

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.005, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/12/24 - 02/18/24 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/12/24 - 02/18/24 is 18.00% for commercial² credit.

The monthly ceiling as prescribed by §303.005³ and §303.009 for the period of 02/01/24 - 02/29/24 is 18.00%.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

³ Only for variable rate commercial transactions, as provided by §303.004(a).

TRD-202400475

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: February 7, 2024

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **March 19, 2024**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas

78711-3087 and must be received by 5:00 p.m. on **March 19, 2024**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Alliance Community Fellowship; DOCKET NUMBER: 2022-0580-PWS-E; IDENTIFIER: RN111473393; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(e) and (h)(1) and Texas Health and Safety Code, §341.035(a), by failing to submit plans and specifications to the Executive Director for review and approval prior to the construction of the new public water supply; 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$3,315; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$2,652; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(2) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2022-0548-PWS-E; IDENTIFIER: RN101268514; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code, §341.0351, by failing to notify the Executive Director prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity; PENALTY: \$216; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(3) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2022-0861-PWS-E; IDENTIFIER: RN101187854; LOCATION: Montgomery, Montgomery County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(D)(ii) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; and 30 TAC §290.45(b)(1)(D)(iii) and THSC, §341.0315(c), by failing to provide two or more pumps that have a total capacity of 2.0 gallons per minute (gpm) per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, at each pump station or pressure plane; PENALTY: \$9,120; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(4) COMPANY: BABITA CORPORATION dba Heli; DOCKET NUMBER: 2022-0951-PST-E; IDENTIFIER: RN102014644; LOCATION: Marble Falls, Burnet County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED:

30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(5) COMPANY: City of De Leon; DOCKET NUMBER: 2021-1642-MWD-E; IDENTIFIER: RN101920569; LOCATION: De Leon, Comanche County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010078001, Effluent Limitations and Monitoring Requirements Numbers 1 and 2, by failing to comply with permitted effluent limitations; PENALTY: \$15,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$12,600; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(6) COMPANY: City of Oak Point; DOCKET NUMBER: 2021-1322-WQ-E; IDENTIFIER: RN107515736; LOCATION: Oak Point, Denton County; TYPE OF FACILITY: small municipal separate storm sewer system; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(a)(9)(i)(A), by failing to maintain authorization to discharge stormwater under Texas Pollutant Discharge Elimination System (TPDES) General Permit for municipal separate storm sewer systems; and 30 TAC §305.125(1) and expired TPDES General Permit Number TXR040455, Part IV, Section B(2), by failing to submit concise annual reports to the Executive Director within 90 days of the end of each reporting year; PENALTY: \$20,000; ENFORCEMENT COORDINATOR: Kolby Farren, (512) 239-2098; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: City of Rio Hondo; DOCKET NUMBER: 2022-0676-PWS-E; IDENTIFIER: RN101209195; LOCATION: Rio Hondo, Cameron County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.111(e)(1)(B) and Texas Health and Safety Code, §341.0315(c), by failing to achieve a turbidity level of combined filter effluent that is less than 0.3 nephelometric turbidity units in at least 95% of the samples tested during the months of January through March 2022; PENALTY: \$4,275; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$4,275; ENFORCEMENT COORDINATOR: Claudia Bartley, (512) 239-1116; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(8) COMPANY: Dreamland tank town, llc; DOCKET NUMBER: 2022-0124-MLM-E; IDENTIFIER: RN111393096; LOCATION: Dripping Springs, Hays County; TYPE OF FACILITY: commercial construction project; RULES VIOLATED: 30 TAC §213.23(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone; and 30 TAC §281.25(a)(4), TWC, §26.121 and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$22,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$9,000; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(9) COMPANY: Franz Warehouse DE, LLC; DOCKET NUMBER: 2022-0600-PWS-E; IDENTIFIER: RN111476347; LOCATION: Katy, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(b)(1) and (c)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; 30

TAC §290.46(e)(4)(A), by failing to operate the facility under the direct supervision of a water works operator who holds a Class D or higher groundwater license; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$4,916; ENFORCEMENT COORDINATOR: Claudia Bartley, (512) 239-1116; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(10) COMPANY: Gibbons Creek Environmental Redevelopment Group, LLC; DOCKET NUMBER: 2022-1181-IWD-E; IDENTIFIER: RN102739547; LOCATION: Bryan, Grimes County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0002120000, Effluent Limitations and Monitoring Requirements Number 1 for Outfall Number 001 and Effluent Limitations and Monitoring Requirements (Interim Phase) Number 1 for Outfall Number 005, by failing to comply with permitted effluent limitations; PENALTY: \$16,500; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(11) COMPANY: Pecan Grove Mobile Home Park, LLC; DOCKET NUMBER: 2022-0479-PWS-E; IDENTIFIER: RN101450526; LOCATION: Midland, Midland County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(f)(2) and Texas Health and Safety Code, §341.031(a), by failing to comply with the acute maximum contaminant level of ten milligrams per liter for nitrate; and 30 TAC §290.271(b) and §290.274(a) and (c), by failing to mail or directly deliver one copy of the Consumer Confidence Report (CCR) to each bill paying customer by July 1 for each year, and failing to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2020; PENALTY: \$3,450; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(12) COMPANY: WJH LLC; DOCKET NUMBER: 2022-1433-WQ-E; IDENTIFIER: RN111332771; LOCATION: Livingston, Polk County; TYPE OF FACILITY: construction sites; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a), and Texas Pollutant Discharge Elimination System General Permit Number TXR1528GN, Part III, Section G.1, by failing to install and maintain best management practices at the sites which resulted in a discharge of pollutants into or adjacent to any water in the state; PENALTY: \$11,250; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

TRD-202400439

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: February 6, 2024



Enforcement Orders

An agreed order was adopted regarding Alfredo Valles, Docket No. 2022-0077-MLM-E on February 6, 2024, assessing \$5,822 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Benjamin Pence, Staff Attorney at

(512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Harris County, Docket No. 2022-0433-PWS-E on February 6, 2024, assessing \$2,400 in administrative penalties with \$480 deferred. Information concerning any aspect of this order may be obtained by contacting Ashley Lemke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lagasse Enterprises, LLC, Docket No. 2022-0650-WQ-E on February 6, 2024, assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding James L. Sullivan and Anytime Septic Solutions LLC, Docket No. 2023-0065-SLG-E on February 6, 2024, assessing \$2,625 in administrative penalties with \$525 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HURTADO CONSTRUCTION COMPANY, Docket No. 2023-0992-AIR-E on February 6, 2024, assessing \$3,937 in administrative penalties with \$787 deferred. Information concerning any aspect of this order may be obtained by contacting Karyn Olschesky, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Alanreed Travel Center LLC, Docket No. 2023-1066-PST-E on February 6, 2024, assessing \$7,374 in administrative penalties with \$1,474 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Fishbeck, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Brooks, James Edwin, Docket No. 2023-1461-WOC-E on February 6, 2024, assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding CIMA General Contractors, Inc., Docket No. 2023-1462-WQ-E on February 6, 2024, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Bill Starks Construction Co., Inc, Docket No. 2023-1463-WQ-E on February 6, 2024, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Rey, Thomas A., Docket No. 2023-1548-OSS-E on February 6, 2024, assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation order was adopted regarding 2BN Services, LLC, Docket No. 2023-1551-WR-E on February 6, 2024, assessing \$350 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Swift Holdings Inc, Docket No. 2023-1621-WQ-E on February 6, 2024, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Shane Glantz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Myers, James A., Docket No. 2023-1638-WR-E on February 6, 2024, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Nancy Sims, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202400481

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2024



Enforcement Orders

A default order was adopted regarding BUSHWACKERS LAND SERVICES LLC., Docket No. 2020-1422-MLM-E on February 7, 2024, assessing \$5,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Benjamin Pence, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Centex Materials LLC, Docket No. 2021-0669-MLM-E on February 7, 2024, assessing \$23,580 in administrative penalties with \$4,716 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Jimmy Ray Bland dba Bland Crushing and Salvage Facility, Docket No. 2021-0781-MSW-E on February 7, 2024, assessing \$79,779 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pearson, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Galveston County Water Control and Improvement District No. 1, Docket No. 2021-1569-MLM-E on February 7, 2024, assessing \$55,625 in administrative penalties with \$11,125 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Trinity, Docket No. 2022-0048-MWD-E on February 7, 2024, assessing \$13,200 in administrative penalties with \$2,640 deferred. Information concerning any aspect of this order may be obtained by contacting Mistie Gonzales, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CS FRANKE DEVELOPMENT LLC, Docket No. 2022-0216-WQ-E on February 7, 2024, assessing \$20,750 in administrative penalties with \$4,150 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Francis Excavating LLC, Docket No. 2022-0249-WQ-E on February 7, 2024, assessing \$15,000 in administrative penalties with \$3,000 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Stringer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Paducah, Docket No. 2022-0385-PWS-E on February 7, 2024, assessing \$50,015 in administrative penalties with \$10,003 deferred. Information concerning any aspect of this order may be obtained by contacting Ryan Byer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Carlos Diaz, Docket No. 2022-0858-PST-E on February 7, 2024, assessing \$5,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Devon Asphall, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Maria Elena Gueta dba Maria Elena's Mobile Homes, Docket No. 2022-0915-PWS-E on February 7, 2024, assessing \$2,746 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BRAUNTEX MATERIALS, INC., Docket No. 2022-1202-EAQ-E on February 7, 2024, assessing \$9,000 in administrative penalties with \$1,800 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Angelina & Neches River Authority, Docket No. 2023-0586-PWS-E on February 7, 2024, assessing \$1,650 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Christiana McCrimmon, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202400484

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2024



Notice of an Application for a Temporary Water Use Permit

APPLICATION NO.13918

Notices Issued February 06, 2024

Bechtel Energy Inc., Applicant, 3000 Post Oak Blvd., Houston, Texas 77056-6501, seeks a temporary water use permit to divert and use not to exceed 250 acre-feet of water, within a period of three years, from a diversion reach on the Port Arthur Ship Channel, Neches-Trinity Coastal

Basin for industrial purposes in Jefferson County. More information on the application and how to participate in the permitting process is given below.

The application was received on May 15, 2023, and fees were received June 16 and 28, 2023. Additional information was received on June 22 and July 25, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 7, 2023. The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, the installation of a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, by February 26, 2024. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by February 26, 2024. The Executive Director may approve the application unless a written request for a contested case hearing is filed by February 26, 2024.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTP 13918 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

APPLICATION NO.13919

Bechtel Energy Inc., Applicant, 3000 Post Oak Blvd., Houston, Texas 77056-6501, seeks a temporary water use permit to divert and use not

to exceed 250 acre-feet of water, within a period of three years, from a point on the Port Arthur Ship Channel, Neches-Trinity Coastal Basin for industrial purposes in Jefferson County. More information on the application and how to participate in the permitting process is given below. The application was received on May 15, 2023, and fees were received June 16 and June 28, 2023. Additional information was received on June 22 and July 25, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 7, 2023.

The Executive Director completed the technical review of the application and prepared a draft permit.

The draft permit, if granted, would include special conditions including, but not limited to, the installation of a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, by February 26, 2024. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

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To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTP 13919 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202400482

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: February 7, 2024



Notice of District Petition

Notice issued February 1, 2024

TCEQ Internal Control No. D-08212023-038; Lackland NE2 Development, LLC, a Texas limited liability company, (Petitioner) filed a petition with the Texas Commission on Environmental Quality (TCEQ) for the annexation of land into Grayson County Municipal Utility District No. 9 (District) under Local Government Code Section (§) 42.042 and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to all the property in the proposed annexation area to be included in the District; (2) there are no lienholders on the property to be annexed into the District; (3) the proposed property annexation will contain approximately 17.605 acres located within Grayson County; and (4) all of the land within the proposed property annexation is located within the extraterritorial jurisdiction of the City of Tom Bean, Texas (City). In accordance with Local Government Code §§ 42.0425 and 42.042, the Petitioner and the District submitted a petition to the City, requesting the City's consent to the annexation of land into the District. Information provided indicates that the City did not consent to the inclusion of the land into the District's area. After the 90-day period passed without receiving the City's consent to the annexation, the Petitioner submitted a petition to the City requesting the City provide water and sanitary sewer services to the proposed annexation area. The 120-day period for reaching a mutually agreeable contract expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Local Government Code § 42.042, failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include all of the land in the proposed annexation area into the District.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar

to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202400477

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2024



Notice of District Petition

Notice issued February 2, 2024

TCEQ Internal Control No. D-12202023-023; Schulle Farm Partners, L.P., (Petitioner) filed a petition for creation of Caldwell County Municipal Utility District No. 8 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Independent Bank, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 226.626 acres located within Caldwell County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to: (1) provide water supply for municipal uses, domestic uses, and commercial purposes; (2) collect, transport, process, dispose of, and control, all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; (3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the proposed District and the payment of organization expenses and operational expenses during construction and interest during construction; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements in aid of those roads; and (5) provide such other facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$27,720,678 (\$16,364,982 for water, wastewater, and drainage and \$11,355,696 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must

submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087.

For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202400479

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2024



Notice of Informational Meeting for an Air Quality Standard Permit for Permanent Rock and Concrete Crushers Proposed Air Quality Registration Number 173335

APPLICATION. Travis Materials Group Ltd, 2016 Farm-to-Market Road 969, Elgin, Texas 78621-6102 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration Number 173335, which would authorize construction of a permanent rock and concrete crusher. The facility is proposed to be located at 1255 Farm-to-Market Road 969, Bastrop, Bastrop County, Texas 78602. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.408181,30.17855&level=13>. This application was submitted to the TCEQ on July 12, 2023. The executive director has determined the application was technically complete on October 4, 2023.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Austin Regional Office, located at 12100 Park 35 Circle Building A Room 179, Austin, Texas 78753-1808, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

INFORMATIONAL MEETING. The TCEQ will conduct an informational meeting to answer questions and discuss the application. Formal comments will not be taken at the informational meeting. The meeting will be held:

Thursday, March 7, 2024 at 7:00 p.m.

Spiderwood Studios (Building A)

140 Utley Road

Elgin, Texas 78621

INFORMATION. Public written comments about this application may be submitted at any time during the public comment period. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

For more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. General information can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Travis Materials Group Ltd, 2016 Farm-to-Market Road 969, Elgin, Texas 78621-6102, or by calling Mr. Aaron Hertz, Environmental Consultant, Hertz Environmental Health & Safety, LLC at (512) 709-4251.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: February 01, 2024

TRD-202400476

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2024



Notice of Opportunity to Comment on a Default Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **March 19, 2024**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on March 19, 2024**. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Raymond Lemons, Sr. and Gaynell Lemons; DOCKET NUMBER: 2021-1300-MSW-E; TCEQ ID NUMBER: RN111255725; LOCATION: 3603 North Country Road 2706, Lubbock, Lubbock County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULE VIOLATED: 30 TAC §330.15(a) and (c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW at the site; PENALTY: \$26,250; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

TRD-202400441

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: February 6, 2024



Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Shutdown/Default Order (S/DO). Texas Water Code (TWC), §26.3475, authorizes the commission to order the shutdown of any underground storage tank (UST) system found to be noncompliant with release detection, spill and overflow prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill, and overflow prevention, and/or after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations, the proposed penalty, the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. In accordance with TWC, §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **March 19, 2024**. The commission will consider any written comments received and the commission may withdraw or withhold approval of an S/DO if a comment discloses facts or considerations that indicate that consent to the proposed S/DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed S/DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed S/DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the S/DO shall be sent to the attorney designated for the S/DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on March 19, 2024**. The commission's attorney is available to discuss the S/DO and/or the comment procedure at the listed phone number; however, comments on the S/DO shall be submitted to the commission in **writing**.

(1) COMPANY: PNS Operating, LLC dba Pump N Shop 48; DOCKET NUMBER: 2022-0459-PST-E; TCEQ ID NUMBER: RN102458270; LOCATION: 5255 Davis Boulevard, North Richland Hills, Tarrant County; TYPE OF FACILITY: UST system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §7.055 and 30 TAC §70.104(b)(1), by failing to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,750; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202400440

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: February 6, 2024



Notice of Water Quality Application

The following notice was issued on January 31, 2024:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS ISSUED.

INFORMATION SECTION

The Texas Commission on Environmental Quality has initiated a minor amendment of the Texas Pollutant Discharge Elimination System Permit No. WQ0015921001 issued to Liquid Utilities LLC, 6315B Farm-to-Market 1488 Road, Suite 192, Magnolia, Texas 77354, to remove dechlorination requirement from the existing permit. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 80,000 gallons per day. The facility will be at 1997 North Farm-to-Market 1486 Road, in Montgomery County, Texas 77356.

TRD-202400478

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2024



Notice of Water Quality Application

The following notice was issued on February 2, 2024:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS PUBLISHED IN THE *TEXAS REGISTER*.

INFORMATION SECTION

Nucor corporation, which operates Nucor Steel - Texas, has applied for minor amendment of TCEQ Permit No. WQ0001897000, which authorizes the disposal of process wastewater and contact cooling water at an annual average flow not to exceed 13,000 gallons per day via evaporation, and contact cooling water from Ponds 1 and 2 at an annual average flow rate not to exceed 103,000 gallons per day via irrigation. The draft permit authorizes the disposal of process wastewater and contact cooling water at an annual average flow not to exceed 103,000 gallons per day via irrigation on 42.3 acres of Bermuda grass. This permit will not authorize a discharge of pollutants into water in the state. The facility and land application site are located at 8812 United State Highway 79 West, Leon County, Texas 75846.

TRD-202400480

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2024



Notice of Water Quality Application

The following notice was issued on February 6, 2024:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS ISSUED.

INFORMATION SECTION

The Texas Commission on Environmental Quality has initiated a minor amendment of Texas Pollutant Discharge Elimination System Permit No. WQ0002817000 issued to Brownsville Navigation District, which operates the Fishing Harbor Wastewater Treatment Plant, a publicly owned treatment works which treats wastewater from the Port of Brownsville Fishing Harbor and the Brownsville Navigation District, to authorize correcting the parameter total cyanide, and the associated limits, to free cyanide. The existing permit authorizes the discharge of treated domestic wastewater, shrimp processing wastewater, shrimp boat bilge water, and stormwater at a daily average flow not to exceed 250,000 gallons per day via Outfall 001. The facility is located at 10251 Fisherman's Place Road, on the south side of State Highway 48, approximately 5.4 miles east of the intersection of State Highway 48 and Farm-to-Market Road 511, northeast of the City of Brownsville, Cameron County, Texas 78521. The TCEQ executive director reviewed this action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the regulations of the General Land Office and has determined that the action is consistent with the applicable CMP goals and policies.

TRD-202400483

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2024



Texas Health and Human Services Commission

Public Notice: Texas State Plan Amendment to Make Changes to Requirements for Prescribed Pediatric Extended Care Centers (PPECCs)

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 24-0005 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The purpose of this amendment is to make requirements for PPECCs consistent with changes made to state licensing rules for PPECCs as required by House Bill (H.B.) 3550, 88th Texas Legislature, Regular Session, 2023. The proposed amendment requires a PPECC to provide transportation to a recipient when the recipient's physician determines the recipient is stable to receive transportation services and the parent or legal guardian wants the recipient to receive transportation services. The proposed amendment also requires that a recipient be accompanied by a PPECC nurse or direct care staff member, as identified by the physician in the plan of care, during transport to and from the PPECC. Apart from H.B. 3550, the proposed amendment revises the qualifications for a PPECC's nursing director and alternate nursing director to be consistent with state licensing rules for PPECCs and makes minor editorial changes for clarity. The proposed amendment is effective 9/1/2024.

The proposed amendment is estimated to have no fiscal impact, as it is not expected to have an effect on Medicaid utilization or cost.

To obtain copies of the proposed amendment, interested parties may contact Nicole Hotchkiss, State Plan Coordinator, by mail at the Texas Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-5035; by facsimile at (512) 730-7472; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposal will also be made available for public review at the local offices of the Texas Health and Human Services Commission.

TRD-202400403

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: February 1, 2024



Public Notice - Youth Empowerment Services (YES) Program

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Youth Empowerment Services (YES) Program. HHSC administers the YES Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the YES waiver application through March 31, 2028. The proposed effective date for the amendment is July 1, 2024, and does not affect the cost neutrality of the waiver.

The YES Program is designed to provide home and community-based services to children and youth with serious emotional disturbances and their families, with a goal of reducing or preventing children's inpatient psychiatric treatment and the consequent removal from their families. The program currently serves eligible children who are at least three years of age and under 19 years of age.

The amendment proposes to change the *Quality Improvement Strategy* section in appendices A, B, C, D, G, H, and I. The amendment will modify the timeframes for monitoring reviews to obtain data for quality monitoring purposes from annual to biennial reviews for desk and onsite reviews of YES providers.

If you want to obtain a free copy of the proposed waiver amendment or if you have questions, need additional information, or want to submit comments about the amendment, please contact Jayasree Sankaran by U.S. mail, telephone, fax, or email at the addresses and numbers below.

A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by March 18, 2024.

The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street

Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202400462

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: February 6, 2024



Revised Public Notice - Community Living Assistance and Support Services (CLASS) Waiver Program

The original notice regarding the Community Living Assistance and Support Services (CLASS) waiver program renewal request was posted in the *Texas Register* on February 9, 2024. This revised notice reflects an additional change to the renewal request to remove the word "unauthorized" from performance measure G.c.1.

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to renew the CLASS waiver program. HHSC administers the CLASS Program under the authority of §1915(c) of the Social Security Act. CMS has approved the CLASS waiver application through August 31, 2024. The proposed effective date for the renewal is September 1, 2024.

The CLASS Program provides community-based services and supports to individuals with a related condition who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, health and welfare, and to supplement, rather than replace, existing informal or formal supports and resources. Services in the CLASS Program are case management, prevocational services, residential habilitation, respite (in-home and out of home), supported employment, prescribed drugs, financial management services, support consultation, adaptive aids, auditory integration training/auditory enhancement training, behavioral support, cognitive rehabilitation ther-

apy, continued family services, dental treatment, dietary, employment assistance, minor home modifications, nursing, occupational therapy services, physical therapy services, specialized therapies, speech and language pathology, support family services and transition assistance services.

The renewal request proposes to make the following changes:

Main Attachment #2: Home and Community-Based Settings Waiver Transition Plan

HHSC removed the attachment #2 transition plan language from the main appendix. CMS is proposing to remove the attachment #2 Home and Community-Based Settings Waiver Transition Plan option from their updated CMS Home and Community-Based Services (HCBS) waiver application template in 2024.

Appendix A: Waiver Administration and Operation

HHSC added an Administrative Authority Performance Measure as requested by CMS as follows: A.a.1 Number and percent of individuals on the CLASS interest list who are offered waiver services on a first-come, first served basis by HHSC. N: Number of individuals on the CLASS interest list who are offered waiver services on a first-come, first-served basis. D: Number of individuals who are offered enrollment from the interest list.

Appendix B: Participant Access and Eligibility

HHSC clarified in the "Cost Limit" section that all individuals have access to services up to the cost limit if they have an identified need that is supported and justified.

HHSC increased the unduplicated number of participants served, and the point-in-time totals, for all five waiver years and maintained the same number of reserve capacity slots across all five waiver years.

HHSC clarified in the "Selection of Entrants to the Waiver" that when an individual is placed on the interest list the individual's name, mailing address, and date of birth is required.

HHSC clarified that anyone may request for an individual's name to be added to the interest list by calling or submitting a written request to HHSC.

HHSC clarified that the level of care (LOC) documentation may be submitted electronically by fax or mail and that qualified intellectual and developmental disability professionals (QIDP) review the LOC. HHSC also clarified the annual resubmission and provider process.

HHSC updated the "Maintenance of Evaluation/Reevaluation Records" section to include HHSC as an agency for records maintenance.

HHSC updated the "Access to Services by Limited English Proficiency Persons" section to align with current policy.

Appendix C: Participant Services

HHSC updated provider qualifications throughout Appendix C to align with current policy.

HHSC changed provider training for abuse, neglect, and exploitation (ANE) from "within 60 days of employment" to "before assuming job duties" to align with current policy.

HHSC updated provider qualifications reporting requirement training for ANE to require reporting immediately, but no later than 24 hours.

HHSC revised information in the service provider qualifications about who can be a service provider.

HHSC updated the "Frequency of Verification" section for Supported Employment to remove, "Individual/employer and financial management services agency (FMSA) prior to hiring" and "HHSC Contract staff verifies provider qualifications during on-site reviews, completed every three years at a minimum" to align with current policy.

HHSC updated the Prevocational Services definition to reflect "goals identified in the individual's individual program plan (IPP)." instead of the "individual's habilitation plan" to align with current policy and rules. Within the definition, replaced the term "employment" with "competitive employment" to align with policies.

HHSC changed the term "face to face" to "in person" to reflect the accurate terminology for habilitation services, and respite services definitions.

HHSC revised one of the locations in which respite care can be provided from "Individuals home or place of residence" to "Individual's residence or the residence of a relative or friend". Added "The residence of another person receiving a Medicaid waiver service;" as an additional location Respite care can be provided.

HHSC updated the verification of provider qualifications for respite (out-of-home) Adult Foster Care Four Person Residence provider service. New language reflects the current policy stating "HHSC Regulatory Services licenses four bed adult foster care homes as a Type A or B, but only renews the limited number of Type C Assisted Living facilities who were originally licensed as Type C."

HHSC removed "Vendor Drug" from the reference to the provider agreement for prescription medications to align with current policy.

HHSC clarified that financial management services are services provided by an FMSA to an employer, not an individual. Clarified language in the "Financial Management Services in the Frequency of Verification" section to make information requested in this section more accurate. Clarified Texas Administrative Code (TAC) references to include Chapter 41 and included chapter titles.

HHSC clarified in the "Frequency of Verification" section that contract staff conducts monitoring reviews at least every three years and each contract is monitored at least every three years thereafter to align with current policy.

HHSC clarified language that FMSAs must attend periodic trainings conducted by HHSC.

HHSC updated reference to Internal Revenue Service Form 2678 to include form name of Employer/Payer Appointment of Agent.

HHSC clarified that the supports for participant direction is provided by a support advisor and provides a level of assistance beyond that provided by the FMSA. HHSC clarified that support consultation helps the employer to meet the required employer responsibilities of the consumer directed services (CDS) option.

HHSC clarified in the "Provider Qualifications" section for both agency and CDS options that the support advisor cannot be the individual or the individual's spouse, the legally authorized representative (LAR) or the legally authorized representative's spouse, or the designated representative or the designated representative's spouse to align with current policy.

HHSC clarified in the "Provider Qualifications" section that the FMSA must have support consultation services available to be provided by a support advisor upon request by the individual or individual's LAR.

HHSC clarified that the support advisor, not the provider, must have a support advisor certificate issued by HHSC to indicate successful completion of required training conducted or approved by HHSC.

HHSC deleted "HHSC verifies provider qualifications prior to awarding a provider agreement and on an ongoing basis" in the "Entity Responsible for Verification" section.

To align with current policy, HHSC removed the statement in the "Provider Qualifications" section that the continued family and support family services provider must be an independent foster family verified by the Texas Department of Family and Protective Services and contracted with a direct services agency (DSA). Changed the term "Support Family Agencies" to "Child Placing Agencies."

HHSC clarified for self-directed services that the individual, the individual's spouse, the LAR, the LARs spouse, the designated representative, or the designated representative's spouse cannot be hired to provide services to align with existing policy.

Appendix D: Participant-Centered Planning and Service Delivery

HHSC clarified that the persons on the service planning team include "actively involved person" and staff providing direct services, if approved by the individual and LAR.

HHSC clarified that an oral and written explanation of CLASS waiver program services and "State Plan services" must be provided instead of "State Plan Community First Choice services (CFC)."

HHSC removed CFC Personal Assistance Services/Habilitation service" references throughout the waiver as CFC is not a waiver service. HHSC also added that the individual program plan documents that the frequency and amount of the service does not replace existing natural supports, non-waiver resources, or non-CFC resources for which the individual may be eligible; and documents the setting for each service, which must be selected by the individual or LAR from setting options.

HHSC removed from the "Risk Assessment and Mitigation" section the sentence "All person-centered service plans are reviewed by HHSC QIDP to further ensure the plan meets the individual's needs."

HHSC clarified, to align with existing policy, that when an assigned DSA employee or contractor is not available to deliver an individual's service, the DSA must have a written process to ensure backup staff are or can readily become familiar with the individual they may be required to provide a CLASS Program services to.

HHSC added FMSAs to the list of entities HHSC monitors to ensure compliance with requirements regarding an individual's transfer to a new CMA, DSA or FMSA.

HHSC clarified language relating to the online portal system that allows secure submission and return of electronic documentation being implemented.

Appendix E: Participant Direction of Services

HHSC added support consultation to the list of services an individual may direct through the CDS option.

HHSC updated the number of participants who self-direct their waiver services.

Appendix F: Participant Rights

HHSC did not make any substantive changes to Appendix F. Changes made were to align with other appendices edits such as changing the term "face-to-face" to "in-person", changing the term "provider investigations" to "Long-Term Care Regulation (LTCR)" or "HHSC CII", changing the term "Texas Department of Family and Protective Services" to "HHSC Complaint and Incident Intake (CII)", and updating TAC references.

Appendix G: Participant Safeguards

HHSC added restraint and seclusion to the list of critical incident categories and removed references to the HHSC CLASS/DBMD Notification of Critical Incidents form.

HHSC removed the sentence, "Oversight activities occur on an ongoing basis. Information regarding validated instances of ANE are monitored, tracked, and trended for purposes of training HHSC staff and to prevent recurrence" as duplicative.

HHSC clarified that HHSC Long-Term Care Regulation (LTCR) instead of HHSC Provider investigations, investigates allegations of ANE.

HHSC removed the references to the Department of Family and Protective Services for complaints and replaced it with HHC Complaint and Incident Intake (CII) unit.

HHSC clarified, to align with existing policy, that if CLASS providers become aware of a critical incident, including death, they must report that incident to HHSC using the critical incident management system (CIMS).

HHSC added the Accreditation Commission for Health Care to list of accreditation entities for home and community support services agencies.

HHSC changed the term "Department of Family and Protective Services Residential Child Care Licensing staff" to "Health and Human Services Child Care Regulation."

HHSC removed the term "Sanction Action Review Committee" and replaced it with "Adverse Action Review Committee."

Appendix H: Quality Improvement Strategy

HHSC removed the outdated sentence, "HHSC has articulated the vision and infrastructure for the quality improvement strategy for the waivers in the Quality Oversight Plan, which was approved by both agencies' commissioners in 2010."

HHSC changed the term "Quality Oversight Plan" to "Quality Improvement Strategy".

HHSC clarified the role of the Quality Review Team and Quality Reporting Unit in "System Design Changes and Quality Improvement Strategy" sections. Removed references and information relating to the Quality Assurance and Improvement Data Mart and Texas Quality Matters.

HHSC replaced general information relating to advisory committees with information on the Intellectual and Developmental Disability System Redesign Advisory Committee.

Appendix I: Financial Accountability

HHSC removed the on-site reference for HHSC's fiscal monitoring of CLASS DSA and CMAs. Clarified to align with existing policy that contract monitoring staff select a six-month period within the monitoring period to review service delivery.

HHSC changed the term "HHSC Community Services Contracts staff" to "HHSC Contracts staff".

HHSC removed references to HHSC Contract Oversight and Support area and updated these references with information on the System of Contract Operation and Reporting Application.

HHSC clarified the services that use cost reports to determine rates.

Appendix J: Cost Neutrality Demonstration

HHSC updated the unduplicated number of participants for all five waiver years. Updated the service projections (Factor D), and the waiver recipients other Medicaid cost projections (Factor D') and

projections for annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) and other Medicaid costs for the institutional population (Factor G') for all five waiver years.

Performance Measures

HHSC revised performance measure C.a.3, as well as the numerator, to remove the term "continually."

HHSC revised performance measure C.b.1, as well as the numerator, to remove the term "prior to delivering services." Revised the denominator to remove the term "reviewed." Revised the sampling approach.

HHSC removed performance measure C.b.2 that read, "Number and percent of monitored FMSA legal entities that continually met program contract requirements, evidenced by an overall monitoring score of at least 90%."

HHSC removed performance measure C.b.3 that read, "Number and percent of monitored FMSA legal entities that continually met fiscal contract requirements, evidenced by an overall monitoring score of at least 90%."

HHSC revised performance measure C.b.4, as well as the numerator, to use the term "service provider" instead of "Medicaid provider." HHSC further revised the performance measure and numerator to include the phrase "each new employee hired," and revised the denominator to include the phrase "who had a new employee hired during the monitoring period." Renumbered from C.b.4 to C.b.2. The revised measure reads, "C.b.2 Number and percent of individuals/employers using the CDS option that had a service provider agreement for each new employee hired. N: Number of employers using the CDS option that had a service provider agreement for each new employee hired. D: Total number of individuals/employers reviewed who had a new employee hired during the monitoring period."

HHSC revised performance measure C.b.5 and C.b.6, as well as their numerators and denominators, to remove the term "and TAS." Renumbered C.b.5 to C.b.3 and C.b.6 to C.b.4.

HHSC revised performance measure C.c.2's denominator to remove the term "monitored." Updated sample approach.

HHSC removed performance measure C.c.3 that read, "Number and percent of provider staff meeting state training requirements by receiving a score of at least 80% on the HHSC CLASS Computer Based Training."

HHSC renumbered performance measure C.c.4 to C.c.3.

HHSC revised performance measures D.c.2, D.d.1, D.e.2, G.a.5, G.a.7, G.c.2, G.d.1, G.d.2, I.a.3, and I.a.5 sampling approach.

HHSC revised performance measure G.a.8 data source to replace the term "CLASS Consolidated Microsoft Database" with "Quality Assurance and Improvement Data Mart."

HHSC revised performance measure G.a.9 data source to replace the term "Salesforce Abuse, Neglect, and Exploitation Database" with "Critical Incident Management System."

HHSC revised performance measure G.a.11 data source to replace the term "LTSS Policy SoftChalk Database" with "HHSC Provider Learning Portal." Revised the frequency of data aggregation and analysis.

HHSC revised performance measure G.b.1 data source to replace the term "Notification of Critical Incidents Database" with "Critical Incident Management System."

HHSC revised performance measure G.b.2 and G.b.3 data source to replace the term "CLASS Consolidated Microsoft Database" with "Quality Assurance and Improvement Data Mart."

HHSC revised performance measure G.c.1, as well as the numerator, to remove the term "unauthorized" and to replace the term "referred for further investigation" with "that were in compliance with requirements related to restraint." Revised data source to replace the term "Notification of Critical Incidents Database" with "Critical Incident Management System." The revised measure reads as, "Number and percent of provider-reported incidents of restraint that were in compliance with requirements related to restraint. N: Number of provider-reported incidents of restraint that were in compliance with requirements related to restraint. D: Number of provider-reported incidents of restraint."

HHSC revised performance measure I.a.1, as well as the numerator, to add the term "coded and." The revised measure reads as, "Total dollar amount and percent of total dollar amount of paid claims, including those from FMSAs, that were coded and paid for according to the reimbursement methodology specified in the approved waiver. N: Total dollar amount of paid claims that were coded and paid for according to the reimbursement methodology specified in the approved waiver. D: Total dollar amount of paid claims."

HHSC removed performance measure I.a.2 that read, "Number and percent of monitored financial management services agencies (FMSAs) for which claims were paid in accordance with the employee's established rate of pay and the service hours actually worked." Replaced I.a.2 with new performance measure that reads, "Number and percent of FMSAs that received a contract monitoring review that were free from recoupment of the FMS fee. N: Number of FMSAs that received a contract monitoring review that were free from recoupment of the FMS fee. D: Number of FMSAs that received a contract monitoring review."

HHSC revised performance measure I.b.1 data source to replace the term "Rate Analysis" with "Provider Finance."

Miscellaneous

HHSC updated references to the TAC changing references from Title 40 to Title 26 throughout the waiver application. Rules of the former Department of Aging and Disability Services (DADS), which were in Title 40, have been transferred to Title 26.

HHSC changed the term "Policy Development Support" to "Federal Coordination, Rules and Committees".

HHSC removed references to the DADS because that agency was abolished in 2017 and its functions transferred to HHSC.

HHSC changed the term "provider" to "service provider" and the term "program provider" to "provider agency."

HHSC changed the term "face-to-face" to "in-person".

HHSC changed the term "provider investigations" to "Long-Term Care Regulation (LTCR)" or "HHSC CII".

HHSC changed the terms "Texas Department of Family and Protective Services" to "HHSC Complaint and Incident Intake (CII)" or "HHSC LTCR".

HHSC changed the term "Texas Department of Family and Protective Services" to "HHSC Child Care Regulation".

HHSC changed the term "Rate Analysis Department" to "Provider Finance Department".

To obtain a free copy of the proposed waiver renewal, ask questions, obtain additional information, or submit comments, please contact Jayasree Sankaran by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver renewal may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver renewal must be submitted to HHSC by March 11, 2024.

The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the renewal available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202400459

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: February 6, 2024



Department of State Health Services

Certification Limited Liability Report

The Hospital Survey Program in the Center for Health Statistics, Texas Department of State Health Services, has completed its analysis of hospital data for the purpose of certifying nonprofit hospitals or hospital systems for limited liability under Texas Health and Safety Code, §311.0456. Thirty-one (31) hospitals requested certification. Each of the requesting hospitals will be notified, by mail, on the determination of whether the statutory certification requirements were met. The certification issued under Texas Health and Safety Code §311.0456 to a nonprofit hospital or hospital system takes effect on December 31, 2023, and expires on the anniversary of that date.

Certified:

One (1) nonprofit hospital system, comprised of six (6) hospitals, and nine (9) nonprofit hospitals were found to be eligible for certification of limited liability based on information they provided via survey to the Hospital Survey Program. These entities met the statutory requirements for certification by providing charity care in an amount equal to or greater than 8% of their net patient revenue and providing 40% or more of the charity care in their counties.

1. Seton Healthcare System (Travis County only)
 - a. Ascension Seton Medical Center in Travis County
 - b. Ascension Seton Northwest in Travis County
 - c. Ascension Seton Shoal Creek in Travis County
 - d. Ascension Seton Southwest in Travis County
 - e. Dell Children's Medical Center in Travis County

f. Dell Seton Medical Center at the University of Texas in Travis County

2. Ascension Seton Smithville in Bastrop County

3. CHRISTUS Spohn Hospital Beeville in Bee County

4. Ascension Seton Edgar B. Davis in Caldwell County

5. CHRISTUS Good Shepherd Medical Center - Marshall in Harrison County

6. CHRISTUS Southeast Texas - Jasper Memorial in Jasper County

7. CHRISTUS Spohn Hospital Alice in Jim Wells County

8. CHRISTUS Spohn Hospital Kleberg in Kleberg County

9. CHRISTUS Spohn Hospital Corpus Christi Shoreline in Nueces County

10. CHRISTUS Mother Frances Hospital - Winnsboro in Wood County

Not Certified:

Sixteen (16) nonprofit hospitals were not certified for limited liability based on their survey data. They were unable to meet the statutory requirements to provide charity care in an amount equal to or greater than 8% of their net patient revenue or did not provide at least 40% of the charity care in their counties.

1. Ascension Seton Bastrop in Bastrop County

2. CHRISTUS Childrens in Bexar County

3. CHRISTUS Santa Rosa Hospital - Medical Center in Bexar County

4. CHRISTUS St. Michael Health System in Bowie County

5. Ascension Seton Highland Lakes in Burnet County

6. CHRISTUS Mother Frances Hospital - Jacksonville in Cherokee County

7. CHRISTUS Santa Rosa Hospital - New Braunfels in Comal County

8. Ascension Seton Hays in Hays County

9. Knapp Medical Center in Hidalgo County

10. Mission Regional Medical Center in Hidalgo County

11. CHRISTUS Mother Frances Hospital - Sulphur Springs in Hopkins County

12. CHRISTUS Southeast Texas - St Elizabeth in Jefferson County

13. Ascension Providence in McLennan County

14. CHRISTUS Mother Frances Hospital - Tyler in Smith County

15. United Regional Health Care System in Wichita County

16. Ascension Seton Williamson in Williamson County

For further information about this report, please contact Dwayne Collins or Andria Orbach in the Center for Health Statistics via email at HSU@dshs.texas.gov.

TRD-202400436

Cynthia Hernandez

General Counsel

Department of State Health Services

Filed: February 5, 2024



Texas Higher Education Coordinating Board

Notice of Intent to Engage in Negotiated Rulemaking-Texas Research Incentive Program (TRIP) (Texas State University System, Texas Tech University System, The University of Texas System, University of Houston System, and University of North Texas System)

The Texas Higher Education Coordinating Board (THECB) intends to engage in negotiated rulemaking to amend Texas Research Incentive Program (TRIP) rules in Texas Administrative Code, Title 19, Part 1, Chapter 15, Subchapter A, implementing Texas Education Code, Chapter 62, Subchapter F. The TRIP has been in effect for over a decade and some changes to administrative law are required to improve the program's administration. The proposed changes would codify existing processes into rule and clarify issues that have arisen during the application review process to lessen the administrative burden on institutions.

In identifying persons likely affected by the proposed rules, the Convener of Negotiated Rulemaking sent a memo to chancellors at Texas State University System, Texas Tech University System, The University of Texas System, University of Houston System, and University of North Texas System soliciting their interest and willingness to participate in the negotiated rulemaking process or nominate a representative from their system.

From this effort, six (6) individuals responded (out of approximately six (6) affected entities) and expressed an interest to participate or nominated a representative from their system to participate on the negotiated rulemaking committee. The positions held by the volunteers and nominees indicate a probable willingness and authority of the affected interests to negotiate in good faith and a reasonable probability that a negotiated rulemaking process can result in a unanimous or, if the committee so chooses, a suitable general consensus on the proposed rule.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee:

1. Texas State University System;
2. Texas Tech University System;
3. The University of Texas System;
4. University of Houston System;
5. University of North Texas System; and
6. Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following seven individuals to the negotiated rulemaking committee for the Texas Research Incentive Program to represent affected parties and the agency:

Michael T. Blanda, Associate Vice President, Research, Texas State University System

Mikela Bryant, Associate General Counsel, Institutional Advancement, Texas Tech University System

Archie L. Holmes, Executive Vice Chancellor, Academic Affairs, The University of Texas System

Gloria Muhammad, Senior Director, Finance and Operations Development for Development and Alumni Relations, The University of Texas System-The University of Texas at Dallas

Cris Milligan, Assistant Vice President, Research Administration, University of Houston System

Liz Bolin, Deputy Chief Strategy Officer, University of North Texas System

Emily Cormier, Assistant Commissioner, Funding and Resource Planning, Texas Higher Education Coordinating Board

If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiated rulemaking committee or nominate another person to represent their interests. Application for membership must be made in writing and include the following information:

1. Name and contact information of the person submitting the application;
2. Description of how the person is significantly affected by the rule and how their interests are different than those represented by the persons named above;
3. Name and contact information of the person being nominated for membership; and
4. Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to engage in negotiated rulemaking and on the membership of the negotiated rulemaking committee for the Texas research incentive program. Comments and applications for membership on the committee must be submitted by February 25, 2024, to Laurie A. Frederick, Convener, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, or via email at Laurie.Frederick@highered.texas.gov.

TRD-202400485

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: February 7, 2024

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Texas Department of Insurance

Company Licensing

Application for incorporation in the state of Texas for Securian Specialty Lines, Inc., a domestic surplus lines company. The home office is in Austin, Texas.

Application to do business in the state of Texas for Kemper Financial Indemnity Company, a foreign fire and/or casualty company. The home office is in Chicago, Illinois.

Application to do business in the state of Texas for Atlas National Title Insurance Company, a foreign title company. The home office is in Irvine, California.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of John Carter, 1601 Congress Ave., Suite 6.900, Austin, Texas 78711.

TRD-202400474

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: February 7, 2024

◆ ◆ ◆
Texas Lottery Commission

Scratch Ticket Game Number 2558 "SILVER ARMADILLO DOLLAR\$"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2558 is "SILVER ARMADILLO DOLLAR\$". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2558 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2558.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: BAR SYMBOL, BELL SYMBOL, CROWN SYMBOL, DIAMOND SYMBOL, BOOT SYMBOL, POT OF GOLD SYMBOL, HORSESHOE

SYMBOL, CHERRY SYMBOL, LADYBUG SYMBOL, MONEY BAG SYMBOL, MELON SYMBOL, ELEPHANT SYMBOL, HAT SYMBOL, STACK OF COINS SYMBOL, CACTUS SYMBOL, RING SYMBOL, GRAPE SYMBOL, CHILE PEPPER SYMBOL, CLOVER SYMBOL, BANANA SYMBOL, WISHBONE SYMBOL, ANCHOR SYMBOL, HEART SYMBOL, JOKER SYMBOL, 01, 02, 03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 5X SYMBOL, 10X SYMBOL, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$500, \$1,000, \$5,000 and \$100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2558 - 1.2D

PLAY SYMBOL	CAPTION
BAR SYMBOL	BAR
BELL SYMBOL	BELL
CROWN SYMBOL	CRN
DIAMOND SYMBOL	DMD
BOOT SYMBOL	BOOT
POT OF GOLD SYMBOL	PTGD
HORSESHOE SYMBOL	SHOE
CHERRY SYMBOL	CHRY
LADYBUG SYMBOL	LBUG
MONEY BAG SYMBOL	MNBAG
MELON SYMBOL	MELN
ELEPHANT SYMBOL	ELPNT
HAT SYMBOL	HAT
STACK OF COINS SYMBOL	COINS
CACTUS SYMBOL	CACTUS
RING SYMBOL	RING
GRAPE SYMBOL	GRPE
CHILE PEPPER SYMBOL	PEPPER
CLOVER SYMBOL	CLOVER
BANANA SYMBOL	BANANA
WISHBONE SYMBOL	BONE
ANCHOR SYMBOL	ANCHR
HEART SYMBOL	HEART
JOKER SYMBOL	JOKER
01	ONE
02	TWO
03	THR

04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR

35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
5X SYMBOL	WINX5
10X SYMBOL	WINX10
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$100,000	100TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2558), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2558-0000001-001.

H. Pack - A Pack of the "SILVER ARMADILLO DOLLAR\$" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State

Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "SILVER ARMADILLO DOLLAR\$" Scratch Ticket Game No. 2558.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "SILVER ARMADILLO DOLLAR\$" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-nine (49) Play Symbols. \$20 BONUS: If the player reveals 2 matching symbols in the \$20 BONUS, the player wins \$20. \$50 BONUS: If the player reveals 2 matching symbols in the \$50 BONUS, the player wins \$50. SILVER ARMADILLO DOLLAR\$: If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the PRIZE for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the PRIZE for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly forty-nine (49) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly forty-nine (49) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the forty-nine (49) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the forty-nine (49) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;
18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the

award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. SILVER ARMADILLO DOLLARS\$ (Key Number Match): No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

D. SILVER ARMADILLO DOLLARS\$ (Key Number Match): There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. SILVER ARMADILLO DOLLARS\$ (Key Number Match): There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. SILVER ARMADILLO DOLLARS\$ (Key Number Match): A non-winning Prize Symbol will never match a winning Prize Symbol.

G. SILVER ARMADILLO DOLLARS\$ (Key Number Match): A Ticket may have up to four (4) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. SILVER ARMADILLO DOLLARS\$ (Key Number Match): The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. SILVER ARMADILLO DOLLARS\$ (Key Number Match): The "10X" (WINX10) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "SILVER ARMADILLO DOLLARS\$" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "SILVER ARMADILLO DOLLARS" Scratch Ticket Game prize of \$1,000, \$5,000 or \$100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "SILVER ARMADILLO DOLLARS" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "SILVER ARMADILLO DOLLARS" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "SILVER ARMADILLO DOLLARS" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 7,080,000 Scratch Tickets in Scratch Ticket Game No. 2558. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2558 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	731,600	9.68
\$10.00	542,800	13.04
\$20.00	94,400	75.00
\$25.00	141,600	50.00
\$50.00	94,400	75.00
\$100	21,240	333.33
\$500	3,540	2,000.00
\$1,000	413	17,142.86
\$5,000	10	708,000.00
\$100,000	5	1,416,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.34. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2558 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2558, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202400437
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: February 6, 2024



Scratch Ticket Game Number 2559 "LUCKY 7s"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2559 is "LUCKY 7s". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2559 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2559.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 7 SYMBOL, 77

SYMBOL, \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100, \$500, \$1,000 and \$100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears

under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2559 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
28	TWET
29	TWNI
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX
58	FFET
59	FFNI
60	SXTY
7 SYMBOL	WINX10
77 SYMBOL	WINALL

\$5.00	FIV\$
\$10.00	TEN\$
\$15.00	FFN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$500	FVHN
\$1,000	ONTH
\$100,000	100TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2559), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2559-0000001-001.

H. Pack - A Pack of "LUCKY 7s" Scratch Ticket Game contains 075 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

I. Non-Winning Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "LUCKY 7s" Scratch Ticket Game No. 2559.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "LUCKY 7s" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-seven (47) Play Symbols. LUCKY 7s PLAY INSTRUCTIONS: If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "7" Play Symbol, the player wins 10 TIMES the prize for that symbol. If the

player reveals a "77" Play Symbol, the player WINS ALL 20 PRIZES INSTANTLY! BONUS PLAY INSTRUCTIONS: If the player reveals 2 matching prize amounts in the BONUS play area, the player wins that amount. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly forty-seven (47) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly forty-seven (47) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the forty-seven (47) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty-seven (47) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: A Ticket can win up to twenty-one (21) times in accordance with the prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: Each Ticket will have five (5) different WINNING NUMBERS Play Symbols.

D. KEY NUMBER MATCH: Non-winning YOUR NUMBERS Play Symbols will all be different.

E. KEY NUMBER MATCH: Non-winning Prize Symbols will never appear more than three (3) times.

F. KEY NUMBER MATCH: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

G. KEY NUMBER MATCH: The "7" (WINX10) and "77" (WINALL) Play Symbols will never appear in the WINNING NUMBERS or BONUS Play Symbol spots.

H. KEY NUMBER MATCH: The "7" (WINX10) Play Symbol will only appear on winning Tickets as dictated by the prize structure.

I. KEY NUMBER MATCH: The "77" (WINALL) Play Symbol will only appear on winning Tickets as dictated by the prize structure.

J. KEY NUMBER MATCH: On Tickets that contain the "77" (WINALL) Play Symbol, the BONUS play area will win as dictated by the prize structure.

K. KEY NUMBER MATCH: On Tickets that contain the "77" (WINALL) Play Symbol, none of the WINNING NUMBERS Play Symbols will match any of the YOUR NUMBERS Play Symbols and the "7" (WINX10) Play Symbol will not appear.

L. KEY NUMBER MATCH: Non-winning Prize Symbol(s) will never be the same as winning Prize Symbol(s).

M. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 50 and \$50).

N. BONUS: Matching Prize Symbols will only appear in the BONUS play area on winning Tickets as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "LUCKY 7s" Scratch Ticket Game prize of \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "LUCKY 7s" Scratch Ticket Game prize of \$1,000 or \$100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "LUCKY 7s" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "LUCKY 7s" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "LUCKY 7s" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket Game prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "LUCKY 7s" Scratch Ticket may be entered into one (1) of four (4) promotional drawings for a chance to win a promotional second-chance drawing prize. All entries from the first four (4) drawings will be entered into a special drawing for a chance to win a different promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 7,200,000 Scratch Tickets in the Scratch Ticket Game No. 2559. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2559 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	720,000	10.00
\$10.00	528,000	13.64
\$15.00	192,000	37.50
\$20.00	192,000	37.50
\$50.00	96,000	75.00
\$100	22,140	325.20
\$500	840	8,571.43
\$1,000	80	90,000.00
\$100,000	6	1,200,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.11. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2559 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket Game closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2559, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202400438

Bob Biard

General Counsel

Texas Lottery Commission

Filed: February 6, 2024



Texas Parks and Wildlife Department

Notice of Proposed Real Estate Transaction

Exchange of Land - Cameron County

Acquisition of Approximately 477 Acres in Exchange for Approximately 43 Acres at Boca Chica State Park

In a meeting on March 4, 2024, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 477 acres near the Laguna Atascosa National Wildlife Refuge Bahia Grande Unit in exchange for approximately 43 acres from Boca Chica State Park. The project will enable the Texas Parks and Wildlife Department to enhance its management and protection of Texas’s natural resources and increase recreational opportunities.

The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 10:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Trey Vick, Project Manager, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, by email to Real.Estate.Comment@tpwd.texas.gov, or via the department’s web site at www.tpwd.texas.gov. Visit the TPWD website at www.tpwd.texas.gov for the latest information regarding the Commission meeting.

Visite el sitio web de TPWD en www.tpwd.texas.gov para obtener la información más reciente sobre la reunión de la Comisión.

TRD-202400404

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Supreme Court of Texas

Supreme Court of Texas

Misc. Docket No. 24-9003

Final Approval of Amendments to Texas Rules of Appellate Procedure 9.3, 9.5, 53.2, and 53.3

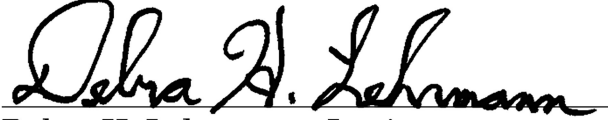
ORDERED that:

1. On October 3, 2023, in Misc. Dkt. No. 23-9082, the Court preliminarily approved amendments to Texas Rules of Appellate Procedure 9.3, 9.5, 53.2, and 53.3 and invited public comment.
2. Following the comment period, the Court made revisions to the rules. This Order incorporates the revisions and contains the final version of the amended rules.
3. The amendments are effective March 1, 2024.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

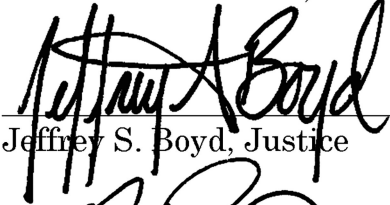
Dated: February 6, 2024.



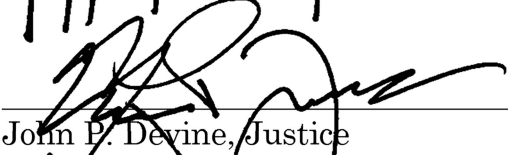
Nathan L. Hecht, Chief Justice



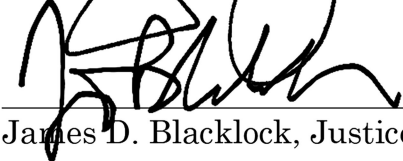
Debra H. Lehrmann, Justice



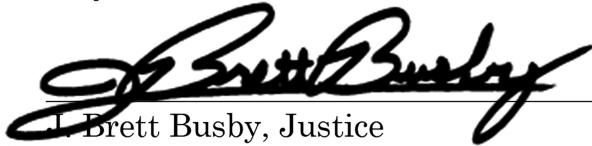
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



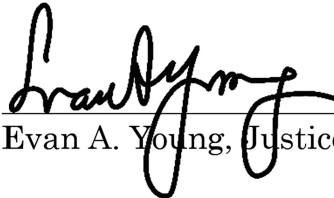
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF APPELLATE PROCEDURE

Rule 9. Documents Generally

9.3. Number of Copies

~~(a) — Courts of Appeals.~~

- ~~(1) — Document Filed in Paper Form. If a document is not electronically filed, a party must file the original and one unbound copy of the document unless otherwise required by local rule. The unbound copy of an appendix must contain a separate page before each document and must not include tabs that extend beyond the edge of the page.~~
- ~~(2) — Electronically Filed Document. Unless required by local rule, a party need not file a paper copy of an electronically filed document.~~

~~(b) — Supreme Court and Court of Criminal Appeals.~~

- ~~(1) — Document Filed in Paper Form. If a document is not electronically filed, a party must file the original and 11 copies of any document addressed to either the Supreme Court or the Court of Criminal Appeals, except that in the Supreme Court only an original and one copy must be filed of any motion, response to the motion, and reply in support of the motion, and in the Court of Criminal Appeals, only the original must be filed of a motion for extension of time or a response to the motion, or a pleading under Code of Criminal Procedure article 11.07.~~
- ~~(2) — Electronically Filed Document. Paper copies of each document that is electronically filed with the Supreme Court or the Court of Criminal Appeals must be mailed or hand delivered to the Supreme Court or the Court of Criminal Appeals, as appropriate, within three business days after the document is electronically filed. The number of paper copies required shall be determined, respectively, by order of the Supreme Court or the Court of Criminal Appeals.~~

(a) Document Filed in Paper Form. If a document is not electronically filed, a party must file the original and one unbound copy of the document unless otherwise required by local rule, except that, in the Court of

Criminal Appeals, only the original must be filed of a motion for extension of time, a response to the motion, or a pleading under Code of Criminal Procedure article 11.07. The unbound copy of an appendix must contain a separate page before each document and must not include tabs that extend beyond the edge of the page.

- (b) Electronically Filed Document. A party need not file a paper copy of an electronically filed document.
- (c) *Exception for Record.* Only the original record need be filed in any proceeding.

9.5. Service

- (d) *Proof of Service.* A document presented for filing must contain a proof of service in the form of either an acknowledgment of service by the person served or a certificate of service. Proof of service may appear on or be affixed to the filed document. The clerk may permit a document to be filed without proof of service, but will require the proof to be filed promptly.
- (e) *Certificate Requirements.* For a document filed electronically in a civil case, an automated certificate of service generated by the filing party's electronic filing service provider suffices. For a document not filed electronically in a civil case or for any document filed in a criminal case, Aa certificate of service must be signed by the person who made the service and must state:
- (1) the date and manner of service;
 - (2) the name and address of each person served; and
 - (3) if the person served is a party's attorney, the name of the party represented by that attorney.

Rule 53. Petition for Review

53.2. Contents of Petition

The petition for review must, under appropriate headings and in the order here indicated, contain the following items:

- (f) *Issues Presented.* The petition must state concisely all issues or points presented for review. The statement of an issue or point will be treated as covering every subsidiary question that is fairly included. If the matter complained of originated in the trial court, it should have been preserved for appellate review in the trial court and assigned as error in the court of appeals.
- (g) *Introduction.* The petition must contain an introduction summarizing the reasons the Court should grant review.
- (~~g~~h) *Statement of Facts.* The petition must affirm that the court of appeals correctly stated the nature of the case, except in any particulars pointed out. The petition must state concisely and without argument the facts and procedural background pertinent to the issues or points presented. The statement must be supported by record references.
- (~~h~~i) *Summary of the Argument.* The petition must contain a succinct, clear, and accurate statement of the arguments made in the body of the petition. This summary must not merely repeat the issues or points presented for review.
- (~~i~~j) *Argument.* The petition must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record. The argument need not address every issue or point included in the statement of issues or points. Any issue or point not addressed may be addressed in the brief on the merits if one is requested by the Court. The argument should state explain the reasons why the Supreme Court should exercise jurisdiction to hear the case with specific reference to the factors listed in Rule 56.1(a). The petition need not quote at length from a matter included in the appendix; a reference to the appendix is sufficient. The Court will consider the court of appeals' opinion along with the petition, so statements in that opinion need not be repeated.

- (j) *Prayer.* The petition must contain a short conclusion that clearly states the nature of the relief sought.
- (k) *Appendix.*
 - (1) Necessary Contents. Unless voluminous or impracticable, the appendix must contain a copy of:
 - (A) the judgment or other appealable order of the trial court from which relief in the court of appeals was sought;
 - (B) the jury charge and verdict, if any, or the trial court's findings of fact and conclusions of law, if any;
 - (C) the opinion and judgment of the court of appeals; and
 - (D) the text of any rule, regulation, ordinance, statute, constitutional provision, or other law on which the argument is based (excluding case law), and the text of any contract or other document that is central to the argument.
 - (2) Optional Contents. The appendix may contain any other item pertinent to the issues or points presented for review, including copies or excerpts of relevant court opinions, statutes, constitutional provisions, documents on which the suit was based, pleadings, and similar material. Items should not be included in the appendix to attempt to avoid the page limits for the petition.

53.3. Response to Petition for Review

Any other party to the appeal may file a response to the petition for review, but it is not mandatory. If no response is timely filed, or if a party files a waiver of response, the Court will consider the petition without a response. A petition will not be granted before a response has been filed or requested by the Court. The response must conform to the requirements of 53.2, except that:

- (d) a statement of jurisdiction should be omitted unless the petition fails to assert valid grounds for jurisdiction, in which case the reasons why the Supreme Court lacks jurisdiction must be concisely stated;

- (e) the introduction should summarize the reasons the Court should deny review;
- (fe) the respondent's argument must be confined to the issues or points presented in the petition or asserted by the respondent in the respondent's statement of issues;
- (gf) the appendix to the response need not contain any item already contained in an appendix filed by the petitioner.

TRD-202400463
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: February 6, 2024

Preliminary Approval of Amendments to the Texas Rules of Appellate Procedure Related to the Fifteenth Court of Appeals (Joint Order, Court of Criminal Appeals Misc. Docket No. 24-002)



Supreme Court of Texas

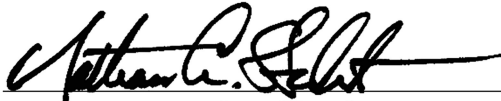
Misc. Docket No. 24-9005

Preliminary Approval of Amendments to the Texas Rules of Appellate Procedure Related to the Fifteenth Court of Appeals

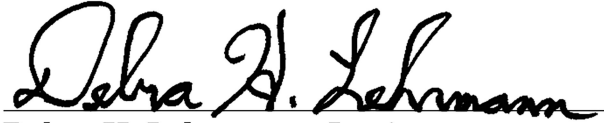
ORDERED that:

1. In accordance with the Act of May 21, 2023, 88th Leg., R.S. ch. 459 (S.B. 1045), the Court invites public comments on proposed new Texas Rule of Appellate Procedure 27a and on proposed amendments to Texas Rules of Appellate Procedure 25, 32, and 39. The new rule is shown in clean form, whereas the amendments are demonstrated in redline form.
2. Comments regarding the new and amended rules should be submitted in writing to rulescomments@txcourts.gov by May 1, 2024.
3. The Court will issue an order finalizing the rules after the close of the comment period. The Court may change the rules in response to public comments. The Court expects the amendments to take effect on September 1, 2024.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

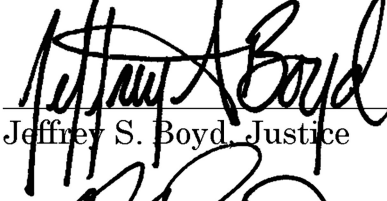
Dated: February 6, 2024.



Nathan L. Hecht, Chief Justice



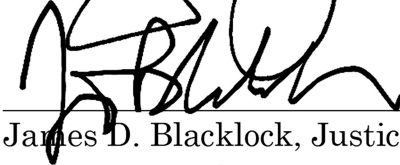
Debra H. Lehrmann, Justice




Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



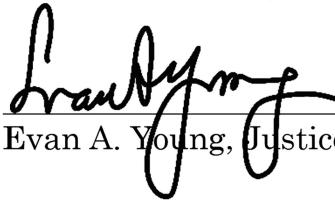
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF APPELLATE PROCEDURE

Rule 25. Perfecting Appeal

25.1. Civil Cases

- (a) *Notice of Appeal.* An appeal is perfected when a written notice of appeal is filed with the trial court clerk. If a notice of appeal is mistakenly filed with the appellate court, the notice is deemed to have been filed the same day with the trial court clerk, and the appellate clerk must immediately send the trial court clerk a copy of the notice.
- (b) *Jurisdiction of Appellate Court.* The filing of a notice of appeal by any party invokes the appellate court's jurisdiction over all parties to the trial court's judgment or order appealed from. Any party's failure to take any other step required by these rules, including the failure of another party to perfect an appeal under (c), does not deprive the appellate court of jurisdiction but is ground only for the appellate court to act appropriately, including dismissing the appeal.
- (c) *Who Must File Notice.* A party who seeks to alter the trial court's judgment or other appealable order must file a notice of appeal. Parties whose interests are aligned may file a joint notice of appeal. The appellate court may not grant a party who does not file a notice of appeal more favorable relief than did the trial court except for just cause.
- (d) *Contents of Notice.* The notice of appeal must:
 - (1) identify the trial court and state the case's trial court number and style;
 - (2) state the date of the judgment or order appealed from;
 - (3) state that the party desires to appeal;
 - (4) state the court to which the appeal is taken unless the appeal is to either the First or Fourteenth Court of Appeals, in which case the notice must state that the appeal is to either of those courts;
 - (5) state the name of each party filing the notice;
 - (6) in an accelerated appeal, state that the appeal is accelerated and state whether it is a parental termination or child protection case or an appeal from an order certifying a child to stand trial as an adult, as defined in Rule 28.4;

- (7) in a restricted appeal:
- (A) state that the appellant is a party affected by the trial court’s judgment but did not participate—either in person or through counsel—in the hearing that resulted in the judgment complained of;
 - (B) state that the appellant did not timely file either a postjudgment motion, request for findings of fact and conclusions of law, or notice of appeal; and
 - (C) be verified by the appellant if the appellant does not have counsel.
- (8) state, if applicable, that the appellant is presumed indigent and may proceed without paying costs under Rule 20.1-;
- (9) state whether the appeal involves a matter:
- (A) brought by or against the state or a board, commission, department, office, or other agency in the executive branch of the state government, including a university system or institution of higher education;
 - (B) brought by or against an officer or employee of the state or a board, commission, department, office, or other agency in the executive branch of the state government arising out of that officer’s or employee’s official conduct; or
 - (C) in which a party to the proceeding challenges the constitutionality or validity of a state statute or rule and the attorney general is a party to the case.
- (e) *Notice of Notice.* The notice of appeal must be served on all parties to the trial court’s final judgment or, in an interlocutory appeal, on all parties to the trial court proceeding. At or before the time of the notice of appeal’s filing, the filing party must also deliver a copy of the notice of appeal to each court reporter responsible for preparing the reporter’s record.
- (f) *Trial Court Clerk’s Duties.* The trial court clerk must immediately deliver a copy of the notice of appeal to the appellate court clerk, to the trial judge, and to each court reporter responsible for preparing the reporter’s record.

- (g) *Amending the Notice.* An amended notice of appeal correcting a defect or omission in an earlier filed notice may be filed in the appellate court at any time before the appellant’s brief is filed. The amended notice is subject to being struck for cause on the motion of any party affected by the amended notice. After the appellant's brief is filed, the notice may be amended only on leave of the appellate court and on such terms as the court may prescribe.
- (h) *Enforcement of Judgment Not Suspended by Appeal.* The filing of a notice of appeal does not suspend enforcement of the judgment. Enforcement of the judgment may proceed unless:
 - (1) the judgment is superseded in accordance with Rule 24, or
 - (2) the appellant is entitled to supersede the judgment without security by filing a notice of appeal.

Notes and Comments

Comment to 2024 change: Rule 25.1(d)(9) is adopted to implement Texas Government Code Section 22.220(d), which describes matters within the Fifteenth Court of Appeals’ exclusive intermediate appellate jurisdiction. The addition is designed to assist the courts of appeals in the orderly transfer of cases and to assist parties in determining which court should hear their appeal.

Rule 27a. Transfers Between Courts of Appeals (New Rule)

- (a) *Definitions.*
 - (1) “Transferor court” means the court of appeals in which the appeal is pending.
 - (2) “Transferee court” means the court of appeals to which a party requests or the transferor courts seeks to transfer the appeal.
- (b) *Application.*
 - (1) The transfer process in this rule applies to appeals:
 - (A) improperly taken to the Fifteenth Court of Appeals; or

- (B) over which the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction.
- (2) This rule does not apply to appeals transferred by the Supreme Court for good cause, including for docket equalization purposes.
- (c) *Transfer by a Court of Appeals.*
 - (1) On a Party's Motion.
 - (A) A party may file a motion to transfer an appeal. The motion should be filed within 30 days after the appeal is perfected but must be filed by the date the appellee's brief is filed. The motion must be filed in the transferor court and may be supported by briefing. The movant must immediately notify the transferee court of the motion.
 - (B) The transferor court must notify the parties and the transferee court of its decision on the motion. The transferor court may transfer the appeal if:
 - (i) no party files an objection to the transfer within 10 days after the motion's filing or the transferor court determines that any filed objection lacks merit; and
 - (ii) the transferee court agrees to the transfer.
 - (C) The transferee court must file, within 20 days after receiving notice from the transferor court of its decision on the motion, a letter in the transferor court explaining whether it agrees with the transferor court's decision.
 - (2) On Its Own Initiative.
 - (A) The transferor court must notify the parties and the transferee court of its intent to transfer on its own initiative.
 - (B) The transferor court may transfer an appeal on its own initiative if:
 - (i) no party files an objection to the transfer within 10 days after receiving notice from the transferor court of its intent to transfer or the transferor court determines that any filed objection lacks merit; and

- (ii) the transferee court agrees to the transfer.
 - (C) The transferee court must, within 20 days after receiving notice from the transferor court of its intent to transfer, file a letter in the transferor court explaining whether it agrees with the transfer.
- (3) Notice to Supreme Court and the Office of Court Administration. If the transferor court transfers an appeal under (1) or (2), the transferor court must notify the Supreme Court and the Office of Court Administration of the transfer.
- (d) *Transfer by the Supreme Court.*
- (1) If the transferor court and transferee court do not agree on whether the appeal should be transferred, then the transferor court must forward to the Supreme Court either:
 - (A) the party’s motion to transfer, any briefing, the transferee court’s letter under (c)(1)(C), and a letter explaining the transferor court’s decision on the motion; or
 - (B) a letter from the transferor court that explains its reasons for requesting transfer and that notes any party objections and the transferee court’s letter under (c)(2)(C).
 - (2) Unless exceptional circumstances require additional time, the documents in (1) must be submitted to the Supreme Court within 20 days after receipt of the transferee court’s letter under (c)(1)(C) or (c)(2)(C).
 - (3) After receipt of all relevant documents, the Supreme Court will consider and decide the motion or request by the transferor court to transfer.

Notes and Comments

Comment to 2024 change: Rule 27a is adopted to implement Texas Government Code Section 73.001. Paragraph (b)(1) limits the applicability of the transfer process in Rule 27a to the appeals described in Section 73.001(c). And paragraph (b)(2) makes clear that Rule 27a does not apply to “good cause” transfers under Section 73.001(a), which are handled under the Policies for Transfer of Cases Between Courts of Appeals adopted in Misc. Dkt. No. 06-9136.

Consistent with Section 1.15 of the Fifteenth Court of Appeals' enabling legislation, Rule 27a only applies to appeals perfected on or after September 1, 2024. See Act of May 21, 2023, 88th Leg., R.S., ch. 459 (S.B. 1045). It does not apply to appeals pending in the courts of appeals that were filed between September 1, 2023, and August 31, 2024, and of which the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction under Texas Government Code Section 22.220(d). On September 1, 2024, those appeals should be transferred immediately to the Fifteenth Court of Appeals.

Rule 32. Docketing Statement

32.1. Civil Cases

Promptly upon filing the notice of appeal in a civil case, the appellant must complete and file in the appellate court ~~at the~~ Docketing sStatement approved by the Office of Court Administration or another document that includes the same information.~~that includes the following information:~~

- ~~(a) (1) if the appellant filing the statement has counsel, the name of that appellant and the name, address, telephone number, fax number, if any, and State Bar of Texas identification number of the appellant's lead counsel; or~~
 - ~~(2) if the appellant filing the statement is not represented by an attorney, that party's name, address, telephone number, and fax number, if any;~~
- ~~(b) the date the notice of appeal was filed in the trial court and, if mailed to the trial court clerk, the date of mailing;~~
- ~~(c) the trial court's name and county, the name of the judge who tried the case, and the date the judgment or order appealed from was signed;~~
- ~~(d) the date of filing of any motion for new trial, motion to modify the judgment, request for findings of fact, motion to reinstate, or other filing that affects the time for perfecting the appeal;~~
- ~~(e) the names of all other parties to the trial court's judgment or the order appealed from, and:
 - ~~(1) if represented by counsel, their lead counsel's names, addresses, telephone numbers, and fax numbers, if any; or~~~~

- ~~(2) — if not represented by counsel, the name, address, and telephone number of the party, or a statement that the appellant diligently inquired but could not discover that information;~~
- ~~(f) — the general nature of the case — for example, personal injury, breach of contract, or temporary injunction;~~
- ~~(g) — whether the appeal's submission should be given priority, whether the appeal is an accelerated one under Rule 28.1 or another rule or statute, and whether it is a parental termination or child protection case or an appeal from an order certifying a child to stand trial as an adult, as defined in Rule 28.4;~~
- ~~(h) — whether the appellant has requested or will request a reporter's record, and whether the trial was electronically recorded;~~
- ~~(i) — the name, mailing address, telephone number, fax number, if any, email address, and Certified Shorthand Reporter number of each court reporter responsible for preparing the reporter's record;~~
- ~~(j) — whether the appellant intends to seek temporary or ancillary relief while the appeal is pending;~~
- ~~(k) — if the appellant filed a Statement of Inability to Afford Payment of Court Costs in the trial court:
 - ~~(1) — the date that the Statement was filed;~~
 - ~~(2) — the date of filing of any motion challenging the Statement;~~
 - ~~(3) — the date of any hearing on the appellant's ability to afford costs; and~~
 - ~~(4) — if the trial court signed an order under Texas Rule of Civil Procedure 145, the court's findings regarding the appellant's ability to afford costs and the date that the order was signed;~~~~
- ~~(l) — whether the appellant has filed or will file a supersedeas bond; and~~
- ~~(m) — any other information the appellate court requires.~~

Notes and Comments

Comment to 2024 change: Rule 32.1 is amended to remove the list of requirements of what information must be included in the docketing statement in favor of a form approved by the Office of Court Administration.

Rule 39. Oral Argument; Decision Without Argument

39.8. Clerk's Notice

The clerk must send to the parties—at least 21 days before the date the case is set for argument or submission without argument—a notice telling the parties:

- (a) whether the court will allow oral argument or will submit the case without argument;
- (b) the date of argument or submission without argument;
- (c) if argument is allowed, ~~the time allotted for argument; and:~~
 - (1) the time allotted for argument; and
 - (2) the location of the argument or instructions for joining the argument electronically, the court's designated contact information, and instructions for submitting exhibits; and
- (d) the names of the members of the panel to which the case will be argued or submitted, subject to change by the court.

A party's failure to receive the notice does not prevent a case's argument or submission on the scheduled date. Once issued, the court may amend the notice with less than 21 days before the case is set for argument or submission.

Notes and Comments

Comment to 2024 change: Rule 39.8 is amended to clarify requirements for notices and to clarify the court's ability to amend notices.

TRD-202400464
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: February 6, 2024



Preliminary Approval of Rules for the Business Court

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," this order is not included in the print version of the Texas Register. The order is available in the on-line version of the February 16, 2024, issue of the Texas Register.)

TRD-202400458
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: February 6, 2024



Texas Water Development Board

Request for Applications

The Texas Water Development Board (TWDB) requests applications for the possible award of financial assistance under the Flood Management Evaluation Category of the 2024 Flood Intended Use Plan, which can be found at the link below. The financial assistance will be used to conduct planning of entire watersheds or sub-watersheds to better inform the development of strategies using structural and nonstructural measures before a flood event. This may include determining and describing problems from or related to flooding, identifying, and planning solutions to flooding problems, and estimating the benefits and costs of these solutions. The TWDB will accept applications from political subdivisions in Texas that have the authority to plan for and implement projects related to flood protection. For more information, including instructions on how to apply and for full eligibility requirements, please visit the TWDB website at: <http://www.twdb.texas.gov/financial/programs/FIF/index.asp>

TRD-202400383
Ashley Harden
General Counsel
Texas Water Development Board
Filed: January 31, 2024

