Texas Administrative Materials

ELR (EL 2)

We will cover the following

➢ What administrative law is
  ✓ Who makes it
  ✓ How it is made, and
  ✓ Where it is published

➢ Administrative Decisions
➢ Attorney General
What is administrative law?

Texas Administrative System
Texas Administrative Procedure Act

Sec. 2001.001. PURPOSE. It is the public policy of the state through this chapter to:

1. provide minimum standards of uniform practice and procedure for state agencies;
2. provide for public participation in the rulemaking process; and
3. restate the law of judicial review of state agency action.

Enabling Legislation

The amendment is adopted under Texas Civil Statutes, Article 179d, § 16(a), which provide the commission with the authority to adopt rules for the enforcement and administration of the Bingo Enabling Act.
Sec. 2001.054. RULEMAKING AUTHORITY. The commission may adopt rules to enforce and administer this chapter.

The Sunset Review Process

Agencies Currently Under Review

Agencies Under Review for the 2016-2017 Review Cycle

85th Legislative Session

- Review Schedule
- Upcoming Sunset Meetings
- How to Participate
Finding Agency Rules & Regulations

Texas Administrative Code
# Table 5, Texas Administrative Code Titles

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28 TAC §72.17 (2016)

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## 43 TAC § 206.92

This document reflects all regulations in effect as of January 31, 2017

### § 206.92. Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Advisory committee**—any committee created by the board to make recommendations to the board or to the executive director pursuant to Transportation Code, § 1001.031.

### History

**SOURCE:**

The provisions of this § 206.92 adopted to be effective February 4, 2016, 35 TexReg 6543; amended to be effective March 29, 2012, 37 TexReg 1295; amended to be effective September 18, 2010, 32 TexReg 9920; amended to be effective June 25, 2015, 40 TexReg 4800.
Texas Administrative Code
  • Print

  • Online Sources

Assignment
Texas Administrative Code

1. Search for the following citation in the Secretary of State website.

   25 TAC 38.12

2. Provide the Tex. Reg. citation when it was last amended.
Sec. 2001.001. PURPOSE. It is the public policy of the state through this chapter to:
(1) provide minimum standards of uniform practice and procedure for state agencies;
(2) provide for public participation in the rulemaking process; and
(3) restate the law of judicial review of state agency action.
Types of Rules

These are types of rules you might encounter while researching in the Texas Register.

- Public Notice of Proposed Rulemaking
- Draft Rule
- Withdrawn Rule
- Final/Adopted Rule
- Emergency Rule
- Rule Review

Texas Register

Other information

(1) Notices of open meetings;
(2) Executive orders issued by the Governor;
(3) Summaries of requests for opinions of the Texas Attorney General and of the Texas Ethics Commission;
(4) Summaries of AG opinions of the Texas Ethics Commission;
(5) Guidelines prepared by the Texas Attorney General;
(6) Notices relating to the preparation of takings impact assessments; and
(7) Other information of general interest to the public, including federal legislation or regulations affecting the state or a state agency, and state agency organizational and personnel changes.
1. The Texas Higher Education Coordinating Board proposed amendments to **19 TAC 21.256, 21.259, 21.262**, concerning the Physician Student Loan Repayment Program. The proposed rule was adopted in 1989. (1) Find the amendment in the Texas Register and (2) what is the enabling statute that allows for this amendment?

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**Updating Texas Regulations**

1. Secretary of State’s website
2. Print
   a. Check the date of the TAC
   b. Consult the most recent Quarterly or Annual Index of the *Texas Register*
   c. Consult the Table of Contents in each Texas Register Issue published after the most recent Index
3. Databases
4. Citators
Other Places to Find Rules and Regulations

- Agency Websites

- TRAIL

Finding Administrative Hearings

- Administrative Decision Process

- TDI.TEXAS.GOV

- TEXAS ETHICS COMMISSION

- Texas Commission on Environmental Quality

- Texas State Securities Board
Texas State Office of Administrative Hearings

- What is SOAH?
- SOAH Rules
- Final Decisions
- Appeals

Locating Hearing Information

- Finding SOAH records
- Other Sources
Texas Attorney General

• Types of AG opinions
  1. Opinions
  2. Letter opinions (LO)
  3. Open Records Decisions (ORD)
Texas Attorney General
• Public Information Request