapter was published in the June 13, 2025, issue of the *Texas Register* (50 TexReg 3571). HHSC received no comments concerning this chapter.

HHSC reviewed Chapter 561 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 561. Any amendments, if applicable, to Chapter 561 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 561 as required by Texas Government Code §2001.039.

TRD-202502702

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: July 31, 2025



Texas Parks and Wildlife Department

**Title 31, Part 2**

The Texas Parks and Wildlife Department adopts the review of 31 TAC Part 2 (Chapters 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 65, and 69). The review was conducted pursuant to Government Code, §2001.039. For each rule being retained, the department finds that the reasons for initially adopting the rule continue to exist and readopts the rule.

Notice of Intent to Review for Chapters 51, 52, 55, 60, and 61 was published in the June 14, 2024 issue of the *Texas Register* (49 TexReg 4440). No comment was received regarding the review. Rule action resulting from the review was proposed in the October 4, 2024 issue of the *Texas Register* and adopted in the November 29, 2024 issue of the

*Texas Register*. The Texas Parks and Wildlife Commission re-adopted existing rules in the affected chapters as required by Government Code, §2001.039, in a duly noticed meeting on November 7, 2024.

Notice of Intent to Review for Chapters 53, 59, and 69 was published in the September 6, 2024 issue of the *Texas Register* (49 TexReg 7060). No comment was received regarding the review. Rule action resulting from the review was proposed in the December 20, 2024 issue of the *Texas Register* and adopted in the January 10, 2025 issue of the *Texas Register*. The Texas Parks and Wildlife Commission re-adopted existing rules in those chapters as required by Government Code, §2001.039, in a duly noticed meeting on January 23, 2025.

Notice of Intent to Review for Chapters 56, 57, 58, and 65 was published in the November 29, 2024 issue of the *Texas Register* (49 TexReg 9777). No comment was received regarding the review. Rule action resulting from the review was proposed in the February 21, 2025 issue of the *Texas Register* and adopted in the July 11, 2025 issue of the *Texas Register*. The Texas Parks and Wildlife Commission re-adopted existing rules in those chapters as required by Government Code, §2001.039, in a duly noticed meeting on March 27, 2025.

This notice in the *Texas Register* concludes the review of agency rules as required under Government Code, §2001.039.

TRD-202502758

James Murphy

General Counsel

Texas Parks and Wildlife Department

Filed: August 5, 2025

