

877, 79th Texas Legislature, Regular Session (2005), and as a result the basis for the rule no longer exists.

The Department received no comments regarding the repeals.

The repeals are adopted under Section 12.016 of the Texas Agriculture Code, which provides that the Department may adopt rules as necessary for the administration of its powers and duties under the Texas Agriculture Code and Section 110.002 of the Texas Alcoholic Beverage Code, which authorizes the Department to adopt rules as necessary to implement the Texas Wine Marketing Assistance Program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Department of Agriculture

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For further information, please call: (512) 936-9360



SUBCHAPTER H. TEXAS SHRIMP MARKETING ASSISTANCE PROGRAM

4 TAC §17.400, §17.401

The Texas Department of Agriculture (Department) adopts the repeal of 4 Texas Administrative Code §17.400, concerning Definitions and §17.401, concerning Shrimp Marketing Assistance Program. The repeals are adopted without changes to the proposed text as published in the September 2, 2022, issue of the *Texas Register* (47 TexReg 5184) and will not be republished.

The Department identified the need for the repeals during its rule review of Chapter 17, Subchapter H, conducted pursuant to Texas Government Code §2001.039.

The repeals of §17.400 and §17.401 are adopted because the rules unnecessarily duplicate text found within Texas Agriculture Code, Chapter 47 and no business reason for the rules exists.

The Department received no comments regarding the repeals.

The repeals are adopted under Section 12.016 of the Texas Agriculture Code, which provides that the Department may adopt rules as necessary for the administration of its powers and duties under the Texas Agriculture 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.

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PART 5. STATE SEED AND PLANT BOARD

CHAPTER 81. CERTIFICATION PROCEDURES

4 TAC §81.2

The Texas Department of Agriculture (Department), on behalf of the State Seed and Plant Board (Board), adopts the repeal of Title 4, Part 5, Chapter 81, concerning Certification Procedures, §81.2. The repeal is adopted without changes to the proposed text as published in the September 2, 2022, issue of the *Texas Register* (47 TexReg 5185) and will not be republished.

The Board identified the need for the repeal during its rule review conducted pursuant to Texas Government Code, §2001.039. The repeal is necessary because the provisions of its single rule, §81.2, involving instructions for submitting seed certification applications and ordering certification labels, are outdated and no longer applicable. Current instructions are located on the Seed Quality Program's webpage of the Department's website.

No comments concerning the proposed repeal of this chapter were received.

The repeal is adopted under Texas Agriculture Code, §62.004, which allows the Board to establish standards of genetic purity and identity, consistent with federal law, for classes of certified seeds and plants, as the Board deems appropriate; and §62.005, which confers discretionary authority on the Board to adopt related rules.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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State Seed and Plant Board

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CHAPTER 82. ADMINISTRATIVE PROCEDURES

SUBCHAPTER A. PROCEDURES FOR MEETING BY TELEPHONE CONFERENCE CALL

4 TAC §§82.1 - 82.5

The Texas Department of Agriculture (Department), on behalf of the State Seed and Plant Board (Board), adopts the repeal of Title 4, Part 5, Chapter 82, concerning Administrative Procedures §§82.1 - 82.5. The repeal is adopted without changes to the proposed text as published in the September 2, 2022, issue of the *Texas Register* (47 TexReg 5185) and will not be republished.

The Board identified the need for the repeal during its rule review conducted pursuant to Texas Government Code, §2001.039. The repeal of Chapter 82 is adopted because it unnecessarily duplicates provisions contained in Texas Agriculture Code, §62.0021 (Meetings by Telephone Conference Call).

No comments concerning the proposed repeal of this chapter were received.

The repeal is adopted under Section 62.0021 of the Texas Agriculture Code, which allows the State Seed and Plant Board to conduct meetings by telephone conference call and Section 2001.004 of the Texas Government Code, which requires state agencies to adopt rules of practice and procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TITLE 7. BANKING AND SECURITIES

PART 7. STATE SECURITIES BOARD

CHAPTER 101. GENERAL ADMINISTRATION

7 TAC §101.9

The Texas State Securities Board adopts new rule §101.9, concerning Vendor Protest Procedures, without changes to the proposed text as published in the June 24, 2022, issue of the *Texas Register* (47 TexReg 3613). The new rule will not be republished.

The new rule establishes the Agency's protest review and appeal process and identifies the rules and requirements of both Agency staff and the protesting party as required by §2155.076 of the Government Code.

The rule provides consistent standards for filing and resolving a vendor protest.

No comments were received regarding adoption of the new rule.

The new rule is adopted under the authority of the Texas Government Code, §§4002.151 and 2155.076. Section 4002.151 provides the Board with the authority to adopt rules as necessary to implement the provisions of the Texas Securities Act, including rules governing registration statements, applications, notices, and reports; defining terms; classifying securities, persons, and matters within its jurisdiction; and prescribing different requirements for different classes. Section 2155.076 requires state agencies to adopt by rule vendor protest procedures.

The adopted new rule affects: none applicable.

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 October 10, 2022.

TRD-202204043

Travis J. Iles

Securities Commissioner

State Securities Board

Effective date: October 30, 2022

Proposal publication date: June 24, 2022

For further information, please call: (512) 305-8303



CHAPTER 133. FORMS

7 TAC §§133.5 - 133.7, 133.12, 133.13, 133.16, 133.18, 133.26, 133.27, 133.29, 133.30, 133.34, 133.36

The Texas State Securities Board adopts the repeal of thirteen rules, concerning forms adopted by reference. Specifically, the Board adopts the repeal of §133.5, a form concerning Secondary Trading Exemption Notice; §133.6, a form concerning Secondary Trading Exemption Renewal Notice; §133.7, a form concerning Application for Registration of Securities; §133.12, a form concerning Renewal Application for Mutual Funds and Other Continuous Offerings; §133.13, a form concerning Application for Renewal Permit; §133.16, a form concerning Texas Crowdfunding Portal Withdrawal of Registration; §133.18, a form concerning Certification of Balance Sheet by Principal Financial Officer; §133.26, a form concerning Request for Determination of Money Market Fund Status for Federal Covered Securities; §133.27, a form concerning Year-End Report of Sales of Federal Covered Securities by a Money Market Fund (Pursuant to §123.3); §133.29, a form concerning Intrastate Exemption Notice; §133.30, a form concerning Information Concerning Projected Market Prices and Related Market Information; §133.34, a form concerning Undertaking Regarding Non-Issuer Sales; and §133.36, a form concerning Request for Reduced Fees for Certain Persons Registered in Multiple Capacities, without changes to the proposed text as published in the June 24, 2022, issue of the *Texas Register* (47 TexReg 3614). The repealed rules will not be republished.

The repealed forms contain references to the former version of the Texas Securities Act (formerly located in Vernon's Civil Statutes). New replacement forms that contain references to both the former version of the Act and to the codified version are being currently adopted.

Thirteen existing forms containing outdated references to the former version of the Act have been eliminated so they can be replaced.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the authority of the Texas Government Code, §4002.151. Section 4002.151 provides the Board with the authority to adopt rules as necessary to implement the provisions of the Texas Securities Act, including rules governing registration statements, applications, notices, and reports; defining terms; classifying securities, persons, and matters within its jurisdiction; and prescribing different requirements for different classes. The repeal of rule §133.36 is also adopted under the authority of the Texas Government Code, §4006.102(b). Section 4006.102(b) provides the Board with the authority to adopt rules reducing fees for persons registered in two or more capacities.