

PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to

submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~[Square brackets and strikethrough]~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 1. ADMINISTRATION

PART 2. TEXAS ETHICS COMMISSION

CHAPTER 18. GENERAL RULES CONCERNING REPORTS

1 TAC §18.13

The Texas Ethics Commission (the Commission) proposes new Texas Ethics Commission Rules in Chapter 18. Specifically, the Commission proposes amendments to §18.13, regarding Fine for a Late Report.

Rule 18.13 contains rules related to fines for campaign finance reports that are filed late. Currently, it includes Chapter 302 filings for speaker candidates. Chapter 302 does not provide for fines for late statements of contributions, loans, and expenditures filed by speaker candidates in the "administrative process." The administrative process is the process by which a civil penalty is automatically assessed against a filer of a late campaign finance report, lobby registration or report, or personal financial statement. The Election Code and Government Code expressly require the Commission to determine whether a person failed to file a timely report and assess a civil penalty for late or missing campaign finance, lobby, and personal financial statements. Tex. Elec. Code § 254.042; Tex. Gov't Code §§ 305.033, 572.031. There is no similar authorization or requirement to assess an administrative fine in Chapters 302 (relating to the speaker election) and 571 (relating to the Ethics Commission). With no statutory authority to automatically assess fines for late or missing speaker election reports, the Commission proposes to amend its rule so that no such authority is implied. This amendment does not affect the Commission's authority to issue fines through the sworn complaint process. See Tex. Gov't Code § 571.061(a)(1) (authorizing the commission to administer and enforce Chapter 302 of the Government Code).

James Tinley, General Counsel, has determined that for the first five-year period the proposed amended rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed amended rule.

The General Counsel has also determined that for each year of the first five years the proposed amended rule is in effect, the public benefit will be consistency and clarity in the Commission's rules regarding late fines for campaign finance reports filed by speaker candidates. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed amended rule.

The General Counsel has determined that during the first five years that the proposed amended rule is in effect, it will not: cre-

ate or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase in future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; expand, limit, or repeal an existing regulation; create a new regulation; increase or decrease the number of individuals subject to the rules' applicability; or positively or adversely affect this state's economy.

The Commission invites comments on the proposed amended rule from any member of the public. A written statement should be emailed to public_comment@ethics.state.tx.us, or mailed or delivered to J.R. Johnson, Executive Director, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. A person who wants to offer spoken comments to the Commission concerning the proposed amended rule may do so at any Commission meeting during the agenda item relating to the proposed amended rule. Information concerning the date, time, and location of Commission meetings is available by telephoning (512) 463-5800 or on the Commission's website at www.ethics.state.tx.us.

The amended rule is proposed under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code.

The proposed amended rule affects Title 15 of the Election Code.

§18.13. Fine for a Late Report.

(a) Except as provided by subsection (b) or (c) of this section, the fine is \$500 for:

(1) a late report required to be filed with the commission under Election Code chapter 254 or 257, ~~[Government Code chapter 302,]~~ Government Code chapter 305, or Government Code chapter 572; or

(2) a late report filed with the commission under Local Government Code chapter 159, subchapter C.

(b) The fine for a report due eight days before an election is \$500 for the first day the report is late and \$100 for each day thereafter that the report is late, up to a maximum fine of \$10,000.

(c) The fine for the first semiannual report under Section 254.063, 254.123, or 254.153, Election Code, that is required to be filed by a candidate or political committee following the primary or general election is \$500 for the first day the report is late and \$100 for each day thereafter that the report is late, up to a maximum fine of \$10,000.

(d) A fine assessed under this chapter is in addition to any other sanction assessed under other law.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 14, 2023.

TRD-202301376

Jim Tinley

General Counsel

Texas Ethics Commission

Earliest possible date of adoption: May 28, 2023

For further information, please call: (512) 463-5800



CHAPTER 22. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES

1 TAC §22.37

The Texas Ethics Commission (the Commission) proposes a new Texas Ethics Commission rule in Chapter 22. Specifically, the Commission proposes new §22.37, regarding Virtual Currency Contributions.

The Commission seeks to address and clarify the reporting requirements of political contributions made with virtual currency, such as Bitcoin. The proposal largely mirrors the way the Federal Election Commission and several other states treat virtual currency contributions.

The proposed new rule would require filers to report virtual currency as in-kind contributions.

The new rule would also direct filers to report the value of any accepted virtual currency as the fair market value at the time of receipt. This requirement is designed to address the well-known volatility of virtual currency value and provide guidance on how to report the value of virtual currency contributions. The rule would not require filers to liquidate their virtual currency holdings within any particular timeframe.

The Commission first proposed this rule in September 2021, and then again at their December 2021 and February 2022 meetings. The Commission received numerous public comments, both written and in person, at these meetings. Those comments, and discussions by Commissioners, have resulted in this new proposal, which was discussed at the May 2022 meeting but not adopted.

James Tinley, General Counsel, has determined that for the first five-year period the new rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed new rule.

The General Counsel has also determined that for each year of the first five years the proposed new rule is in effect, the public benefit will be consistency and clarity in the Commission's rules regarding acceptance of virtual currency. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed new rule.

The General Counsel has determined that during the first five years that the proposed new rule is in effect, it will: not create or eliminate a government program; not require the creation of new employee positions or the elimination of existing employee positions; require an increase in future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; expand, limit, or repeal an existing regulation; not increase or decrease the number of individuals subject to the rules' applicability; or not positively or adversely affect this state's economy.

The Commission invites comments on the proposed new rule from any member of the public. A written statement should be emailed to public_comment@ethics.state.tx.us, or mailed or delivered to J.R. Johnson, Executive Director, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. A person who wants to offer spoken comments to the Commission concerning the proposed new rule may do so at any Commission meeting during the agenda item relating to the proposed new rule. Information concerning the date, time, and location of Commission meetings is available by telephoning (512) 463-5800 or on the Commission's website at www.ethics.state.tx.us.

The new rule is proposed under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code.

The proposed new rule affects Title 15 of the Election Code.

§22.37. Virtual Currency Contributions.

(a) Virtual currency contributions are considered "in-kind" contributions.

(b) A candidate, officeholder, or political committee must report a gain from the sale of virtual currency contributions on the appropriate schedule if the gain exceeds the reporting threshold set by Section 254.031(9) of the Election Code and amended by §18.31 of this title (relating to Adjustments to Reporting Thresholds).

(c) The value of a virtual currency contribution shall be reported as the fair market value of the virtual currency upon receipt.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2023.

TRD-202301382

Jim Tinley

General Counsel

Texas Ethics Commission

Earliest possible date of adoption: May 28, 2023

For further information, please call: (512) 463-5800



CHAPTER 28. REPORTS BY A CANDIDATE FOR SPEAKER OF THE HOUSE OF REPRESENTATIVES

1 TAC §28.3

The Texas Ethics Commission (the Commission) proposes the repeal of a rule in Texas Ethics Commission Chapter 28. Specifically, the Commission proposes the repeal of §28.3 regarding Termination of Candidacy.

Rule 28.3, regarding the termination of a speaker candidacy, has caused confusion regarding the requirements of a speaker candidate following the election for speaker and the necessity to file a new speaker declaration for each legislative session in which a member seeks to be elected speaker of the house. Rule 28.3 could be read to be contrary to Chapter 302 and should be repealed.

Rule 28.3 states that "a speaker candidate is considered to have terminated the candidacy when the candidate is no longer seeking the office or is ineligible to seek the office." Chapter 302 states a speaker's candidacy is terminated when a speaker is

elected or when a speaker candidate files a statement terminating his or her candidacy. Tex. Gov't Code § 302.0121(d). In the past, speaker candidates unnecessarily continued to file campaign finance reports in their capacity as a speaker candidate or officeholder after the speaker was elected. The statute is clear. Rule 28.3 is unnecessary and should be repealed.

James Tinley, General Counsel, has determined that for the first five-year period the repeal of the rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed repeal of the rule.

The General Counsel has also determined that for each year of the first five years the proposed repeal of the rule is in effect, the public benefit will be consistency and clarity in the Commission's rules regarding when and how a speaker's candidacy is terminated. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed repeal.

The General Counsel has determined that during the first five years that the proposed repeal of the rule is in effect, it will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase in future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; expand, limit, or repeal an existing regulation; create a new regulation; increase or decrease the number of individuals subject to the rules' applicability; or positively or adversely affect this state's economy.

The Commission invites comments on the proposed repeal of the rule from any member of the public. A written statement should be emailed to public_comment@ethics.state.tx.us, or mailed or delivered to J.R. Johnson, Executive Director, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. A person who wants to offer spoken comments to the Commission concerning the proposed repeal of the rule may do so at any Commission meeting during the agenda item relating to the proposed repeal of the rule. Information concerning the date, time, and location of Commission meetings is available by telephoning (512) 463-5800 or on the Commission's website at www.ethics.state.tx.us.

The repeal of the rule is proposed under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code.

The proposed repeal of the rule affects Title 15 of the Election Code.

§28.3. *Termination of Candidacy.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 14, 2023.

TRD-202301378

Jim Tinley

General Counsel

Texas Ethics Commission

Earliest possible date of adoption: May 28, 2023

For further information, please call: (512) 463-5800



CHAPTER 40. FINANCIAL DISCLOSURE FOR PUBLIC OFFICERS

1 TAC §40.3

The Texas Ethics Commission (the Commission) proposes new Texas Ethics Commission Rules in Chapter 40. Specifically, the Commission proposes new §40.3 regarding Redaction of Home Addresses.

Rule 40.3 seeks to clarify the definition of "home address" for the purposes of what the Commission must redact on a personal financial statement before releasing it to the public. The rule would not change what the filer must disclose to the Commission. It would only affect what the Commission must redact before releasing a personal financial statement (PFS) to the public.

Under chapter 572 of the Government Code, most state officers must file a PFS detailing various personal assets, sources of income, and debts. Under Section 572.032(a-1), the Commission must redact the filer's home address, their telephone number, and the names of their dependent children.

The Commission is unable to independently identify a filer's home address in most cases making it impossible to comply with Section 572.032(a-1) without information provided to it from the filer. The paper form and electronic filing system have a check box where a filer can indicate whether an address disclosed on the PFS is their home address. The proposed rule makes clear that a filer must check the box indicating an address is a home address for the Commission to redact that address before releasing a copy of the PFS. If the box is checked, staff subject to the restrictions and procedures of Chapter 552 of the Government Code will redact that address before releasing the PFS to the public.

The proposed rule also defines the term "home address," which is not defined in the Government Code. The Commission looked to the definition of "home address" found in Texas law, dictionaries, and other jurisdictions to define the term. The proposed rule makes clear that a filer may have more than one home address. However, the proposed rule limits a "home address" to a filer's primary and usual residence and includes a fixed place of habitation where a filer routinely lives. The proposed rule also excludes from the definition of a "home address:" (1) Unimproved land; (2) Commercial property that the filer owns, but does not routinely reside in; (3) A rental property that the filer owns, but does not routinely reside in; and (4) A hotel room, hospital room, or equivalent temporary lodgings.

James Tinley, General Counsel, has determined that for the first five-year period the proposed new rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed new rule.

The General Counsel has also determined that for each year of the first five years the proposed new rule is in effect, the public benefit will be consistency and clarity in the Commission's rules regarding the redaction of home addresses in personal financial statements. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed new rule.

The General Counsel has determined that during the first five years that the proposed new rule is in effect, they will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee po-

sitions; require an increase in future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; expand, limit, or repeal an existing regulation; create a new regulation; increase or decrease the number of individuals subject to the rules' applicability; or positively or adversely affect this state's economy.

The Commission invites comments on the proposed new rule from any member of the public. A written statement should be emailed to public_comment@ethics.state.tx.us, or mailed or delivered to J.R. Johnson, Executive Director, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. A person who wants to offer spoken comments to the Commission concerning the proposed new rule may do so at any Commission meeting during the agenda item relating to the proposed new rule. Information concerning the date, time, and location of Commission meetings is available by telephoning (512) 463-5800 or on the Commission's website at www.ethics.state.tx.us.

The new rule is proposed under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code.

The proposed new rule affects Title 15 of the Election Code.

§40.3. Redaction of Home Addresses.

(a) In order for the commission to redact a home address under §572.032(a-1), Government Code, a filer must indicate whether an address disclosed on the personal financial statement is the filer's home address by checking the appropriate box on the personal financial statement form or filing application.

(b) A filer may have more than one home address.

(c) For the purposes of this section and §572.032(a-1) "home address" means a filer's primary and usual residence and includes a fixed place of habitation where a filer routinely lives, whether permanently or temporarily, including a residence in Travis County maintained by a filer who does not ordinarily reside in Travis County.

(d) For the purposes of this section and §572.032(a-1) "home address" does not include:

(1) Unimproved land;

(2) Commercial property that the filer owns, but does not routinely reside in;

(3) A rental property that the filer owns, but does not routinely reside in; and

(4) A hotel room, hospital room, or equivalent temporary lodgings.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 14, 2023.

TRD-202301379

Jim Tinley

General Counsel

Texas Ethics Commission

Earliest possible date of adoption: May 28, 2023

For further information, please call: (512) 463-5800



TITLE 16. ECONOMIC REGULATION

PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 73. ELECTRICIANS

16 TAC §73.100

The Texas Department of Licensing and Regulation (Department) proposes amendments to an existing rule, 16 Texas Administrative Code (TAC), Chapter 73, §73.100, regarding the Electricians Program. These proposed changes are referred to as the "proposed rule."

EXPLANATION OF AND JUSTIFICATION FOR THE RULE

The rules under 16 TAC, Chapter 73, implement Texas Occupations Code, Chapter 1305, Electricians.

The proposed rule is necessary to adopt the 2023 National Electrical Code (NEC) as required by statute. Texas Occupations Code §1305.101(a) requires the Commission to adopt, every three years, the revised NEC as the electrical code for the state. The current rule references the 2020 edition of the NEC.

Advisory Board Recommendations

The proposed rule was presented to and discussed by the Electrical Safety and Licensing Advisory Board at its meeting on April 10, 2023. The Advisory Board did not make any changes to the proposed rule. The Advisory Board voted unanimously to recommend that the proposed rule be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY

The proposed rule amends §73.100 by adopting the 2023 edition of the NEC effective September 1, 2023, and repealing subsection (b) of the current rule.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Tony Couvillon, Policy Research and Budget Analyst, has determined that for each year of the first five years the proposed rule is in effect, enforcing or administering the proposed rule does not have foreseeable implications relating to costs or revenues of state or local governments.

LOCAL EMPLOYMENT IMPACT STATEMENT

As Mr. Couvillon has determined that the proposed rule will not affect the local economy, the agency is not required to prepare a local employment impact statement under Government Code §2001.022.

PUBLIC BENEFITS

Mr. Couvillon has determined that for each year of the first five-year period the proposed rule is in effect, the public benefits will include an increase in energy efficiency for consumers, as well as added protection for public health and safety due to licensees' compliance with the updated standards of the 2023 NEC.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Couvillon has determined that for each year of the first five-year period the proposed rule is in effect, there may be some economic costs to persons required to comply with the proposed rule. However, the Department is unable to provide an estimate of costs attributable to the 2023 NEC, as those costs will be determined by the market for electrical services.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. As the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program.
2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rule does not require an increase or decrease in fees paid to the agency.
5. The proposed rule does not create a new regulation.
6. The proposed rule does expand, limit, or repeal an existing regulation. The proposed rule repeals subsection (b) of the current rule.
7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.
8. The proposed rule does not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Department has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

PUBLIC COMMENTS

Comments on the proposed rule 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*.

STATUTORY AUTHORITY

The proposed rule is proposed under Texas Occupations Code, Chapters 51 and 1305, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rule are those set forth in Texas Occupations Code, Chapters 51 and 1305. No other statutes, articles, or codes are affected by the proposed rule.

§73.100. *Technical Requirements.*

[(a)] Effective September 1, 2023 [November 1, 2020], the department adopts the 2023 [2020] National Electrical Code as approved by the National Fire Protection Association, Inc. on August 12, 2022 [August 25, 2019].

(b) Notwithstanding subsection (a), compliance with Section 210.8(F) of the 2020 National Electrical Code is not required.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 14, 2023.

TRD-202301366

Della Lindquist

Interim General Counsel

Texas Department of Licensing and Regulation

Earliest possible date of adoption: May 28, 2023

For further information, please call: (512) 475-4879



CHAPTER 75. AIR CONDITIONING AND REFRIGERATION

16 TAC §75.100

The Texas Department of Licensing and Regulation (Department) proposes an amendment to an existing rule, 16 Texas Administrative Code (TAC), Chapter 75, §75.100, regarding the Air Conditioning and Refrigeration Contractors Program. This proposed change is referred to as the "proposed rule."

EXPLANATION OF AND JUSTIFICATION FOR THE RULE

The rules under 16 TAC, Chapter 75, implement Texas Occupations Code, Chapter 1302, Air Conditioning and Refrigeration Contractors.

The proposed rule is necessary to remove outdated language related to the 2020 National Electrical Code (NEC). Texas Occupations Code §1305.101(a) requires the Commission to adopt, every three years, the revised NEC as the electrical code for the state. The Department is currently engaged in rulemaking to adopt the 2023 NEC; thus, language related to the 2020 NEC is no longer necessary.

SECTION-BY-SECTION SUMMARY

The proposed rule amends §75.100 by repealing subsection (a)(5).

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Tony Couvillon, Policy Research and Budget Analyst, has determined that for each year of the first five years the proposed rule

is in effect, enforcing or administering the proposed rule does not have foreseeable implications relating to costs or revenues of state or local governments.

LOCAL EMPLOYMENT IMPACT STATEMENT

As Mr. Couvillon has determined that the proposed rule will not affect the local economy, the agency is not required to prepare a local employment impact statement under Government Code §2001.022.

PUBLIC BENEFITS

Mr. Couvillon has determined that for each year of the first five-year period the proposed rule is in effect, the public benefits will include an increase in energy efficiency for consumers, as well as added protection for public health and safety due to licensees' compliance with the updated standards of the 2023 NEC.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Couvillon has determined that for each year of the first five-year period the proposed rule is in effect, there may be some economic costs to persons required to comply with the proposed rule. However, the Department is unable to provide an estimate of costs attributable to the 2023 NEC, as those costs will be determined by the market for electrical services.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. As the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program.
2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rule does not require an increase or decrease in fees paid to the agency.
5. The proposed rule does not create a new regulation.

6. The proposed rule does expand, limit, or repeal an existing regulation. The proposed rule repeals subsection (a)(5) of the current rule.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

8. The proposed rule does not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Department has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

PUBLIC COMMENTS

Comments on the proposed rules 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*.

STATUTORY AUTHORITY

The proposed rule is proposed under Texas Occupations Code, Chapters 51 and 1302, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rule are those set forth in Texas Occupations Code, Chapters 51 and 1302. No other statutes, articles, or codes are affected by the proposed rule.

§75.100. *Technical Requirements.*

(a) Electrical Connections.

(1) On new construction of environmental air conditioning, commercial refrigeration, and process cooling or heating systems, licensees may connect the appliance to the electrical line or disconnect that is provided for that purpose.

(2) Licensees may replace and reconnect environmental air conditioning, commercial refrigeration, process cooling or heating systems, or component parts of the same or lesser amperage. On replacement environmental air conditioning, commercial refrigeration, process cooling or heating systems where the electrical disconnect has not been installed and is required by the applicable National Electrical Code, the licensee may install a disconnect and reconnect the system.

(3) Control wiring of 50 volts or less may be installed and serviced by a licensee. Control wiring for commercial refrigeration equipment of any voltage may be installed by a licensee with the commercial refrigeration endorsement as long as the control wiring is on the equipment side of the disconnect installed for that purpose.

(4) All electrical work shall be performed in accordance with standards at least as strict as that established by the applicable National Electrical Code and the International Residential Code, where applicable.

~~[(5) Notwithstanding subsection (a)(4), compliance with Section 210.8(F) of the 2020 National Electrical Code is not required.]~~

(b) - (f) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 14, 2023.

TRD-202301365

Della Lindquist

Interim General Counsel

Texas Department of Licensing and Regulation

Earliest possible date of adoption: May 28, 2023

For further information, please call: (512) 475-4879



TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §22.6

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter A, §22.6, concerning General Provisions. Specifically, this amendment will provide the Coordinating Board the flexibility to respond to unforeseen exigent circumstances that may otherwise significantly impact students' ability to meet the financial aid priority deadline.

Texas Education Code, Section 56.008, requires the Coordinating Board to establish a rule outlining a uniform priority application deadline for applications for financial assistance for an academic year and to consult financial aid personnel at institutions in doing so. Texas Administrative Code, §22.6, fulfills this requirement, though it currently does not provide the flexibility for the Coordinating Board to respond to unforeseen exigent circumstances. The proposed amendment provides that flexibility in a manner that continues to require consultation with financial aid personnel.

Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Charles Contéro-Puls has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be allowing the Coordinating Board the flexibility to respond to unforeseen exigent circumstances that may otherwise significantly impact students' ability to meet the financial aid priority deadline. There

are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Charles Contéro-Puls, Assistant Commissioner, P.O. Box 12788, Austin, Texas 78711-2788, or via email at charles.contero-puls@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 56.008, which provides the Coordinating Board with the authority to establish a rule outlining a uniform priority application deadline for applications for financial assistance for an academic year.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 22.

§22.6. *Applying for State Financial Aid.*

(a) Priority deadline:

(1) All general academic teaching institutions shall use January 15 as the priority application deadline to receive state financial aid.

(2) The priority deadline is not to serve as a determination of eligibility for state financial aid, but otherwise eligible students who apply on or before the deadline shall be given priority consideration for available state financial aid before other applicants.

(3) If the Commissioner determines that the ability of students to meet the deadline will be significantly impaired by a natural disaster, federal financial aid development, or other unforeseen exigent circumstance, the Commissioner may delay the priority deadline for a specific aid cycle, after consultation with representatives of the financial aid community. The updated priority deadline will be immediately published on THECB's public website.

(b) Texas Application for State Financial Aid (TASFA):

(1) The TASFA collects data necessary for determining state financial aid eligibility for those applicants classified as Texas residents, as outlined in Chapter 21, Subchapter B of this Part, who are not eligible to apply for federal financial aid using the Free Application for Federal Student Aid.

(2) Beginning with the financial aid application cycle for academic year 2023-2024 and thereafter, the online TASFA available through the ApplyTexas website is the sole, acceptable online TASFA. All institutions participating in financial aid programs covered by this chapter must accept the data generated by the completion of this online TASFA.

(3) Beginning with the financial aid application cycle for academic year 2023-2024 and thereafter, the TASFA document available through the ApplyTexas website is the sole, acceptable printable version of the TASFA, which institutions may accept from applicants who do not have access to the necessary technology to complete the online TASFA.

(4) An institution is not prohibited from requiring an applicant to submit additional information to accompany the data received via the TASFA.

(c) Authority for this section is provided in Texas Education Code, Chapter 56, Section 56.008 and Chapter 61, Section 61.07762.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 13, 2023.

TRD-202301361

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 28, 2023

For further information, please call: (512) 427-6365

◆ ◆ ◆