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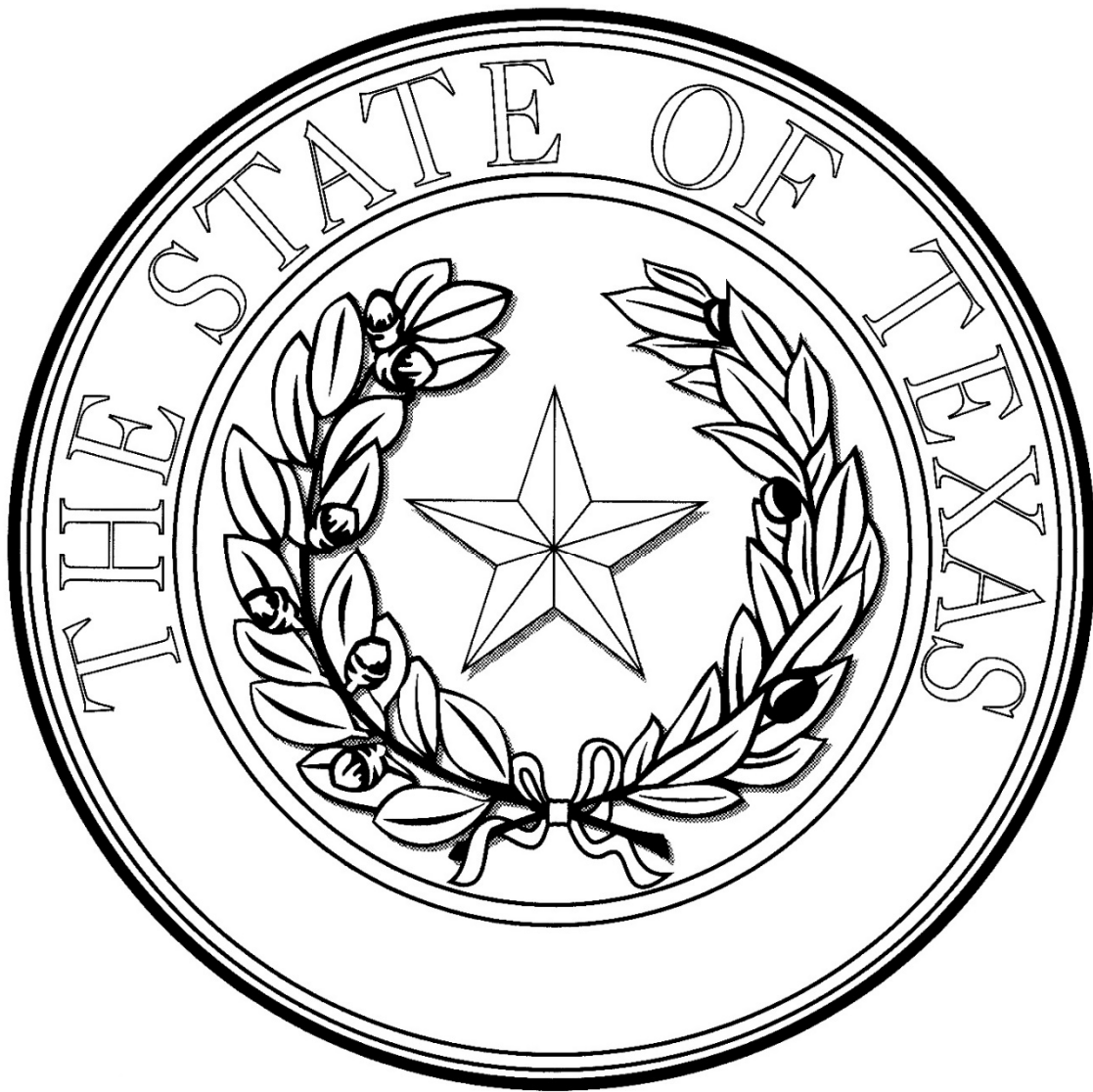
# TEXAS REGISTER

*Volume 50 Number 21*

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*Pages 3043 – 3160*

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# TEXAS REGISTER

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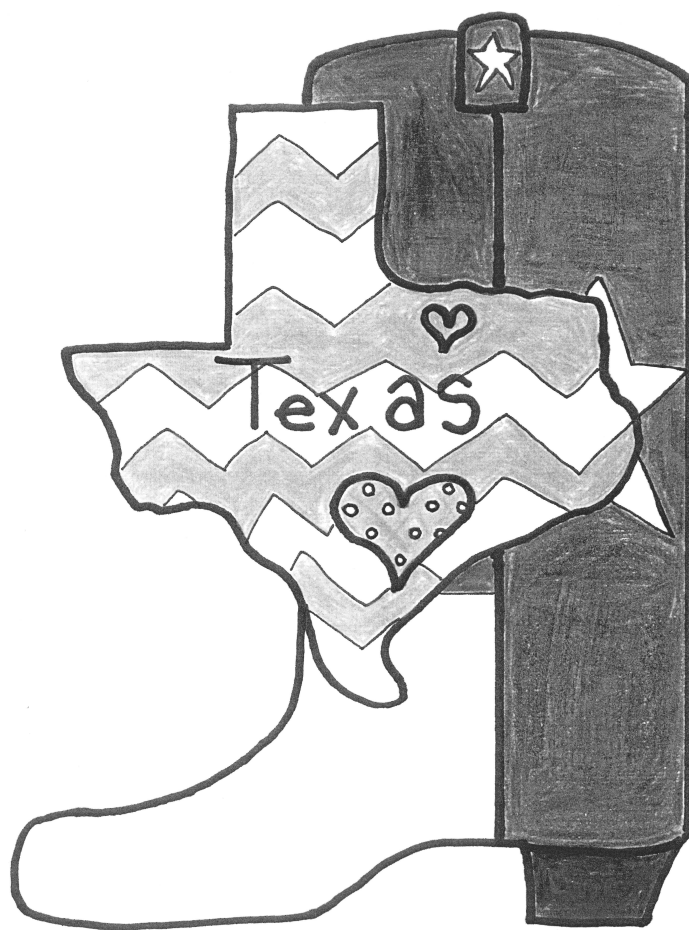
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# THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

## Appointments

### Appointments for May 7, 2025

Appointed to the Texas Economic Development Corporation Board of Directors for a term to expire at the pleasure of the Governor, Lawrence S. "Larry" Coben, Ph.D. of Houston, Texas (replacing Elizabeth R. Killinger of Houston).

Appointed to the Texas Economic Development Corporation Board of Directors for a term to expire at the pleasure of the Governor, Bruce L. Niemeyer of The Woodlands, Texas (replacing Kathryn M. "Katie" Farmer of Fort Worth, who resigned).

Appointed to the Nueces River Authority Board of Directors for a term to expire February 1, 2031, Armandina G. "Dina" Ramirez of Karnes City, Texas (Ms. Ramirez is being reappointed).

### Appointments for May 8, 2025

Appointed to the Credit Union Commission for a term to expire February 15, 2031, Sara Jones Oates of Austin, Texas (replacing Elizabeth L. "Liz" Bayless of Austin, whose term expired).

Appointed to the Credit Union Commission for a term to expire February 15, 2031, David F. Shurtz of Hudson Oaks, Texas (Mr. Shurtz is being reappointed).

Appointed to the Credit Union Commission for a term to expire February 15, 2031, Terrolyn "Kay" Rankin Swan of Monahans, Texas (Ms. Swan is being reappointed).

Appointed to the Texas Forensic Science Commission for a term to expire September 1, 2026, Patrick Buzzini, Ph.D. of Spring, Texas (Dr. Buzzini is being reappointed).

Appointed to the Texas Forensic Science Commission for a term to expire September 1, 2026, Michael D. Coble, Ph.D. of Keller, Texas (Dr. Coble is being reappointed).

Appointed to the Texas Forensic Science Commission for a term to expire September 1, 2026, Jasmine M. Drake, Ph.D. of Houston, Texas (Dr. Drake is being reappointed).

Appointed to the Texas Forensic Science Commission for a term to expire September 1, 2026, Stacey A. Mitchell, D.N.P. of Magnolia, Texas (replacing Nancy R. Downing, Ph.D. of College Station, whose term expired).

### Appointments for May 9, 2025

Appointed to the Texas Appraiser Licensing and Certification Board for a term to expire January 31, 2031, Tony M. "Mark" Luna, Jr. of Lubbock, Texas (replacing Sara Jones Oates of Austin, whose term expired).

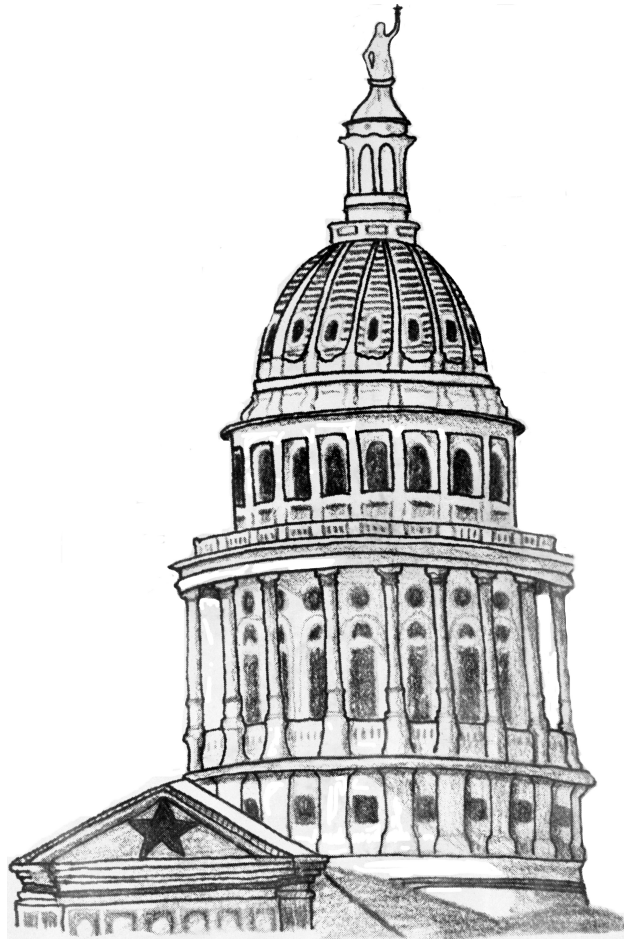
Appointed to the Texas Appraiser Licensing and Certification Board for a term to expire January 31, 2031, Clayton A. Ripley of Austin, Texas (replacing Lisa H. Sprinkle of El Paso, whose term expired).

Appointed to the Texas Appraiser Licensing and Certification Board for a term to expire January 31, 2031, Stephanie L. Robinson, Ph.D. of McKinney, Texas (Dr. Robinson is being reappointed).

Greg Abbott, Governor

TRD-202501625





# THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

## Requests for Opinions

### **RQ-0599-KP**

#### **Requestor:**

The Honorable Joe Gonzales  
Bexar County Criminal District Attorney  
101 West Nueva  
San Antonio, Texas 78205

Re: Applicability of Local Government Code § 120.002 to deputy constables subsequently assigned under an interlocal agreement (RQ-0599-KP)

#### **Briefs requested by June 6, 2025**

### **RQ-0600-KP**

#### **Requestor:**

The Honorable Brian Birdwell  
Chair, Senate Committee on Natural Resources & Economic Development

## Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Whether the City of Austin's proposed energy code conflicts with Texas Utilities Code §181.903 (RQ-0600-KP)

#### **Briefs requested by June 10, 2025**

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202501624

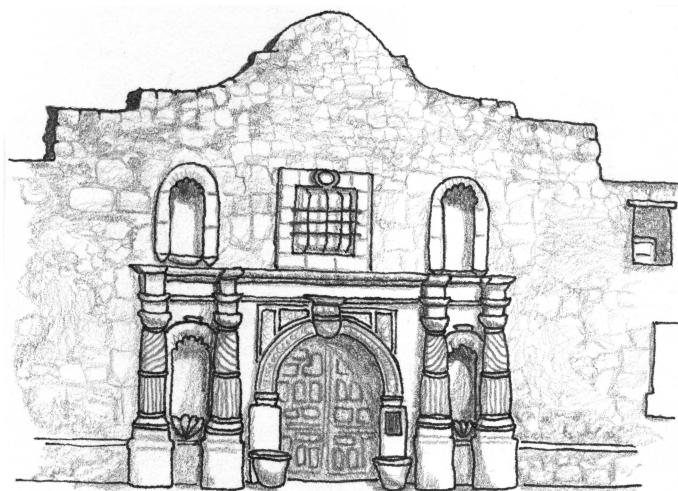
Justin Gordon

General Counsel

Office of the Attorney General

Filed: May 13, 2025

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# PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

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

## TITLE 1. ADMINISTRATION

### PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

#### CHAPTER 394. MEDIATION AND NEGOTIATED RULEMAKING

##### 1 TAC §§394.1 - 394.7

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of Chapter 394 consisting of §394.1, concerning Definitions; §394.2, concerning Policy; §394.3, concerning Circumstances in Which Mediation is Offered; §394.4, concerning Dispute Resolution Administrator; §394.5, concerning Dispute Resolution Coordinators; §394.6, concerning Mediation Process; and §394.7, concerning Negotiated Rulemaking.

##### BACKGROUND AND PURPOSE

The purpose of the proposal is to repeal outdated rules concerning alternative dispute resolution and negotiated rulemaking. The rules were last modified in 2006. Following repeal, HHSC will maintain policies for negotiated rulemaking and alternative dispute resolution as required by Texas Government Code §531.0161.

##### SECTION-BY-SECTION SUMMARY

The proposed repeal of §§394.1 - 394.7 removes rules that are outdated and do not reflect current policy.

##### FISCAL NOTE

Trey Wood, Chief Financial Officer, has determined that for each year of the first five years that the rule repeals will be in effect, enforcing or administering the rule repeals do not have foreseeable implications relating to costs or revenues of state or local governments.

##### GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule repeals will be in effect:

- (1) the proposed repeals will not create or eliminate a government program;
- (2) implementation of the proposed repeals will not affect the number of HHSC employee positions;
- (3) implementation of the proposed repeals will result in no assumed change in future legislative appropriations;
- (4) the proposed repeals will not affect fees paid to HHSC;
- (5) the proposed repeals will not create a new regulation;

(6) the proposed repeals will repeal existing regulations;

(7) the proposed repeals will not change the number of individuals subject to the rules; and

(8) the proposed repeals will not affect the state's economy.

##### SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules will be removed and do not require any change in business processes or additional costs.

##### LOCAL EMPLOYMENT IMPACT

The proposed repeals will not affect a local economy.

##### COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to the repeals because the repeals do not impose a cost on regulated persons.

##### PUBLIC BENEFIT AND COSTS

Libby Elliott, Deputy Executive Commissioner for the Office of Policy and Rules, has determined that for each year of the first five years the repeals are in effect, the public benefit will be removal of unnecessary rules from the Texas Administrative Code.

Trey Wood has also determined that for the first five years the repeals are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed repeals because the rules will be removed.

##### TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

##### PUBLIC COMMENT

Written comments on the proposal may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to [HHRulesCoordinationOffice@hhs.texas.gov](mailto:HHRulesCoordinationOffice@hhs.texas.gov).

To be considered, comments must be submitted no later than 21 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) or emailed before midnight on the last day of the comment period. If last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following

business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 24R056" in the subject line.

#### STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which requires the Executive Commissioner of HHSC to adopt rules for the operation and provision of services by the health and human services agencies.

The repeals implement Texas Government Code §524.0151.

§394.1. *Definitions.*

§394.2. *Policy.*

§394.3. *Circumstances in Which Mediation is Offered.*

§394.4. *Dispute Resolution Administrator.*

§394.5. *Dispute Resolution Coordinators.*

§394.6. *Mediation Process.*

§394.7. *Negotiated Rulemaking.*

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

Filed with the Office of the Secretary of State on May 6, 2025.

TRD-202501531

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 221-9021



## TITLE 10. COMMUNITY DEVELOPMENT

### PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

#### CHAPTER 10. UNIFORM MULTIFAMILY RULES

#### SUBCHAPTER E. POST AWARD AND ASSET MANAGEMENT REQUIREMENTS

##### 10 TAC §10.406

The Texas Department of Housing and Community Affairs (the Department) proposes amendments to 10 TAC Chapter 10, Subchapter E, §10.406 Ownership Transfers. The purpose of the proposed amendments is to make clear that letters from the mayor or county judge will not be acceptable as documentation of local support for ownership transfers that involve the addition of a public facility corporation, a housing finance corporation, or a public housing authority prior to the issuance of 8609s that will result in a 100% property tax exemption that was not previously reflected in the Application.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

#### a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

1. Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the amendments would be in effect, the amendments do not create or eliminate a government program, but relate to changes to an existing activity, concerning ownership transfers in the Low Income Housing Tax Credit (LI-HTC) program and other Department-funded multifamily Developments.

2. The amendments do not require a change in work that would require the creation of new employee positions, nor are the amendments significant enough to reduce work load to a degree that any existing employee positions are eliminated.

3. The amendments do not require additional future legislative appropriations.

4. The amendments do not result in an increase in fees paid to the Department or in a substantial decrease in fees paid to the Department.

5. The amendments are not creating a new regulation, but propose revisions to provide additional clarification. The purpose of the amendment to §10.406(h) is to ensure that the municipality, or if the Development is not located within a municipality or Extra Territorial Jurisdiction (ETJ), the commissioners court supports a change to the ownership structure that will result in a property tax exemption.

6. The amendments will not repeal an existing regulation.

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

8. The amendments will not negatively or positively affect this state's economy.

#### b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

1. The Department has evaluated this rule and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. This rule relates to the procedures for the handling of post award and asset management activities of multifamily developments awarded funds through various Department programs. Other than in the case of a small or micro-business that is an owner or a party to one of the Department's properties, no small or micro-businesses are subject to the rule. If a small or micro-business is such an owner or participant, the new rule provides for a more clear, transparent process for doing so and do not result in a negative impact for those small or micro-businesses. There are not likely to be any rural communities subject to the amendments because this rule is applicable only to the owners or operators of properties in the Department's portfolio, not municipalities.

3. The Department has determined that because this rule relates only to the process in use for the post award and asset management activities of the Department's portfolio, there will be no economic effect on small or micro-businesses or rural communities.

#### c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The amendments do not contemplate



or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

**d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).**

The Department has evaluated the rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect there will be no economic effect on local employment, because this rule only provides for administrative processes required of properties in the Department's portfolio. No program funds are channeled through this rule, so no activities under this rule would support additional local employment opportunities. Alternatively, the rule would also not cause any negative impact on employment. Therefore, no local employment impact statement is required to be prepared for the rule.

Texas Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that no impact is expected on a statewide basis, there are also no "probable" effects of the new rule on particular geographic regions.

**e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5).** Mr. Wilkinson has determined that, for each year of the first five years the amendments are in effect, the benefit anticipated as a result of the amended sections would be increased clarity and consistency across rule sections. There will not be economic costs to individuals required to comply with the amendment.

**f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4).** Mr. Wilkinson also has determined that for each year of the first five years the amendments are in effect, enforcing or administering the amendments does not have any foreseeable implications related to costs or revenues of the state or local governments.

**REQUEST FOR PUBLIC COMMENT.** The public comment period will be held May 23, 2025, to June 23, 2025, to receive input on the proposed amended section. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Lee Ann Chance, Asset Management Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941 or email to [leeann.chance@tdhca.texas.gov](mailto:leeann.chance@tdhca.texas.gov). **ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m. Austin local (Central) time on June 23, 2025.**

The proposed amendments are made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the proposed amendments affect no other code, article, or statute.

*§10.406. Ownership Transfers (§2306.6713).*

(a) **Ownership Transfer Notification.** All multifamily Development Owners must provide written notice and a completed Ownership Transfer packet, if applicable, to the Department at least 45 calendar days prior to any sale, transfer, or exchange of the Development or any portion of or Controlling interest in the Development. Except as otherwise provided herein, the Executive Director's prior written approval of any such transfer is required. The Executive Director may not unreasonably withhold approval of the transfer requested in compliance with this section.

(b) **Exceptions.** The exceptions to the ownership transfer process in this subsection are applicable.

(1) A Development Owner shall be required to notify the Department but shall not be required to obtain Executive Director approval when the transferee is an Affiliate of the Development Owner with no new Principals, or the transferee is a Related Party who does not Control the Development and the transfer is being made for estate planning purposes.

(2) Transfers that are the result of an involuntary removal of the general partner by the investment limited partner do not require advance approval, but must be reported to the Department as soon as possible due to the sensitive timing and nature of this decision. In the event the investment limited partner has proposed a new general partner or will permanently replace the general partner, a full Ownership Transfer packet must be submitted.

(3) Changes to the investment limited partner, non-Controlling limited partner, or other non-Controlling partners affiliated with the investment limited partner do not require Executive Director approval. A General Partner's acquisition of the interest of the investment limited partner does not require Executive Director approval, unless some other change in ownership is occurring as part of the same overall transaction.

(4) Changes resulting from foreclosure do not require advance approval but acquiring parties must notify the Department as soon as possible of the revised ownership structure and ownership contact information.

(5) Changes resulting from a deed-in-lieu of foreclosure do not require Executive Director approval. However, advance notification must be provided to both the Department and to the tenants at least 30 days prior to finalizing the transfer. This notification must include information regarding the applicable rent/income requirements post deed-in-lieu of foreclosure.

**(c) General Requirements.**

(1) Any new Principal in the ownership of a Development must be eligible under §11.202 of Subchapter C (relating to Ineligible Applicants and Applications). In addition, Persons and Principals will be reviewed in accordance with Chapter 1, Subchapter C of this title (relating to Previous Participation and Executive Award Review and Advisory Committee).

(2) Changes in Developers or Guarantors must be addressed as non-material amendments to the application under §10.405 of this Subchapter.

(3) To the extent an investment limited partner or its Affiliate assumes a Controlling interest in a Development Owner, such acquisition shall be subject to the Ownership Transfer requirements set forth herein. Principals of the investment limited partner or Affiliate will be considered new Principals and will be reviewed as stated under paragraph (1) of this subsection.

(4) Simultaneous transfer or concurrent offering for sale of the General Partner's and Limited Partner's control and interest will be subject to the Ownership Transfer requirements set forth herein and will trigger a Right of First Refusal, if applicable.

(5) Any initial operating, capitalized operating, or replacement reserves funded with an allocation from the HOME American Rescue Plan (HOME-ARP) and Special Reserves required by the Department must remain with the Development.

(d) **Transfer Actions Warranting Debarment.** If the Department determines that the transfer, involuntary removal, or replacement

was due to a default by the General Partner under the Limited Partnership Agreement, or other detrimental action that put the Development at risk of failure or the Department at risk for financial exposure as a result of non-compliance, staff will refer the matter to the Enforcement Committee for debarment consideration pursuant to §2.401 of this title (relating to Enforcement, Debarment from Participation in Programs Administered by the Department). In addition, a record of transfer involving Principals in new proposed awards will be reported and may be taken into consideration in accordance with Chapter 1, Subchapter C of this title (relating to Previous Participation and Executive Award Review and Advisory Committee), prior to recommending any new financing or allocation of credits.

(e) Transfers Prior to 8609 Issuance or Construction Completion. Prior to the issuance of IRS Form(s) 8609 (for Housing Tax Credits) or the completion of construction (for all Developments funded through other Department programs), an Applicant may request a change to its ownership structure to add Principals or to remove Principals provided not all controlling Principals identified in the Application will be removed. The party(ies) reflected in the Application as having Control must remain in the ownership structure and retain Control, unless approved otherwise by the Executive Director. A development sponsor, General Partner or Development Owner may not sell the Development in whole or voluntarily end their Control prior to the issuance of 8609s. In addition, for Competitive HTC Developments, changes in the ownership structure for the addition of a public facility corporation, a housing finance corporation, or a public housing authority prior to the issuance of 8609s that will result in a 100% property tax exemption that was not previously reflected in the Application, require a resolution of support from the municipality [~~or a letter of support from the mayor~~], or if the Development is not within a municipality or its Extra Territorial Jurisdiction (ETJ), a resolution of support from the commissioners court [~~or letter of support from the county judge~~].

(f) Nonprofit Organizations. If the ownership transfer request is to replace a nonprofit organization within the Development ownership entity, the replacement nonprofit entity must adhere to the requirements in paragraph (1) or (2) of this subsection.

(1) If the LURA requires ownership or material participation in ownership by a Qualified Nonprofit Organization, and the Development received Tax Credits pursuant to §42(h)(5) of the Code, the transferee must be a Qualified Nonprofit Organization that meets the requirements of §42(h)(5) of the Code and Tex. Gov't Code §2306.6706, if applicable, and can demonstrate planned participation in the operation of the Development on a regular, continuous, and substantial basis.

(2) If the LURA requires ownership or material participation in ownership by a nonprofit organization or CHDO, the Development Owner must show that the transferee is a nonprofit organization or CHDO, as applicable, that complies with the LURA. If the transferee has been certified as a CHDO by TDHCA prior to 2016 or has not previously been certified as a CHDO by TDHCA, a new CHDO certification package must be submitted for review. If the transferee was certified as a CHDO by TDHCA after 2016, provided no new federal guidance or rules concerning CHDO have been released and the proposed ownership structure at the time of review meets the requirements in 24 CFR Part 92, the CHDO may instead submit a CHDO Self-Certification form with the Ownership Transfer package.

(3) Exceptions to paragraphs (1) and (2) of this subsection may be made on a case by case basis if the Development (for MFDL) is past its Federal Affordability Period or (for HTC Developments) is past its Compliance Period, was not reported to the IRS as part of the Department's Nonprofit Set Aside in any HTC Award year, and follows

the procedures outlined in §10.405(b)(1) - (5) of this subchapter. The Board must find that:

(A) The selling nonprofit is acting of its own volition or is being removed as the result of a default under the organizational documents of the Development Owner;

(B) The participation by the nonprofit was substantive and meaningful during the full term of the Compliance Period but is no longer substantive or meaningful to the operations of the Development; and

(C) The proposed purchaser is an affiliate of the current Owner or otherwise meets the Department's standards for ownership transfers.

(g) Historically Underutilized Business (HUB) Organizations. If a HUB is the general partner or special limited partner of a Development Owner and it determines to sell its ownership interest, after the issuance of IRS Form(s) 8609, the purchaser of that partnership interest or the general or special limited partner is not required to be a HUB as long as the LURA does not require it or the procedure described in §10.405(b)(1) of this chapter (relating to Non-Material LURA Amendments) has been followed and approved. The removal of a HUB requirement prior to filing of IRS Form(s) 8609 is subject to the procedure described in §10.405(b)(2) of this Chapter (relating to Material LURA Amendments).

(h) Documentation Required. A Development Owner must submit documentation requested by the Department to enable the Department to understand fully the facts and circumstances pertaining to the transfer and the effects of approval or denial. Documentation must be submitted as directed in the Post Award Activities Manual, which includes but is not limited to:

(1) A written explanation outlining the reason for the request;

(2) Ownership transfer information, including but not limited to the type of sale, terms of any new financing introduced as a result of the transfer, amount of Development reserves to transfer in the event of a property sale, and the prospective closing date;

(3) Pre- and post-transfer organizational charts with TINs of each organization down to the level of natural persons in the ownership structure as described in §11.204(12)(B) of Subchapter C of this title (relating to Required Documentation for Application Submission);

(4) A list of the names and contact information for transferees and Related Parties;

(5) Previous Participation information for any new Principal as described in §11.204(12)(C) of this title (relating to Required Documentation for Application Submission);

(6) Agreements among parties associated with the transfer;

(7) Owners Certifications with regard to materials submitted as further described in the Post Award Activities Manual;

(8) Detailed information describing the organizational structure, experience, and financial capacity of any party holding a controlling interest in any Principal or Controlling entity of the prospective Development Owner;

(9) Evidence and certification that the tenants in the Development have been notified in writing of the proposed transfer at least 30 calendar days prior to the date the transfer is approved by the Department. The ownership transfer approval letter will not be issued until this 30-day period has expired; and

(10) Any required exhibits and the list of exhibits related to specific circumstances of transfer or Ownership as detailed in the Post Award Activities Manual.

(i) Once the Department receives all necessary information under this section and as required under the Post Award Activities Manual, staff shall initiate a qualifications review of a transferee, in accordance with Chapter 1, Subchapter C of this title (relating to Previous Participation and Executive Award Review and Advisory Committee), to determine the transferee's past compliance with all aspects of the Department's programs, LURAs and eligibility under this chapter and §11.202 of this title (relating to Ineligible Applicants and Applications).

(j) Credit Limitation. As it relates to the Housing Tax Credit amount further described in §11.4(a) of this title (relating to Tax Credit Request and Award Limits), the credit amount will not be applied in circumstances described in paragraphs (1) and (2) of this subsection:

(1) In cases of transfers in which the syndicator, investor or limited partner is taking over ownership of the Development and not merely replacing the general partner; or

(2) In cases where the general partner is being replaced if the award of credits was made at least five years prior to the transfer request date.

(k) Penalties, Past Due Fees, and Underfunded Reserves. The Development Owner must comply with any additional documentation requirements as stated in Subchapter F of this chapter (relating to Compliance Monitoring) and Subchapter G of this chapter (relating to Affirmative Marketing Requirements and Written Policies and Procedures). The Development Owner on record with the Department will be liable for any penalties or fees imposed by the Department (even if such penalty can be attributable to the new Development Owner) unless an ownership transfer has been approved by the Department. In the event a transferring Development has a history of uncorrected UPCS or NSPIRE violations, ongoing issues related to keeping housing sanitary, safe, and decent, an account balance below the annual reserve deposit amount as specified in §10.404(a) (relating to Replacement Reserve Accounts), or that appears insufficient to meet capital expenditure needs as indicated by the number or cost of repairs included in a PNA or SCR, the prospective Development Owner may be required to establish and maintain a replacement reserve account or increase the amount of regular deposits to the replacement reserve account by entering into a Reserve Agreement with the Department. The Department may also request a plan and timeline relating to needed repairs or renovations that will be completed by the departing and/or incoming Owner as a condition to approving the Transfer. A PNA or SCR may be requested if one has not already been received under §10.404 of this section (relating to Reserve Accounts).

(l) Ownership Transfer Processing Fee. The ownership transfer request must be accompanied by the corresponding ownership transfer fee as outlined in §11.901 of this title (relating to Fee Schedule).

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

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501596

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 475-3959

## TITLE 16. ECONOMIC REGULATION

### PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

#### CHAPTER 22. PROCEDURAL RULES

##### SUBCHAPTER E. PLEADINGS AND OTHER DOCUMENTS

The Public Utility Commission of Texas (commission) proposes the repeal of 16 Texas Administrative Code (TAC) §22.71, relating to Filing of Pleadings, Documents, and Other Materials and 16 TAC §22.72, relating to Formal Requisites of Pleadings and Documents to be Filed with the Commission and proposes new 16 TAC §22.71, relating to Commission Filing Requirements and Procedures and new 16 TAC §22.72, Form Requirements for Documents Filed with the Commission. The commission also proposes a confidential-filing memorandum as a new commission-prescribed form that will be required for completion and inclusion when a party seeks to file an item confidentially with the commission. The proposed new confidential-filing memorandum will be included as a figure in 16 TAC §22.71(j)(2)(E).

The proposed rules will modernize the filing processes and procedures for matters before the commission. Proposed new 16 TAC §22.71 overhauls the commission's filing procedures by formally authorizing the electronic filing of documents with the commission using the commission filing system. Proposed new 16 TAC §22.71 generally removes the requirement to file multiple physical copies of document, except in certain circumstances. Specifically, proposed new 16 TAC §22.71 preserves physical filing as a method of filing, updates the physical filing standards, and establishes physical filing requirements for maps; applications and notices of intent in electric base rate proceedings; and applications for new or amended electric, water, or sewer certificates of necessity. Proposed new 16 TAC §22.71 also authorizes an employee of the commission or the presiding officer to request a physical copy of any filing. Proposed new 16 TAC §22.71 provides criteria for the rejection of filings by the commission's Central Records division that are incomplete, illegible, missing identifying information, or, as applicable, do not comply with the requirements for confidential filings. Proposed new 16 TAC §22.71 also establishes new procedures for filing items confidentially. Specifically, when a person seeks to file an item confidentially with the commission, the person must publicly file a redacted copy of the item and a fully completed confidential-filing memorandum to identify the pages that are confidential and justify the claim to confidentiality and confidentially file an unredacted version of the item. Additionally, proposed new 16 TAC §22.71 also establishes a process for challenging a confidential-filing designation by another party to the case or by the presiding officer. Proposed new 16 TAC §22.72 updates the formatting requirements and guidelines for electronic and physical items filed with the commission and includes procedures for filing external storage devices for digital media (such as a CD, DVD, or USB), handwritten documents, and maps and GIS data. Proposed new 16 TAC §22.72 also updates the page limit and signature requirements for filings, and also adds a new requirement for a party to provide evidence of service with a filing.

##### Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that for

each year of the first five years that the proposed rules are in effect, the following statements will apply:

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

#### Fiscal Impact on Small and Micro-Businesses and Rural Communities

There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities as a result of implementing the proposed rule. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

#### Takings Impact Analysis

The commission has determined that the proposed rules will not be a taking of private property as defined in chapter 2007 of the Texas Government Code.

#### Fiscal Impact on State and Local Government

David Smeltzer, Division Director, Rules and Projects has determined that for the first five-year period the proposed rules are in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the sections.

#### Public Benefits

Mr. Smeltzer has determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing the sections will be more efficient practices for filing and processing documents for matters before the commission. There will not be any probable economic costs to persons required to comply with the rules under Texas Government Code §2001.024(a)(5).

#### Local Employment Impact Statement

For each year of the first five years the proposed sections are in effect, there should be no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

#### Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the commission is expressly excluded under subsection §2001.0045(c)(7).

#### Public Hearing

The commission will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by June 18, 2025. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

#### Public Comments

Interested persons may file comments electronically through the interchange on the commission's website. Initial comments must be filed by June 18, 2025. Reply comments must be filed by July 2, 2025. Comments should be organized in a manner consistent with the organization of the proposed rules. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed rule. The commission will consider the costs and benefits in deciding whether to modify the proposed rules on adoption. All comments should refer to Project Number 52059.

Each set of comments should include a standalone executive summary as the last page of the filing. This executive summary must be clearly labeled with the submitting entity's name and should include a bulleted list covering each substantive recommendation made in the comments.

#### 16 TAC §22.71, §22.72

##### Statutory Authority

The repeals are proposed under the Public Utility Regulatory Act, Texas Utilities Code (PURA) §14.002 and §14.052 under the Texas Water Code §13.041(b) which provide the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules of practice and procedure before the commission.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and §14.052 and Texas Water Code §13.041(b).

§22.71. *Filing of Pleadings, Documents, and Other Materials.*

§22.72. *Formal Requisites of Pleadings and Documents to be Filed with the Commission.*

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

Filed with the Office of the Secretary of State on May 8, 2025.

TRD-202501582

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 936-7322



#### 16 TAC §22.71, §22.72

##### Statutory Authority

The new sections are proposed under the Public Utility Regulatory Act, Texas Utilities Code (PURA) §14.002 and §14.052 under the Texas Water Code §13.041(b) which provide the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules of practice and procedure before the commission.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and §14.052 and Texas Water Code §13.041(b).

§22.71. Commission Filing Requirements and Procedures.

(a) Scope. The following items must be filed with the commission using the commission filing system.

(1) Pleadings, as defined under §22.2 of this title (relating to Definitions);

(2) All documents relating to a rulemaking proceeding;

(3) Registrations, certifications, or reports required by statute or rule to be submitted to the commission with an associated control number and for which no alternative means of submission, such as a database, have been provided by the commission;

(4) Letters, memoranda, or other documents relating to any proceeding with a control number;

(5) Maps, geographic information system (GIS) data, or other visual information such as charts, photographs, or illustrations;

(6) Any document included as part of the record in all matters or proceedings for which a control number has been assigned, including protective orders and protective order certifications; and

(7) Any other item required to be filed by statute or commission rule for which no alternative means of submission, such as a database, have been provided by the commission.

(b) Definition. When used in this section, the term "commission filing system" means the electronic filing system maintained for the archiving and organization of items and materials received by the commission.

(c) Filing methods and procedure.

(1) Unless otherwise required by commission rule, statute, or ordered by the presiding officer, all items required to be filed with the commission using the commission filing system, including confidential filings, may be filed electronically or physically.

(2) Unless otherwise required by commission rule, statute, or ordered by the presiding officer, all items required to be filed with the commission using the commission filing system, including confidential filings, will be posted on the commission filing system.

(d) Special filing requirements.

(1) Notwithstanding any other provision of this title, the following types of items must be filed in the manner specified below:

(A) Letters of Credit. A copy of an original letter of credit must be filed electronically, unless otherwise required by commission staff or a presiding officer. An employee of the commission or a presiding officer may require the original or one or more copies of the original letter of credit to be physically filed.

(B) Maps. A map must be electronically filed in the original scale (not scanned, reduced or enlarged original) PDF format. If a map is physically filed, it must be filed in its original scale.

(i) A filing party must make a physical copy of a map available to an employee of the commission or a presiding officer upon request.

(ii) An applicant initiating a proceeding under §25.101 of this title (relating to Certification Criteria) must provide to Central Records six physical copies of any maps filed electronically in the proceeding. This requirement is in addition to the two physical copies required under paragraph (2) of this subsection, as applicable.

(iii) An employee of the commission or a presiding officer may require additional copies of any map to be physically filed.

(C) GIS data. GIS data used to create maps under subparagraph (B) of this paragraph must be electronically filed in its native format and be capable of being used and analyzed by commission staff. GIS data includes any additional information, materials, or documents required for accurate interpretation of a map.

(2) The following types of items must be electronically filed, and the filer must also physically file two copies with the commission:

(A) Applications and notices of intent in electric base rate proceedings; and

(B) Applications for new or amended electric, water, or sewer certificates of convenience and necessity, including any maps.

(3) An employee of the commission or a presiding officer may require a filer to provide physical copies of a filing.

(e) Receipt by the commission and filing deadline. Items filed with the commission will be processed by Central Records or the commission filing system.

(1) Central Records may reject a filing if the filing does not contain information necessary for accurate filing, including if the filing:

(A) is blank, illegible, or missing pages in whole or in part;

(B) does not contain minimally necessary identifying information such as the control number or the filer's complete contact information; or

(C) is designated as confidential but does not comply with the requirements of subsection (j) of this section.

(2) Upon receipt of an item by physical filing, Central Records will date stamp the item, place the item in the relevant control number associated with the matter, and assign the item an item number in accordance with the order the filing was received.

(3) Upon receipt of an item by electronic filing, the commission filing system will process the item, place the item in the relevant control number associated with the matter and assign the item an item number in accordance with the order the filing was received.

(4) An item date-stamped before or at 5:00:00 p.m. on a working day will be deemed filed on that day. An item date-stamped after 5:00:00 p.m. on a working day will be deemed filed on the next working day. An item date-stamped at any time on a day that is not a working day will be deemed filed on the next working day.

(5) The filer is responsible for any delay, disruption, or interruption of mail, courier service, Internet, or electronic signals.

(f) No filing fee. No filing fee is required to file an item with the commission.

(g) Availability of Central Records.

(1) Physical Filings. The commission filing system will be available for physical filings only during hours when Central Records is open, as specified by paragraph (2) of this subsection.

(2) Hours.

(A) The office hours of Central Records are from 9:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, on working days, except on open meeting days, the working day immediately preceding an open meeting day, and emergencies or days with inclement weather.

(B) On open meeting days and the working day immediately preceding an open meeting day, Central Records will be open

from 8:00 a.m. to 5:00 p.m. However, only commissioners, commission counsel, and the commission employees in the Office of Policy and Docket Management (OPDM) will be allowed to physically file items between the hours of 8:00 a.m. and 9:00 a.m. and 12 noon to 1:00 p.m. on those days.

(3) Commission filing system. The commission filing system will be available for electronic filing 24 hours a day, seven days a week, unless taken down for maintenance, emergency, loss of connectivity, or as otherwise determined by Central Records.

(h) Availability of items filed with the commission.

(1) An electronic filing will be available for access once accepted and processed by the commission filing system. Once processed, a written receipt will be automatically generated and electronically sent to the filing party identifying the date and time the filing was accepted by the commission's filing system.

(2) A physical filing will be available for access on the commission filing system once processed by Central Records.

(3) A physical filing, request for a new control number, or an item designated as confidential might not be processed or appear on the commission filing system until the next working day after the filing is processed by Central Records.

(4) If an item is filed electronically, when the item becomes available on the commission filing system, email notification will be sent to the filing party. If the item does not appear on the commission filing system, the filer is responsible for notifying Central Records to correct the filing.

(5) A filer may void a filing, including a confidential filing under subsection (j) of this section.

(A) The request must identify the filing with enough precision for Central Records to identify the correct filing.

(B) Items may only be voided by the filer that originally filed that item, or by someone who is authorized to request the filing be voided on behalf of the original filer.

(C) Central Records will remove the voided item from the commission filing system. The filing party may re-file the item in accordance with this section.

(i) Filing deadlines for open meeting documents addressed to the commissioners.

(1) Except as provided in paragraph (2) of this subsection, all documents addressed to the commissioners and concerning an item that has been placed on an agenda for an open meeting must be filed no later than seven days prior to the open meeting at which the matter will be considered. Documents that are not timely filed will be considered untimely. The commissioners may review untimely filed documents at their discretion.

(2) The deadline established in paragraph (1) of this subsection does not apply if:

(A) The documents have been specifically requested by one or more of the commissioners at a time that makes it impossible for the filer to meet the deadlines under paragraph (1) of this subsection; or

(B) The parties are negotiating and such negotiation requires the late filing of materials reporting on the negotiation.

(j) Confidential material filed with the commission. An item filed in a commission proceeding is public and available for viewing by the public unless the item is designated as confidential in accordance

with this subsection. To designate an item as confidential, a party must comply with the requirements of this subsection, unless otherwise ordered by the presiding officer.

(1) Electronic and physical filing of confidential items. Electronically and physically filed items may be designated as confidential in the manner described by this subsection.

(2) Confidential-filing requirements.

(A) A filer submitting an item designated as confidential must separately file the following documents and comply with any individual protective order governing the access and handling of confidential materials that is applicable to the proceeding:

(i) a fully completed confidential-filing memorandum as specified in subparagraphs (D) and (E) of this paragraph accompanied by a redacted copy of the original item for public filing; and

(ii) an unredacted copy of the original item for confidential filing.

(B) Central Records may reject a confidential filing that does not include the documents described under subparagraph (A) of this paragraph. Central Records will notify the filer of the rejection through electronic mail if reasonably practicable. It is the filer's responsibility to check the control number to verify that its confidential filing was accepted and to contact Central Records for any necessary corrections.

(C) A redacted copy of a confidential filing must be redacted only to the minimum extent necessary to ensure confidentiality.

(D) For each filing designated as confidential, the filer must include the following information in a confidential-filing memorandum under subparagraph (E) of this paragraph. To be deemed fully completed, a confidential-filing memorandum must provide or include the following:

(i) Plainly state the reasons for the confidential designation;

(ii) Plainly state the legal support for the confidential designation, if applicable;

(iii) The specific pages or portions of pages of the filing that are confidential and have been redacted;

(iv) Any identifying information required by the confidential-filing memorandum in subparagraph (E) of this paragraph regarding the filer, the proceeding (such as the control number), or confidential filing.

(v) Any additional information required by the protective order in effect in the applicable proceeding or that may otherwise be required by the presiding officer via written order; and

(vi) An acknowledgement that the confidential status of the filing is subject to revocation by the presiding officer.

(E) Confidential-filing memorandum.

Figure: 16 TAC §22.71(j)(2)(E)

(F) Physical filing. In addition to the requirements of subparagraphs (A) through (E) of this paragraph, a filer must also comply with the requirements of this subparagraph to designate an item filed physically as confidential. The filer must deliver the confidential item to Central Records in a sealed and labeled envelope (the confidential envelope). The confidential envelope must not include non-confi-

confidential documents unless directly related to and essential for clarity of the confidential document.

(i) All physically filed confidential material must be provided in a 10 x 13-inch manila clasp envelope. Larger envelopes or multiple envelopes are permitted only when necessary due to the material's size or volume. If multiple envelopes are necessary, each envelope must be sequentially numbered and indicate the total number of envelopes for the filing (e.g., 1 of 3).

(ii) The completed confidential-filing memorandum required under subparagraph (E) of this paragraph must be securely taped or adhered to the front of the confidential envelope.

(iii) In addition to paragraph (2)(A) of this subsection, if the item is not submitted in a confidential envelope in accordance with this subparagraph, Central Records will not designate the item as confidential, and the item will be rejected. The item may be re-filed in accordance with this section.

(iv) A physical filing designated as confidential that has been rejected by Central Records will be returned to the filer if practicable or otherwise securely disposed of in the manner described by paragraph (8) of this subsection.

(G) Electronic filing. In addition to the requirements of subparagraphs (A) through (E) of this paragraph, to designate an item filed electronically as confidential, the filer must indicate that the item is to be filed confidentially in the manner provided by the commission filing system.

(3) Challenge of confidentiality designation. The confidential designation of any filing may be challenged by any party via motion or by the presiding officer via order. A challenge to a confidential designation must specifically indicate the basis of the challenge and the portions of the filing that should not be confidential.

(A) If a confidential designation is challenged, the filing party has the burden of showing that the item should remain confidential. The filing party must respond to a motion challenging the confidentiality of a filing within five days of the motion, or within the time period specified by the presiding officer.

(B) If the presiding officer determines that a confidential designation under this section is appropriate, the presiding officer will issue an order and allow the filing to remain confidential on the commission filing system.

(C) The presiding officer will issue an order if the presiding officer determines that a confidential designation under this section is not appropriate. After such an order is issued, the filing party must submit a request to Central Records to void the filing and include a copy of the order. Upon receipt of such a request, Central Records will remove the voided item from the commission filing system. The filing party may re-file the item in accordance with this section and the order of the presiding officer.

(4) Posting of confidential information on the commission filing system. A document designated as confidential will be posted to the commission filing system in the manner described by this paragraph.

(A) The completed confidential-filing memorandum required under paragraphs (2)(D) and (E) of this subsection and the redacted version of the confidential filing will be posted publicly on the commission filing system as a single filing.

(B) The unredacted version of the item will be posted confidentially on the commission filing system and will only be accessible by the persons listed under paragraph (6) of this subsection.

(5) Confidential re-filing of voided items. The filing party may re-file an item confidentially in accordance with this subsection after submitting a request to void a filing under subsection (h)(5) of this section.

(6) Access to confidential information. Access to confidential filings is limited to persons that meet the criteria of this paragraph, as applicable. Disclosure of confidential information is subject to the ex parte requirements of this subtitle:

(A) A commissioner, commission employee in OPDM, or an employee in a commissioner's office may access confidential filings in any proceeding if the commissioner or employee completes, signs, and submits to Central Records an Employee Statement Regarding Non-Disclosure of Confidential Information (the confidential access form). Once the commissioner or employee has done so, he or she may access confidential filings in any proceeding before the commission. A commissioner, a commission employee in OPDM, or an employee in a commissioner's office may only disclose confidential information contained in such filings to a commissioner or other employee in OPDM or a commissioner's office who has also completed, signed, and submitted to Central Records the confidential access form and only if the disclosure does not violate Texas Government Code Chapter 551 (the Texas Open Meetings Act).

(B) A commission employee in Central Records or Information Technology may access confidential filings for clerical and administrative tasks necessary to ensure the proper maintenance and functioning of the commission filing system including the correction or removal of filings or actions otherwise directed by the presiding officer in a specific proceeding.

(C) To access confidential filings filed with the commission in a specific proceeding, a party to a proceeding not covered by subparagraph (A) or (B) of this paragraph must complete, sign, and file in the proceeding a protective order certification. The certification must comply with the protective order entered by the presiding officer in that proceeding. The protective order certification is no longer valid after the commission's plenary jurisdiction over the proceeding has expired.

(7) Public information. Designation of a document as confidential in a commission proceeding under this subsection is not determinative of whether that document would be subject to disclosure under the Texas Public Information Act, the Texas Open Meetings Act, or other applicable law.

(8) Records retention. Unless otherwise specified by this section, a confidential document in the possession of Central Records will be maintained and destroyed as required by the commission's Records Retention Schedule as approved by the Texas State Library and Archives Commission. A confidential document in the possession of parties to a proceeding must be maintained, destroyed, or returned to the providing party in the manner prescribed by the protective order adopted in that proceeding.

(9) In camera inspection. A document presented for in camera inspection solely for the purpose of obtaining a ruling on its discoverability or admissibility must not be filed as a confidential document under this paragraph but must be submitted in the manner specified under §22.144 (relating to Requests for Information and Requests for Admission of Facts).

§22.72. Form Requirements for Documents Filed with the Commission.

(a) Applicability. This section applies to all items required to be filed with the commission under §22.71 (related to Commission Filing Requirements and Procedures).

(b) Definition. When used in this section, the term "commission filing system" means the electronic filing system maintained for the archiving and organization of items and materials received by the commission.

(c) Form Requirements.

(1) Unless otherwise authorized or required by statute, the presiding officer, or commission rules, items filed with the commission must include in the item or specify on a cover sheet included with the item the following information:

(A) the style and control number of the proceeding for which the item is submitted, if available;

(B) a heading identifying the nature of the item submitted and the name of the party; and

(C) the signature of the party or the party's representative in accordance with subsection (f) of this section, if applicable.

(2) All items should be formatted for 8.5 x 11-inch paper except for any log, graph, map, drawing, or chart submitted as part of a filing if the content cannot be formatted legibly on 8.5 x 11-inch paper.

(3) The following apply to any submission of electronic material submitted on an external storage device for digital media (such as a CD, DVD, or USB).

(A) A party is prohibited from submitting electronic material on an external storage device for digital media, unless the request is authorized by Central Records in writing under subparagraph (B) of this paragraph.

(B) The procedure for filing an external storage device for digital media is as follows:

(i) The filer must demonstrate to Central Records via written correspondence that the material is unique and not ordinarily capable of being electronically or physically filed on the commission filing system. Central Records will review the written correspondence and make a determination regarding the request within a reasonable time period.

(ii) Upon authorization by Central Records, a party may submit one or more acceptable external storage devices for digital media to Central Records. Such devices must be physically delivered at a designated shipping or mailing commission address listed on the commission's website by mail, courier, or hand delivery to Central Records.

(C) Notwithstanding subparagraph (A) of this paragraph, the presiding officer may require a filer to provide one or more filings via external storage for digital media.

(D) Central Records will maintain a list of acceptable external storage devices for digital media on the commission website.

(d) Format and filing standards.

(1) The following format standards are applicable to all filings. All items filed with the commission should:

(A) be double-spaced or one and one-half times spaced with left and right margins not less than one inch wide, except that any letter, tariff filing, rate filing, or proposed findings of fact, conclusions of law, and ordering paragraphs may be single-spaced;

(B) indent and single-space any quotation which exceeds 50 words; and

(C) be printed or formatted in a legible font and not less than 12-point type.

(2) The following general standards are applicable to all filings.

(A) Any non-native figure, illustration, or object submitted with a filing must be filed as a referenced attachment in its native format.

(i) For purposes of this subsection, native format means the file type in which the item was created and is designed to function (such as .xls for Excel sheets or .doc/.docx for Word documents).

(ii) Non-native figures, illustrations, and objects include, but are not limited to, tables, graphs, charts, spreadsheets, illustrations, drawings and other objects that are not integrated into the text portions of a document.

(B) Each item that has five or more headings or five or more subheadings must have a table of contents that lists the major sections of the item, the page number for the start of each major section, and identifiers for each major section of the item. Discovery responses are exempt from this subparagraph.

(C) All pages of a filing, starting with the first page of the table of contents, must be consecutively numbered through the last page of the document, including any attachments.

(D) If a filing contains a barcode, the barcode must be covered or redacted.

(E) If a filing contains sensitive personal information of the filer or any other person, such as social security numbers, driver license numbers, or financial records, including account numbers, that sensitive personal information must be redacted.

(3) Handwritten documents must be legible and must comply with the requirements of paragraphs (2)(D) and (2)(E) of this subsection.

(e) Citation form. An item filed with the commission should comply with the commission's Citation and Style Guide. Any citations to law or other legal authority in an item filed with the commission should also comply with the Texas Rules of Form: The Greenbook (for Texas authorities), The Bluebook: A Uniform System of Citation (for all other authorities).

(f) Signature and other requirements. All filings must:

(1) be signed by the party or the party's authorized representative. If the person signing the pleading or document is a licensed attorney, the attorney's state of licensure and bar number must also be provided;

(2) include the contact information of the party or authorized representative of the party, consisting of the following:

(A) a physical mailing address;

(B) a telephone number;

(C) an email address, unless the party or the party's authorized representative has filed a statement under §22.106 of this title (relating to Statement of No Access).

(3) include the date the document was signed and the date the document was served on all the parties to the proceeding. Evidence of service must be presented in accordance with §22.74 of this title (relating to Service of Pleadings and Documents).

(g) Page limits. The commission, commission counsel, or the presiding officer may establish page limits for filings for contested cases. In establishing page limits, the commission, commission counsel, or the presiding officer may consider such factors as which party



has the burden of proof and the extent of opposition to a party's position that would need to be addressed in the document. The commission or commission staff may establish page limits for filings in projects.

(h) Electronic filing standards. An electronically filed item must comply with the requirements of this subsection. Central Records will maintain a list of preferred electronic file formats on the commission's website.

(1) Electronic items must be filed in the native file format used to create and edit the file.

(2) Electronic items that are also filed in a portable document format (PDF) must be filed in a format that permits searches of text.

(3) Electronic filings with interactive content, such as a Microsoft Excel spreadsheet, must have active links and formulas that were used to create and manipulate the data in the filing. Links and formulas may include descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record.

(4) If the filing cannot be uploaded, the filer must contact Central Records to determine an alternative means of filing.

(i) Physical filing standards. A physically filed item should comply with the requirements of this subsection. The requirements of this section do not apply to maps.

(1) Physical items should be printed on 8.5 by 11-inch paper or, if the content cannot be formatted legibly on letter-size paper, be folded to a size no larger than 8.5 by 11 inches; and

(2) Physical items should be printed on both sides of the paper or, if it cannot be printed on both sides of the paper, every page of the copy must be single sided.

(j) Maps and GIS data filing standards.

(1) Electronic and physical copies of maps and GIS data must be filed in accordance with §22.71 of this title.

(2) Commission staff will maintain on the commission's website:

(A) a list of acceptable file formats for maps and GIS data in accordance with subsection (h) of this section; and

(B) a procedure for filing physical maps, including oversized maps, that a filing party must comply with.

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

Filed with the Office of the Secretary of State on May 8, 2025.

TRD-202501583

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 936-7322



## **TITLE 22. EXAMINING BOARDS**

## **PART 16. TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS**

### **CHAPTER 341. LICENSE RENEWAL**

#### **22 TAC §341.2**

The Texas Board of Physical Therapy Examiners (board) proposes amending 22 TAC §341.2(g) relating to Continuing Competence Audits.

The amendment is proposed to clarify that failure to submit documentation of the required number of approved CCUs taken within the audited renewal period may result in disciplinary action. Additionally, the amendment includes licensees who are more than 90 days up to one year late renewing in the Continuing Competence Audit instead of requiring submission of CCU documentation upon renewal.

#### **Fiscal Note**

Ralph A. Harper, Executive Director of the Executive Council of Physical Therapy & Occupational Therapy Examiners, has determined that for the first five-year period the amendment is in effect there would be no loss of revenue, and there would be no fiscal implication to units of local government as a result of enforcing or administering the rules.

#### **Public Benefits and Costs**

Mr. Harper has determined that for the first five-year period the amendment is in effect, the public benefit will be providing increased clarity of the procedures for determining licensee compliance with continuing competence renewal requirements. Additionally, there will be no cost to the public.

#### **Local Employment Economic Impact Statement**

The amendment is not anticipated to impact a local economy, so a local employment economic impact statement is not required.

#### **Small and Micro-Businesses and Rural Communities Impact**

Mr. Harper has determined that there will be no costs or adverse economic effects to small or micro-businesses or rural communities as the result of the amendment; therefore, an economic impact statement or regulatory flexibility analysis is not required.

#### **Government Growth Impact Statement**

During the first five-year period the amendment is in effect, the impact on government growth is as follows:

(1) The proposed rule amendment will neither create nor eliminate a government program.

(2) The proposed rule amendment will neither create new employee positions nor eliminate existing employee positions.

(3) The proposed rule amendment will neither increase nor decrease future legislative appropriations to the agency.

(4) The proposed rule amendment will require neither an increase nor a decrease in fees paid to the agency.

(5) The proposed rule amendment does not create a new regulation.

(6) The proposed rule amendment will neither repeal nor limit an existing regulation.

(7) The proposed rule amendment will increase individuals subject to the rule's applicability as licensees who late renew from

90 days up to one year will be included in the Continuing Competence Audit.

(8) The proposed rule amendment will neither positively nor adversely affect this state's economy.

#### Takings Impact Assessment

The proposed rule amendment will not impact private real property as defined by Tex. Gov't Code §2007.003, so a takings impact assessment under Tex. Gov't Code §2001.043 is not required.

#### Requirement for Rule Increasing Costs to Regulated Persons

Tex. Gov't Code §2001.0045, Requirement for Rule Increasing Costs to Regulated Persons, does not apply to this because the proposed rule amendment will not increase costs to regulated persons.

#### Public Comment

Comments on the proposed amendments and repeal may be submitted to Karen Gordon, PT Coordinator, Texas Board of Physical Therapy Examiners, 1801 Congress Ave, Suite 10.900, Austin, Texas 78701; email: karen@ptot.texas.gov. Comments must be received no later than 30 days from the date this proposed amendment is published in the *Texas Register*.

#### Statutory Authority

The amendment is proposed under Texas Occupation Code §453.102, which authorizes the board to adopt rules necessary to implement chapter 453.

#### Cross-reference to Statute

The proposed amendment implements provisions in Chapter 453, Subchapter H, Occupations Code that pertain to Continuing Competence. No other statutes, articles, or codes are affected by the proposed amendment.

#### §341.2. Continuing Competence Requirements.

(a) - (f) (No change.)

(g) The executive council will conduct an audit of a random sample of licensees at least quarterly to determine compliance with continuing competence renewal requirements. Failure to submit documentation of the required number of approved CCUs taken within the audited renewal period [maintain accurate documentation], or failure to respond to a request to submit documentation for an audit within 30 days of the date on the request, may result in disciplinary action by the board.

(1) Licensees eligible for audit include those who renewed prior to their license expiration date and those who late renewed up to one year. [who are more than 90 days late in renewing a license are not included in the audit, and must submit documentation of continuing competence activities at time of renewal.]

(2) (No change.)

(h) (No change.)

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

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501599

Ralph Harper

Executive Director

Texas Board of Physical Therapy Examiners

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 305-6900



## PART 23. TEXAS REAL ESTATE COMMISSION

### CHAPTER 535. GENERAL PROVISIONS

#### SUBCHAPTER B. GENERAL PROVISIONS RELATING TO THE REQUIREMENTS OF LICENSURE

##### 22 TAC §535.2

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.2, Broker Responsibility, in Chapter 535, General Provisions.

The proposed change is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendment is in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the section. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendment. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendment. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the sections as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years, the proposed amendment is in effect the rule will not:

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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General

Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statutes affected by this proposal are Texas Occupations Code, Chapter 1101. No other statute, code or article is affected by the proposed amendments.

*§535.2. Broker Responsibility.*

(a) A broker is required to notify a sponsored sales agent in writing of the scope of the sales agent's authorized activities under the Act. Unless such scope is limited or revoked in writing, a broker is responsible for the authorized acts of the broker's sales agents, but the broker is not required to supervise the sales agents directly. If a broker permits a sponsored sales agent to conduct activities beyond the scope explicitly authorized by the broker, those are acts for which the broker is responsible.

(b) A broker owes the highest fiduciary obligation to the principal and is obliged to convey to the principal all information known to the agent which may affect the principal's decision unless prohibited by other law.

(c) A broker is responsible for the proper handling of trust funds placed with the broker and must comply with §535.146 of this chapter (relating to Maintaining Trust Money).

(d) A broker is responsible for any property management activity by the broker's sponsored sales agent that requires a real estate license.

(e) A broker may delegate to another license holder the responsibility to assist in administering compliance with the Act and Rules, but the broker may not relinquish overall responsibility for the supervision of license holders sponsored by the broker. Any license holder who leads, supervises, directs, or manages a team must be delegated as a supervisor. Any such delegation must be in writing. A broker shall provide the name of each delegated supervisor to the Commission using a [on a form or through the online] process acceptable to [approved by] the Commission within 30 days of any such delegation that has lasted or is anticipated to last more than three consecutive months. The broker shall notify the Commission in the same manner within 30 days after the delegation of a supervisor has ended. In the event the delegated supervisor is a broker at the time of delegation or later becomes a broker, that broker may, in lieu of the sponsoring broker, notify the Commission in writing when the delegation ends.

(f) Listings and other agreements for real estate brokerage services must be solicited and accepted in a broker's name.

(g) A broker is responsible to ensure that a sponsored sales agent's advertising complies with §535.154 of this chapter (relating to Registration and Use of Alternate, Team and Assumed Business Names Used in Advertisements) and §535.155 of this chapter (relating to Advertisements).

(h) Except for records destroyed by an "Act of God" such as a natural disaster or fire not intentionally caused by the broker, the broker must, at a minimum, maintain the following records in a format that is readily available to the Commission for at least four years from

the date of closing, termination of the contract, or end of a real estate transaction:

- (1) disclosures;
- (2) commission agreements such as listing agreements, buyer representation agreements, or other written agreements relied upon to claim compensation;
- (3) substantive communications with parties to the transaction;
- (4) offers, contracts, and related addenda;
- (5) receipts and disbursements of compensation for services subject to the Act;
- (6) property management contracts;
- (7) appraisals, broker price opinions, and comparative market analyses; and
- (8) sponsorship agreements between the broker and sponsored sales agents.

(i) A broker who sponsors sales agents or is a designated broker for a business entity shall maintain, on a current basis, written policies and procedures to ensure that:

(1) Each sponsored sales agent is advised of the scope of the sales agent's authorized activities subject to the Act and is competent to conduct such activities, including having competence in the geographic market area where the sales agent represents clients.

(2) Each sponsored sales agent maintains their license in active status at all times while they are engaging in activities subject to the Act.

(3) Any and all compensation paid to a sponsored sales agent for acts or services subject to the Act is paid by, through, or with the written consent of the sponsoring broker.

(4) Each sponsored sales agent is provided on a timely basis, before the effective date of the change, notice of any change to the Act, Commission rules, or Commission promulgated contract forms.

(5) In addition to completing statutory minimum continuing education requirements, each sponsored sales agent receives such additional educational instruction the broker may deem necessary to obtain and maintain, on a current basis, competency in the scope of the sponsored sales agent's practice subject to the Act. At a minimum, when a sales agent performs a type of real estate brokerage activity for the first three times, the broker must require that the sales agent receive coaching and assistance from an experienced license holder competent for that activity.

(6) Each sponsored sales agent complies with the Commission's advertising rules.

(7) All trust accounts, including but not limited to property management trust accounts, and other funds received from consumers are maintained by the broker with appropriate controls in compliance with §535.146 of this chapter.

(8) Records are properly maintained pursuant to subsection (h) of this section.

(j) In addition to the requirements of §535.157 of this chapter (relating to Obligation to Respond Timely), a broker or supervisor delegated under subsection (e) of this section must respond to sponsored sales agents within two calendar days.

(k) A sponsoring broker or supervisor delegated under subsection (e) of this section shall deliver mail and other correspondence from

the Commission to their sponsored sales agents within three calendar days after receipt.

(l) When the broker is a business entity, the designated broker is the person responsible for the broker responsibilities under this section.

(m) This section is not meant to create or require an employer/employee relationship between a broker and a sponsored sales agent.

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

Filed with the Office of the Secretary of State on May 8, 2025.

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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



## SUBCHAPTER C. EXEMPTIONS TO REQUIREMENTS OF LICENSURE

### 22 TAC §535.35

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.35, Registration of Certain Business Entities, in Chapter 535, General Provisions.

The proposed changes are made, in part, as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change. Additionally, a clarifying change is made to the time period referenced in subsection (c)(2) to simplify the calculation of the time period.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed is in effect, the public benefit anticipated as a result of enforcing the new rule will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendments are in effect the rule will not:

- create or eliminate a government program;
- require the creation of new employee positions or the elimination of existing employee positions;

-require an increase or decrease in future legislative appropriations to the agency;

-require an increase or decrease in fees paid to the agency;

-create a new regulation;

-expand, limit or repeal an existing regulation;

-increase or decrease the number of individuals subject to the rule's applicability;

-positively or adversely affect the state's economy.

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151 and §1101.355. Section 1101.151 authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. Section 1101.355 requires the Commission to adopt rules providing for the registration of an exempted business entity.

The statute affected by this proposal is Texas Occupations Code, Chapters 1101. No other statute, code or article is affected by the proposed amendments.

#### §535.35. *Registration of Certain Business Entities.*

(a) For purposes of this section, an "exempt business entity" means a business entity which is exempt from the requirements of being licensed under §535.5(g) of this chapter (relating to License Not Required) and §1101.355(d) of the Act.

(b) Before an exempt business entity may receive compensation on behalf of a license holder, the license holder must:

(1) register the business entity with the Commission using a process acceptable to [on a form approved by] the Commission;

(2) pay a \$140 fee to the Commission; and

(3) provide supporting documentation satisfactory to the Commission demonstrating the entity meets the requirements for exemption.

(c) Term of Registration; Certification.

(1) A registration issued under this section is valid for two years from the date of issuance.

(2) The Commission will deliver a notice regarding expiration of the registration to the license holder 90 days ~~[three months]~~ before the expiration of the registration.

(3) Failure to receive the notice from the Commission does not relieve a license holder from the requirements of this subsection.

(4) Prior to the expiration of the registration, a license holder must:

(A) certify using a process acceptable to [on a form approved by] the Commission that the exempt business entity continues to meet the requirements under this section;

(B) pay a \$70 fee to the Commission; and

(C) provide supporting documentation as provided in subsection (b)(3) of this section, if determined necessary by the Commission.

(5) Failure to timely certify will result in expiration of the registration and loss of the exemption under §535.5(g) of this chapter and §1101.355(d) of the Act.

(d) A license holder must notify the Commission not later than the 10th day after the date the business entity no longer satisfies the requirements of §535.5(g)(1)-(3) of this chapter and §1101.355(d) of the Act.

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

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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



## SUBCHAPTER E. REQUIREMENTS FOR LICENSURE

### 22 TAC §535.51

The Texas Real Estate Commission (TREC) proposes an amendment to 22 TAC Chapter §535.51, General Requirements for a Real Estate License, in General Provisions.

The proposed change is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendment is in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the section. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendment. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendment. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendment is in effect, the amendment will not:

- create or eliminate a government program;
- require the creation of new employee positions or the elimination of existing employee positions;
- require an increase or decrease in future legislative appropriations to the agency;

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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101. No other statute, code or article is affected by the proposed amendments.

*§535.51. General Requirements for a Real Estate License.*

(a) Application.

(1) A person who intends to be licensed by the Commission must:

(A) file an application for the license using a [through the online] process acceptable to [approved by] the Commission [or on the form prescribed by the Commission for that purpose]; and

(B) submit the required fee under §535.101 of this chapter (relating to Fees).

(2) The Commission will reject an application submitted without a sufficient filing fee.

(3) The Commission may request additional information be provided to the Commission relating to an application.

(b) General Requirements for Licensure.

(1) To be eligible for a real estate license, an applicant must:

(A) meet the following requirements at the time of the application:

(i) be 18 years of age;

(ii) be a citizen of the United States or a lawfully admitted alien;

(B) comply with the fingerprinting, education, experience and examination requirements of the Act; and

(C) meet the honesty, trustworthiness, and integrity requirements under the Act.

(2) The fact that an individual has had disabilities of minority removed does not affect the requirement that an applicant be 18 years of age to be eligible for a license.

(c) Termination of application. An application is terminated and is subject to no further evaluation or processing if:

(1) the applicant fails to satisfy a current, education, experience, or examination requirement within one year from the date the application is filed;

(2) the applicant fails to submit a required fee within twenty (20) days after the Commission makes written request for payment;

(3) the applicant fails to provide information or documentation requested by the Commission within one year from the date the application is filed; or

(4) the applicant fails to provide fingerprints to the Department of Public Safety within one year from the date the application is filed.

(d) Completion of applicable education and experience.

(1) An applicant is not eligible to take an examination for a license until the Commission has received evidence of completion of all education and experience required by this subchapter.

(2) The Commission will not grant credit to an applicant for completing a course with substantially the same content as a course for which the applicant received credit within the previous two-year period.

(3) Except as provided by this subchapter and the Act, the Commission will not accept a person's license in another state to meet experience requirements.

(e) Examination. An applicant must take and pass a licensing examination in accordance with §535.57 of this chapter (relating to Examinations).

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

Filed with the Office of the Secretary of State on May 8, 2025.

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Abby Lee

General Counsel

Texas Real Estate Commission

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 936-3057



## SUBCHAPTER F. REQUIREMENTS FOR EDUCATION PROVIDERS, COURSES AND INSTRUCTORS FOR QUALIFYING EDUCATION

### 22 TAC §535.60, §535.65

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.60, Definitions, and §535.65, Responsibilities and Operations of Providers of Qualifying Courses.

The proposed amendment to §535.65(g)(1)(B)(i) replaces the phrase "check the photo identification" with "verify the identification" of each student to: (i) broaden the language in recognition of technology developments that may allow for this required verification in different ways; (ii) help alleviate concerns about the security of a student's personal data while taking a course; and (iii) make consistent with language used elsewhere in the rule. The remainder of the amendments to §535.65 remove the

requirement to have a qualifying course examination proctored and to have a proctor in situations where a course is delivered through the use of technology and there are more than 20 students at a remote site. The proctoring requirements were recommended to be removed out of concerns that: (i) the exam requirement was unnecessary because the licensing examination itself is proctored; and (ii) the requirements generally are overly burdensome. The proposed change to §535.65(h)(1) removes the requirement that the examinations be closed book in light of the removal of the proctoring requirements. The term "classroom delivery" is added to §535.65(g)(1)(C) to specify that the obligation applies to that type of course. The language in §535.65(h)(5) is reworded for consistency with similar language found in §535.72.

The proposed changes in §535.65(m)(1) and (2) are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

Finally, the proposed amendment to §535.60 removes the definition of "proctor" and renumbers accordingly for the reasons provided above.

The proposed amendments were recommended by the Education Standards Advisory Committee and the Texas Real Estate Inspector Committee.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the sections as proposed are in effect, the public benefit anticipated will be improved clarity, consistency, and integrity in rule and processes for members of the public, including students of qualifying courses, as well as education providers.

For each year of the first five years the proposed amendments are in effect the amendments will not:

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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules->

and-laws/comment-on-proposed-rules, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101 and 1102. No other statute, code or article is affected by the proposed amendments.

*§535.60. Definitions.*

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

(1) Classroom delivery--A method of course delivery where the instructor and students interact face to face and in real time, in either the same physical location, or through the use of technology.

(2) Distance Education delivery--A method of course delivery other than classroom delivery, including online and correspondence delivery.

(3) Combination delivery--A combination of classroom and distance education where at least 50% of the course is offered through classroom delivery.

(4) Instructor--A person chosen by a provider to teach qualifying courses.

(5) Legal Update Courses--Required courses created for and approved by the Commission to satisfy the eight hours of continuing education required by §1101.455 of the Act.

(6) Mandatory qualifying course--A qualifying course that an applicant is required to take to fulfill licensing requirements as mandated by §1101.358 of the Act.

(7) Elective qualifying course--A qualifying course, other than a mandatory qualifying course, for which the subject matter of the course is specified by the Act or Commission rule, that an applicant may take to fulfill licensing requirements.

(8) Person--Any individual, partnership, corporation, or other legal entity, including a state agency or governmental subdivision.

(9) Provider--Any person approved by the Commission; or specifically exempt by the Act, Chapter 1102, or Commission rule; that offers a course for which qualifying credit may be granted by the Commission to a license holder or applicant.

~~[(10) Proctor--A person who monitors a final examination for a course offered by a provider under the guidelines contained in this section. A proctor may be a course instructor, the provider, an employee of a college or university testing center, a librarian, or other person approved by the Commission.]~~

(10) ~~[(11)]~~ Scenario-based learning--The use of scenarios to support active learning strategies such as problem-based or case-based learning where students must apply their subject knowledge, critical thinking and problem-solving skills in a real-world context.

(11) ~~[(12)]~~ Topic--Subject matter that must be covered in a specific course as defined by the Act, Chapter 1102 and this chapter.

(12) ~~[(13)]~~ Unit--A subtopic that must be covered within a topic.

*§535.65. Responsibilities and Operations of Providers of Qualifying Courses.*

(a) Responsibility of Providers.

(1) A provider is responsible for:

(A) the administration of each course, including, but not limited to, compliance with any prescribed period of time for any required course topics required by the Act, Chapter 1102, and Commission rules;

(B) maintaining student attendance records and pre-enrollment agreements;

(C) verifying instructor qualification, performance and attendance;

(D) proper examination administration;

(E) validation of student identity acceptable to the Commission;

(F) maintaining student course completion records;

(G) ensuring all advertising complies with subsection (c) of this section;

(H) ensuring that instructors or other persons do not recruit or solicit prospective sales agents, brokers, easement or right-of-way agents, or inspectors during course presentation; and

(I) ensuring staff is reasonably available for public inquiry and assistance.

(2) A provider may not promote the sale of goods or services during the presentation of a course.

(3) A provider may remove a student and not award credit if a student does not participate in class, or disrupts the orderly conduct of a class, after being warned by the provider or the instructor.

(4) If a provider approved by the Commission does not maintain a fixed office in Texas for the duration of the provider's approval to offer courses, the provider shall designate a resident of this state as attorney-in-fact to accept service of process and act as custodian of any records in Texas that the provider is required to maintain by this section. A power-of-attorney designating the resident must be filed with the Commission in a form acceptable to the Commission.

(b) Use of Qualified Instructor.

(1) Except as provided by this subsection, a provider must use an instructor that is currently qualified under §535.63 of this subchapter (relating to Qualifications for Instructors of Qualifying Courses) to teach the specified course.

(2) Each instructor shall be selected on the basis of expertise in the subject area of instruction and ability as an instructor.

(3) A provider shall require specialized training or work experience for instructors teaching specialized subjects such as law, appraisal, investments, taxation or home inspection.

(4) An instructor shall teach a course in substantially the same manner represented to the Commission in the instructor's manual or other documents filed with the application for course approval.

(5) A provider may use the services of a guest instructor who does not meet the instructor qualifications under §535.63 of this subchapter for qualifying real estate, easement or right-of-way, or in-

spector courses provided that person instructs for no more than 10% of the total course time.

(c) Advertising.

(1) The following practices are prohibited:

(A) using any advertising which does not clearly and conspicuously contain the provider's name on the first page or screen of the advertising;

(B) representing that the provider's program is the only vehicle by which a person may satisfy educational requirements;

(C) conveying a false impression of the provider's size, superiority, importance, location, equipment or facilities, except that a provider may use objective information published by the Commission regarding pass rates if the provider also displays next to the passage rate in a readily noticeable fashion:

(i) A hyperlink to the Commission website's Education Provider Exam Passage Rate page labeled "TREC Provider Exam Pass Rates" for digital media; or

(ii) A URL to the Commission website's Education Provider Exam Passage Rate page labeled "TREC Provider Exam Pass Rates" for non-digital media;

(D) promoting the provider directly or indirectly as a job placement agency, unless the provider is participating in a program recognized by federal, state, or local government and is providing job placement services to the extent the services are required by the program;

(E) making any statement which is misleading, likely to deceive the public, or which in any manner tends to create a misleading impression;

(F) advertising a course under a course name other than the course name approved by the Commission; or

(G) advertising using a name that implies the course provider is the Texas Real Estate Commission, including use of the acronym "TREC", in all or part of the course provider's name.

(2) Any written advertisement by a provider that includes a fee that the provider charges for a course must display any additional fees that the provider charges for the course in the same place in the advertisement and with the same degree of prominence.

(3) The provider shall advertise a course for the full clock hours of time for which credit is awarded.

(4) The provider is responsible for and subject to sanctions for any violation of this subsection by any affiliate or other third party marketer or web hosting site associated with or used by the provider.

(d) Pre-enrollment agreements for approved providers.

(1) Prior to a student enrolling in a course, a provider approved by the Commission shall provide the student with a pre-enrollment agreement that includes all of the following information:

(A) the tuition for the course;

(B) an itemized list of any fees charged by the provider for supplies, materials, or books needed in course work;

(C) the provider's policy regarding the refund of tuition and other fees, including a statement addressing refund policy when a student is dismissed or withdraws voluntarily;

(D) the attendance requirements;

(E) the acceptable makeup procedures, including any applicable time limits and any fees that may be charged for makeup sessions;

(F) the procedure and fees, if applicable, associated with exam proctoring;

(G) the procedure and fees for taking any permitted makeup final examination or any permitted re-examination, including any applicable time limits; and

(H) the notices regarding potential ineligibility for a license based on criminal history required by §53.152, Texas Occupations Code.

(2) A pre-enrollment agreement must be signed by a representative of the provider and the student prior to commencement of the course.

(e) Refund of fees by approved provider.

(1) A provider shall establish written policies governing refunds and contingency plans in the event of course cancellation.

(2) If a provider approved by the Commission cancels a course, the provider shall:

(A) fully refund all fees collected from students within a reasonable time; or

(B) at the student's option, credit the student for another course.

(3) The provider shall inform the Commission when a student requests a refund because of a withdrawal due to the student's dissatisfaction with the quality of the course.

(4) If a provider fails to give the notice required by subsection (d)(1)(H) of this section, and an individual's application for a license is denied by the Commission because the individual has been convicted of a criminal offense, the provider shall reimburse the individual the amounts required by §53.153, Texas Occupations Code.

(f) Course materials.

(1) Before the course starts, a provider shall give each student copies of or, if a student has online access, provide online access to any materials to be used for the course.

(2) A provider shall update course materials to ensure that current and accurate information is provided to students as provided for under §535.62 of this subchapter (relating to Approval of Qualifying Courses).

(g) Presentation of courses.

(1) Classroom Delivery.

(A) The location for the course must:

(i) be conducive to instruction, such as a classroom, training room, conference room, or assembly hall that is separate and apart from work areas;

(ii) be adequate for the class size;

(iii) pose no threat to the health or safety of students; and

(iv) allow the instructor to see and hear each student and the students to see and hear the instructor, including when offered through the use of technology.

(B) The provider must:



(i) ~~verify [eheck] the [photo] identification of each student at class sign up and when signing in for each subsequent meeting of the class;~~

(ii) ~~ensure the student is present for the course for the hours of time for which credit is awarded;~~

(iii) ~~provide a 10 minute break per hour at least every two hours; and~~

(iv) ~~not have daily course segments that exceed 12 hours.~~

(C) ~~For [If the course is] a qualifying or non-elective continuing education classroom delivery course delivered through the use of technology where [and] there are more than 20 students registered for the course, the provider will also use [;~~

~~[(i)] a monitor [at the broadcast origination site] to verify identification of each student, monitor active participation of each student and facilitate questions for the instructor. [; and]~~

~~[(ii)] a proctor at each remote site with more than 20 students to verify identification of each student, monitor active participation of each student and proctor any on-site examination.]~~

(D) ~~Makeup Session for Classroom Courses.~~

(i) ~~A provider may permit a student who attends at least two-thirds of an originally scheduled qualifying course to complete a makeup session to satisfy attendance requirements.~~

(ii) ~~A member of the provider's staff must approve the makeup procedure to be followed. Acceptable makeup procedures are:~~

~~(I) attendance in corresponding class sessions in a subsequent offering of the same course; or~~

~~(II) the supervised presentation by audio or video recording of the class sessions actually missed.~~

~~(iii) A student shall complete all class makeup sessions no later than the 90th day after the date of the completion of the original course.~~

~~(iv) A student who attends less than two-thirds of the originally scheduled qualifying course is not eligible to complete a makeup session. The student shall automatically be dropped from the course with no credit.~~

(2) ~~Distance Education Delivery. The provider must ensure that:~~

~~(A) the student taking all topics of the course and completing all quizzes and exercises is the student receiving credit for the course through a student identity verification process acceptable to the Commission;~~

~~(B) a qualified instructor is available to answer students' questions or provide assistance as necessary in a timely manner;~~

~~(C) a student has completed all instructional modules and attended any hours of live instruction required for a given course; and~~

~~(D) a qualified instructor is responsible for providing answers and rationale for the grading of the course work.~~

(3) ~~A provider is not required to present topics in the order outlined for a course on the corresponding course approval form.~~

(4) ~~The periods of time prescribed to each unit of a topic for a qualifying course as outlined on the corresponding course approval~~

~~form are recommendations and may be altered to allow instructors flexibility to meet the particular needs of their students.~~

(5) ~~Notwithstanding subsections (3) - (4) of this section, all units must be presented within the prescribed topic.~~

(h) ~~Course examinations.~~

(1) ~~The final examination given at the end of each course must be given in the manner submitted to and approved by the Commission. [All final examinations must be closed book.]~~

(2) ~~Final examination questions must be kept confidential and be significantly different from any quiz questions and exercises used in the course.~~

(3) ~~A provider shall not permit a student to view or take a final examination before the completion of regular course work and any makeup sessions required by this section.~~

(4) ~~A provider must rotate all versions of the examination required by §535.62(b)(7) of this subchapter throughout the approval period for a course in a manner acceptable to the Commission and [examinations] must:~~

~~[(A)] require an unweighted passing score of 70%. [; and]~~

~~[(B)] be proctored by a member of the provider faculty or staff, or third party proctor acceptable to the Commission, who:]~~

~~[(i)] is present at the test site or able to monitor the student through the use of technology acceptable to the Commission; and]~~

~~[(ii)] has positively identified that the student taking the examination is the student registered for and who took the course.]~~

(5) ~~A provider must administer the examination under conditions that ensure the student taking the examination is the student who registered for and took the course. [The following are examples of acceptable third party proctors:]~~

~~[(A)] employees at official testing or learning/tutoring centers;]~~

~~[(B)] librarians at a school, university, or public library;]~~

~~[(C)] college or university administrators, faculty, or academic advisors;]~~

~~[(D)] clergy who are affiliated with a specific temple, synagogue, mosque, or church; and]~~

~~[(E)] educational officers of a military installation or correctional facility.]~~

(6) ~~A provider may not give credit to a student who fails a final examination and a subsequent final examination as provided for in subsection (i) of this section.~~

(i) ~~Subsequent final course examination.~~

(1) ~~If a student fails a final course examination, a provider may permit the student to take a subsequent final examination only after the student has completed any additional course work prescribed by the provider.~~

(2) ~~A student shall complete the subsequent final examination no later than the 90th day after the date the original class concludes. The subsequent final examination must be a different version of the original final examination given to the student and must comply with §535.62(b)(8) of this subchapter and subsection (h) of this section.~~

(3) If a student fails to timely complete the subsequent final examination as required by this subsection, the student shall be automatically dropped from the course with no credit.

(4) A student who fails the final course examination a second time is required to retake the course and the final course examination.

(j) Course completion certificate.

(1) Upon successful completion of a qualifying course, a provider shall issue a course completion certificate. The course completion certificate shall include:

- (A) the provider's name and approval number;
- (B) the instructor's name;
- (C) the course title;
- (D) course numbers;
- (E) the number of classroom credit hours;
- (F) the course delivery method;
- (G) the dates the student began and completed the course; and
- (H) the printed name and signature of an official of the provider on record with the Commission.

(2) A provider may withhold any official completion documentation required by this subsection from a student until the student has fulfilled all financial obligations to the provider.

(3) A provider shall maintain adequate security against forgery for official completion documentation required by this subsection.

(k) Instructor and course evaluations.

(1) A provider shall provide each student enrolled in a course with an instructor and course evaluation form or provide a link to an online version of the form that a student can complete and submit any time after course completion.

(2) An instructor may not be present when a student is completing the evaluation form and may not be involved in any manner with the evaluation process.

(3) When evaluating an instructor or course, a provider shall use all of the questions from the evaluation form approved by the Commission, in the same order as listed on that form. A provider may add additional questions to the end of the Commission evaluation questions or request the students to also complete the provider's evaluation form.

(4) A provider shall maintain any comments made by the provider's management relevant to instructor or course evaluations with the provider's records.

(5) At the Commission's request, a provider shall produce instructor and course evaluation forms for inspection by Commission staff.

(l) Maintenance of records for a provider of qualifying courses.

(1) A provider shall maintain records of each student enrolled in a course for a minimum of four years following completion of the course, including course and instructor evaluations and student enrollment agreements.

(2) A provider shall maintain financial records sufficient to reflect at any time the financial condition of the school.

(3) A school's financial statement and balance sheets must be available for audit by Commission staff, and the Commission may require presentation of financial statements or other financial records.

(4) All records may be maintained electronically but must be in a common format that is legible and easily printed or viewed without additional manipulation or special software.

(m) Changes in ownership or operation of an approved provider of qualifying courses.

(1) An approved provider shall obtain the approval of the Commission at least 30 days in advance of any material change in the operations of the provider by submitting the Qualifying Education Provider Supplement Application using a process acceptable to the Commission, including but not limited to changes in:

- (A) operations or records management; and
- (B) the location of the main office and any other locations where courses are offered.

(2) An approved provider requesting approval of a change in ownership shall provide all of the following information or documents using a process acceptable to the Commission:

- (A) an Education Provider Application reflecting all required information for each owner and the required fee;
- (B) a Principal Information Form for each proposed new owner who holds at least 10% interest in the school;
- (C) financial documents to satisfy standards imposed by §535.61 of this subchapter (relating to Approval of Providers of Qualifying Courses), including a \$20,000 surety bond for the proposed new owner; and
- (D) business documentation reflecting the change.

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

Filed with the Office of the Secretary of State on May 8, 2025.

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Abby Lee

General Counsel

Texas Real Estate Commission

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 936-3057



**22 TAC §§535.61, 535.62, 535.64, 535.66**

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.61, Approval of Providers of Qualifying Courses; §535.62, Approval of Qualifying Courses; §535.64, Content Requirements for Qualifying Real Estate Courses; and §535.66, Credit for Courses Offered by Accredited Colleges or Universities, in Chapter 535, General Provisions.

The proposed changes are made as a result of the agency's license management system project. First, because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, rule language is clarified to reflect this change. Secondly, because of license management system

project requirements, the proposed changes to §535.62(g)(3) clarify that a course approved for additional delivery methods under subsection(a)(3) expires on the same date as that of the originally approved course. This subsection also includes a proposed terminology change for consistency.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendments are in effect, the amendments will not:

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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101 and 1102. No other statute, code or article is affected by the proposed amendments.

*§535.61. Approval of Providers of Qualifying Courses.*

(a) Application for approval.

(1) Unless otherwise exempt under subsection (b) of this section, a person desiring to be approved by the Commission to offer real estate, easement or right-of-way, or real estate inspection qualifying courses shall:

(A) file an application using a process ~~[on the appropriate form approved by]~~ acceptable to the Commission, with all required documentation;

(B) submit the required fee under §535.101 of this chapter (relating to Fees) or §535.210 of this chapter (relating to Fees);

(C) submit the statutory bond or other security acceptable to the Commission under §1101.302 of the Act; and

(D) maintain a fixed office in the state of Texas or designate a resident of this state as attorney-in-fact to accept service of process and act as custodian of any records in Texas which the provider is required to maintain by this subchapter.

(2) The Commission may:

(A) request additional information be provided to the Commission relating to an application; and

(B) terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Commission mails the request.

(3) An approved provider is permitted to offer courses in real estate, easement or right-of-way, and real estate inspection that have been approved by the Commission.

(b) Exempt Providers.

(1) The following persons may submit real estate qualifying courses for approval for credit in §535.62(i) of this subchapter (relating to Approval of Qualifying Courses) without becoming an approved provider of qualifying courses:

(A) a person approved by a real estate regulatory agency to offer qualifying real estate courses in another state that has approval requirements for providers that are substantially equivalent to the requirements for approval in this state;

(B) an accredited college or university in accordance with §535.66 of this subchapter (relating to Credit for Courses Offered by Accredited Colleges or Universities) where courses are offered in accordance with national or regional accreditation standards;

(C) a post-secondary educational institution established in and offering qualifying real estate courses in another state;

(D) a United States armed forces institute; and

(E) a nationally recognized professional designation institute or council in the real estate industry.

(2) The following persons may submit real estate inspector qualifying courses for approval for credit under §535.62(i) of this subchapter without becoming an approved provider of qualifying courses:

(A) a provider approved by an inspector regulatory agency of another state that has approval requirements for providers that are substantially equivalent to the requirements for approval in this state;

(B) an accredited college or university in accordance with §535.66 of this subchapter where courses are offered in accordance with national or regional accreditation standards;

(C) a United States armed forces institute;

(D) a unit of federal, state or local government;

(E) a nationally recognized building, electrical, plumbing, mechanical or fire code organization;

(F) a professional trade association in the inspection field or in a related technical field; or

(G) an entity whose courses are approved and regulated by an agency of this state.

(3) The following persons may submit easement or right-of-way qualifying courses for approval for credit in §535.62(i) of this subchapter without becoming an approved provider of qualifying courses:

(A) an accredited college or university in accordance with §535.66 of this subchapter where courses are offered in accordance with national or regional accreditation standards; and

(B) a United States armed forces institute.

(c) Standards for approval. To be approved as a provider by the Commission, the applicant must meet the following standards:

(1) the applicant must satisfy the Commission as to the applicant's ability to administer courses with competency, honesty, trustworthiness and integrity. If the applicant proposes to employ another person to manage the operation of the applicant, that person must meet this standard as if that person were the applicant;

(2) the applicant must demonstrate that the applicant has sufficient financial resources to conduct its proposed operations on a continuing basis without risk of loss to students taking courses; and

(3) that any proposed facilities will be adequate and safe for conducting courses.

(d) Financial review. An applicant shall provide the following information to enable the Commission to determine if an applicant has sufficient financial resources to conduct its proposed operations:

(1) business financial statements prepared in accordance with generally accepted accounting principles, which shall include a current income statement and balance sheet;

(2) a proposed budget for the first year of operation; and

(3) a market survey indicating the anticipated enrollment for the first year of operation.

(e) Insufficient financial condition. The existence of any of the following conditions shall constitute prima facie evidence that an applicant's financial condition is insufficient:

(1) nonpayment of a liability when due, if the balance due is greater than 5% of the approved provider's current assets in the current or prior accounting period;

(2) nonpayment of three or more liabilities when due, in the current or prior accounting period, regardless of the balance due for each liability;

(3) a pattern of nonpayment of liabilities when due, in two or more accounting periods, even if the liabilities ultimately are repaid;

(4) a current ratio of less than 1.75 for the current or prior accounting period, this ratio being total current assets divided by total current liabilities;

(5) a quick ratio of less than 1.60 for the current or prior accounting period, this ratio being the sum of all cash equivalents, marketable securities, and net receivables divided by total current liabilities;

(6) a cash ratio of less than 1.40 for the current or prior accounting period, this ratio being the sum of cash equivalents and marketable securities divided by total current liabilities;

(7) a debt ratio of more than .40 for the current or prior accounting period, this ratio being total liabilities divided by total assets;

(8) a debt-to-equity ratio of greater than .60 for the current or prior accounting period, this ratio being total liabilities divided by owners' or shareholders' equity;

(9) a final judgment obtained against the approved provider for nonpayment of a liability which remains unpaid more than 30 days after becoming final; or

(10) the execution of a writ of garnishment on any of the assets of the approved provider.

(f) Approval notice. An applicant shall not act as or represent itself to be an approved provider until the applicant has received written notice of approval from the Commission.

(g) Period of initial approval. The initial approval of a provider of qualifying courses is valid for four years.

(h) Statutory bond or other security. An approved provider whose statutory bond or other security has been cancelled will be placed on inactive status until the bond or security is reinstated.

(i) Payment of an annual operation fee.

(1) An approved provider shall submit the Commission approved form and pay an annual operation fee prescribed by §535.101 of this chapter no later than the last day of the month of each anniversary date of the provider's approval.

(2) An approved provider who fails to pay the annual operation fee as prescribed shall be placed on inactive status and notified in writing by the Commission.

(3) The approved provider will remain on inactive status and unable to offer courses until the annual fee is paid.

(4) The Commission will not give credit for courses offered by a provider on inactive status.

(j) Denial of application.

(1) If the Commission determines that an applicant does not meet the standards for approval, the Commission will provide written notice of denial to the applicant.

(2) The denial notice, applicant's request for a hearing on the denial, and any hearing are governed by the Administrative Procedure Act, Chapter 2001, Texas Government Code, and Chapter 533 of this title (relating to Practice and Procedure).

(k) Renewal.

(1) A provider may not enroll a student in a course during the 60-day period immediately before the expiration of the provider's current approval unless the provider has submitted an application for renewal for another four year period not later than the 60th day before the date of expiration of its current approval.

(2) Approval or disapproval of a renewal shall be subject to:

(A) the standards for initial applications for approval set out in this section; and

(B) whether the approved provider has met or exceeded the exam passage rate benchmark established by the Commission under subsection (l) of this section.

(3) The Commission will not require a financial review for renewal if the applicant has provided a statutory bond or other security acceptable to the Commission under §1101.302 of the Act, and there are no unsatisfied final money judgments against the applicant.

(4) The Commission may deny an application for renewal if the provider is in violation of a Commission order.

(l) Exam passage rates and benchmark.

(1) The exam passage rate for an approved provider shall be:

(A) calculated for each license category for which the provider offers courses and an examination is required; and

(B) displayed on the Commission website by license category.

(2) A student is affiliated with a provider under this subsection if the student took the majority of his or her qualifying education with the provider in the two year period prior to taking the exam for the first time.

(3) The Commission will calculate the exam passage rate of an approved provider on a monthly basis, rounded to two decimal places on the final calculated figure, by:

(A) determining the number of students affiliated with that approved provider who passed the examination on their first attempt in the two-year period ending on the last day of the previous month; and

(B) dividing that number by the total number of students affiliated with that provider who took the exam for the first time during that same period.

(4) For purposes of approving a renewal application under subsection (j) of this section, the established exam passage rate benchmark for each license category is 80% of the average percentage of the total examinees for that license category who passed the examination on the first attempt in the two year period ending on the last day of the previous month.

(5) If at the time the Commission receives a renewal application from the provider requesting approval for another four year term, the provider's exam passage rate does not meet the established benchmark for a license category the provider will be:

(A) denied approval to continue offering courses for that license category if the provider's exam passage rate is less than 50% of the average percentage of the total examinees for that license category who passed the examination on the first attempt in the two year period ending on the last day of the previous month; or

(B) placed on probation by the Commission if the provider's exam passage rate is greater than 50% but less than 80% of the average percentage of the total examinees for that license category who passed the examination on the first attempt in the two year period ending on the last day of the previous month.

(6) The exam passage rate of a provider on probation will be reviewed annually at the time the annual operating fee is due to determine if the provider can be removed from probation, remain on probation or have its license revoked, based on the criteria set out in paragraph (5) of this subsection.

#### *§535.62. Approval of Qualifying Courses.*

(a) Application for approval of a qualifying course.

(1) For each qualifying course a provider intends to offer, the provider must:

(A) submit the course application and course approval forms, including all materials required using a process acceptable to the Commission; and

(B) pay the fee required by §535.101 or §535.210 of this title.

(2) A provider may file a single application for a qualifying course offered through multiple delivery methods. A fee is required for content and examination review of each qualifying course and for each distinct delivery method utilized by a provider for that course.

(3) A provider who seeks approval of a new delivery method for a currently approved qualifying course must submit a new application and pay all required fees, including a fee for content and examination review.

(4) The Commission may:

(A) request additional information be provided to the Commission relating to an application;

(B) terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Commission mails the request; and

(C) prior to approval of a proposed qualifying real estate inspector course, submit the course to the Texas Real Estate Inspector Committee for review and recommendation.

(b) Standards for course approval. To be approved as a qualifying course by the Commission, a provider must satisfy the Commission that the course:

(1) covers all topics and units for the course subject required by the Act, Chapter 1102 and this chapter;

(2) covers all units within the prescribed topic;

(3) contains sufficient content to satisfy the number of hours for which credit is being requested as evidenced by:

(A) word count studies;

(B) samples of student time studies; or

(C) other methods acceptable to the Commission;

(4) will be scheduled for the full clock hours of time for which credit is awarded and presented in full hourly units;

(5) does not have daily course segments that exceed 12 hours;

(6) will be delivered by one of the following delivery methods:

(A) classroom delivery;

(B) distance education delivery; or

(C) a combination of (A) and (B) of this paragraph, if at least 50% of the combined course is offered by classroom delivery;

(7) include at a minimum, the following methods to assess a student's comprehension of the course material:

(A) topic quizzes, with at least three questions related to the subject matter in each course topic;

(B) at least one scenario-based learning exercise per every increment of 10 credit hours or less; and

(C) if the course is delivered by distance education delivery:

(i) prevent the student from moving from one topic to the next topic until the student answers all topic quiz questions correctly and receives a passing grade on the scenario based learning exercises; and

(ii) for quiz questions answered incorrectly, employ a method to present the rationale behind the correct answer and ask a subsequent related quiz question that will count toward passing the topic if answered correctly; and

(8) include at least four versions of a final examination, and ensure that each version of the examination:

(A) covers each topic required by the Act or Rules for the specific course;

(B) does not contain any true/false questions;

(C) does not repeat more than one third of the questions from other versions of the final examination;

(D) for all qualifying courses other than a real estate math course:

(i) consists of at least two questions per credit course hour; and

(ii) draws from a question bank consisting of at least four questions per credit course hour; and

(E) for all qualifying real estate math courses, consists of at least 20 questions that are drawn from a question bank consisting of at least 40 questions.

(c) If the course is currently certified by a distance learning certification center acceptable to the Commission, the provider will be deemed to have met requirements for verification of clock/course hours for distance education delivery.

(d) Approval of currently approved courses by a secondary provider.

(1) If a secondary provider wants to offer a course currently approved for another provider, the secondary provider must:

(A) submit, using a process acceptable to the Commission:

(i) the course application and approval forms including all materials required; and

(ii) ~~[(B) submit written]~~ authorization to the Commission from the owner of the rights to the course material granting permission for the secondary provider to offer the course; and

(B) ~~[(C)]~~ pay the fee required by §535.101 or §535.210 of this title.

(2) If approved to offer the previously approved course, the secondary provider is required to:

(A) offer the course as originally approved, assume the original expiration date, include any approved revisions, use all materials required for the course; and

(B) meet the requirements of §535.65 of this title.

(e) Required revision of a currently approved qualifying course.

(1) Providers are responsible for keeping current on changes to the Act and Commission Rules and must revise or supplement materials for approved courses when changes are adopted on or before the effective date of those statutes or rules.

(2) If the Commission adopts new requirements for a course, including but not limited to a course approval form that divides selected qualifying course subjects into topics and units, the Commission will determine, at the time the Commission adopts the new requirements, whether a provider must revise the course or

supplement the course. Any provider currently offering a course that is subject to change must:

(A) revise or supplement any currently approved classroom qualifying course covering that subject no later than 12 months after the effective date of the new requirements; and

(B) revise or supplement any currently approved qualifying course offered by distance or combination delivery no later than 15 months after the effective date of the new requirements.

(3) If the Commission determines that a qualifying course should be supplemented, a provider must submit the supplemental materials required by the Commission. No fee will be required and the course will maintain its original expiration date.

(4) If the Commission determines that a qualifying course should be revised, a provider must:

(A) submit the course application and approval forms including all materials required using a process acceptable to the Commission; and

(B) pay the fee required by §535.101 or §535.210 of this title.

(5) A provider may not offer a course for qualifying credit after the deadlines established by this subsection following a required revision or supplement if the provider has not received written approval from the Commission to offer the revised or supplemented course.

(6) If a provider paid a fee for the initial course approval, the provider will receive a prorated credit on the fee paid under this subsection for a revised course for the unexpired time remaining on that initial approval. The Commission will calculate the prorated credit by dividing the fee paid for the initial approval by 48 months and multiplying that amount by the number of full months remaining between the approval date of the revised course and the expiration date of the currently approved version of the course.

(7) A revised course approved under this subsection expires four years from the date of approval of the revision.

(8) No later than 90 days before the effective date of a revised or supplemented course, a provider shall send written notice to all students who have purchased the currently approved course and not completed it, that credit will no longer be given for the current course as of the effective date of the revised or supplemented course.

(9) If an approved provider fails to give the notice set out in paragraph (8) of this subsection, the provider shall allow the student to take the revised or supplemented course at no additional charge.

(f) Voluntary revision of a currently approved qualifying course.

(1) A provider who voluntarily revises a currently approved course, shall, prior to implementation of any course materials:

(A) file any updated course materials and revisions of the course outline with the Commission; and

(B) pay the fee required by §535.101 and §535.210 of this title.

(2) If after review the Commission is not satisfied with the updated course materials and revised course outline, the Commission may direct a provider to:

(A) further revise the materials;

(B) cease use of materials; or

(C) withdraw a course text.

(3) If a provider paid a fee for the initial course approval, the provider will receive a prorated credit on the fee paid under this subsection for the unexpired time remaining on that initial approval. The Commission will calculate the prorated credit by dividing the fee paid for the initial approval by 48 months and multiplying that amount by the number of full months remaining between the approval date of the revised course and the expiration date of the currently approved version of the course.

(4) A revised course approved under this subsection expires four years from the date of approval of the revision.

(5) No later than 90 days before the effective date of a revised course, a provider shall send written notice to all students who have purchased the currently approved course and not completed it, that credit will no longer be given for the current course as of the effective date of the revised course.

(6) If an approved provider fails to give the notice set out in paragraph (5) of this subsection, the provider shall allow the student to take the revised course at no additional charge.

(g) Approval and Expiration of approval.

(1) A Qualifying provider shall not offer qualifying education courses until the provider has received written notice of the approval from the Commission.

(2) A Qualifying course expires four years from the date of approval and providers must reapply and meet all current requirements of this Section to offer the course for another four years.

(3) Courses approved for use by a secondary [subsequent] provider under subsection (d) of this section or approved for additional delivery methods under subsection (a)(3) of this section expire on the same date that the originally approved course expires.

(h) Renewal of course approval.

(1) Not earlier than 90 days before the expiration of a course approval, a provider may apply for a renewal of course approval for another four-year period.

(2) Approval of an application to renew course approval shall be subject to the standards for initial approval set out in this section.

(3) The Commission may deny an application to renew course approval if the provider is in violation of a Commission order.

(i) Course preapproval for exempt providers.

(1) Providers exempt from approval by the Commission may submit courses to the Commission for preapproval by meeting the standards for course approval under this section, including submitting all applicable forms and fees.

(2) Any course offered by an exempt provider without preapproval by the Commission will be evaluated by the Commission to determine whether it qualifies for credit at such time as a student submits a course completion certificate to the Commission for credit.

(3) The Commission will determine whether or not a course offered by an exempt provider without preapproval by the Commission qualifies for credit using the standards set out under this section.

(4) An exempt provider may not represent that a course qualifies for credit by the Commission unless the exempt provider receives written confirmation from the Commission that the course has been preapproved for credit.

§535.64. *Content Requirements for Qualifying Real Estate Courses.*

(a) Mandatory qualifying courses. To be approved by the Commission, the following mandatory qualifying courses must contain the content outlined below:

(1) Principles of Real Estate I shall contain the topics and units outlined in the PRINS 1-1, Qualifying Real Estate Course Approval Form, Principles of Real Estate I, hereby adopted by reference.

(2) Principles of Real Estate II shall contain the topics and units outlined in the PRINS 2-1, Qualifying Real Estate Course Approval Form, Principles of Real Estate II, hereby adopted by reference.

(3) Law of Agency shall contain the topics and units outlined in the LOA-1, Qualifying Real Estate Course Approval Form, Law of Agency, hereby adopted by reference.

(4) Law of Contracts shall contain the topics and units outlined in the LOC-0, Qualifying Real Estate Course Approval Form, Law of Contracts, hereby adopted by reference.

(5) Promulgated Contract Forms shall contain the topics and units outlined in the PCF-0, Qualifying Real Estate Course Approval Form, Promulgated Contract Forms, hereby adopted by reference.

(6) Real Estate Finance shall contain the topics and units outlined in the REF-0, Qualifying Real Estate Course Approval Form, Real Estate Finance, hereby adopted by reference.

(7) Real Estate Brokerage (mandatory for a broker's license) shall contain the topics and units outlined in the REB-1, Qualifying Real Estate Course Approval Form, Real Estate Brokerage, hereby adopted by reference.

(b) Elective qualifying courses. To be approved by the Commission, the following elective qualifying courses must contain the content outlined below.

(1) Residential Property Management shall contain the topics and units outlined in the PROP-M-1, Qualifying Real Estate Course Approval Form, Residential Property Management, hereby adopted by reference.

(2) Real Estate Marketing shall contain the topics and units outlined in the REM-0, Qualifying Real Estate Course Approval Form, Real Estate Marketing, hereby adopted by reference.

(3) Real Estate Math shall contain the topics and units outlined in the REMath-0, Qualifying Real Estate Course Approval Form, Real Estate Math, hereby adopted by reference.

(4) Real Estate Appraisal shall contain the topics outlined in the REA-0, Qualifying Real Estate Course Approval Form, Real Estate Appraisal, hereby adopted by reference.

(5) Real Estate Investment shall contain the topics outlined in the REI-0, Qualifying Real Estate Course Approval Form, Real Estate Investment, hereby adopted by reference.

(6) Real Estate Law shall contain the topics outlined in the REL-0, Qualifying Real Estate Course Approval Form, Real Estate Law, hereby adopted by reference.

(7) Residential Inspection for Real Estate Agents shall contain the outlined in the RIREA-0, Qualifying Real Estate Course Approval Form, Residential Inspection for Real Estate Agents, hereby adopted by reference.

(8) A 30 hour advanced course on any qualifying course subject matter or a combination of several different qualifying course subject matter topics as set out in subsections (a) and (b) of this section.

(c) Course Approval forms. All forms adopted by this section are available from the Texas Real Estate Commission at [5 P.O. Box 12188, Austin, Texas 78711-2188,] [www.trec.texas.gov](http://www.trec.texas.gov).

*§535.66. Credit for Courses Offered by Accredited Colleges or Universities.*

(a) For the purposes of this section, an "accredited college or university" is defined as a college or university accredited by a regional accrediting association, such as the Commission on Colleges of the Southern Association of Colleges and Schools, or by a recognized national or international accrediting body.

(b) Exemption. Pursuant to §1101.301, Texas Occupations Code, the Commission does not approve qualifying educational programs or courses of study in real estate and real estate inspection offered by an accredited college or university; however, the Commission has the authority to determine whether a real estate or real estate inspection course satisfies the requirements of the Act and Chapter 1102.

(c) Credit for real estate courses offered by an accredited college or university. To be eligible to receive credit by the Commission, qualifying courses offered by an accredited college or university must meet the following requirements:

(1) cover the subject and topics listed in §1101.003, Texas Occupations Code, or §535.64 of this subchapter (relating to Content Requirements for Qualifying Real Estate Courses); and

(2) comply with the curriculum accreditation standards required of the college or university by the applicable accreditation association for verification of clock/course hours, design and delivery method.

(d) Credit for real estate inspector courses offered by an accredited college or university. To be eligible to receive credit by the Commission, qualifying courses offered by an accredited college or university must meet the following requirements:

(1) meet the subject and topic definitions set out in §1102.001(5), Texas Occupations Code, as clarified by the Commission in §535.213 of this chapter (relating to Qualifying Real Estate Inspector Instructors and Courses); and

(2) comply with the curriculum accreditation standards required of the college or university by the applicable accreditation association for verification of clock/course hours, design and delivery method.

(3) any courses offered to fulfill the substitute experience requirements allowed under §1102.111 must meet the requirements set out in §535.214 of this chapter (relating to Education and Experience Requirements for a License).

(e) Credit for easement or right-of-way courses offered by an accredited college or university. To be eligible to receive credit by the Commission, qualifying courses offered by an accredited college or university must meet the following requirements:

(1) cover the subject and topics set out in §1101.509, Occupations Code, in substantially the same manner as clarified by the Commission in §535.68 of this subchapter (relating to Content Requirements for Easement or Right-of-Way Qualifying Course); and

(2) comply with the curriculum accreditation standards required of the college or university by the applicable accreditation association for verification of clock/course hours, design, and delivery method.

(f) Preapproval of a course offered under subsections (c), (d), or (e).

(1) An accredited college and university may submit qualifying courses to the Commission for preapproval by using a process acceptable to [filing a form approved by] the Commission.

(2) Any course offered by an accredited college or university without preapproval by the Commission will be evaluated by the Commission, using the standards set out in this section, to determine whether it qualifies for credit at such time as a student submits a transcript with the course to the Commission for credit.

(3) An accredited college or university may not represent that a course qualifies for credit by the Commission unless the accredited college or university receives written confirmation from the Commission that the course has been preapproved for credit.

(g) Required approval of qualifying courses not offered under subsections (c), (d), or (e) of this section or that are not subject to academic accreditation standards.

(1) To be eligible for credit from the Commission, a qualifying course offered by an accredited college and university that is not offered under subsections (c), (d), or (e) of this section or that is not subject to academic accreditation standards is required to be submitted for approval by the Commission in accordance with §535.62 of this subchapter (relating to Approval of Qualifying Courses), including payment of any fee required.

(2) An accredited college or university may not represent that a course qualifies for credit by the Commission unless the accredited college or university receives written confirmation from the Commission that the course has been approved.

(h) Complaints and audits.

(1) If the Commission receives a complaint, or is presented with other evidence acceptable to the Commission, alleging that an accredited college or university is not in compliance with their accreditation association's curriculum accreditation standards for a real estate, easement or right-of-way, or real estate inspection course offered under subsections (c), (d), or (e) of this section, or is not complying with the requirements of this subchapter for a real estate, easement or right-of-way, or real estate inspection course not offered under subsections (c), (d), or (e) of this section, the Commission may investigate the allegation and/or anonymously audit the course in question.

(2) If after an investigation and/or audit, the Commission determines that an accredited college or university is not in compliance with their accreditation association's curriculum accreditation standards for a real estate, easement or right-of-way, or real estate inspection course offered under subsections (c), (d), or (e), or is not complying with the requirements of this subchapter for a real estate, easement or right-of-way, or real estate inspection course not offered under subsections (c), (d), or (e) of this section, the Commission will no longer issue credit to applicants for that course.

(i) Required approval of CE program and courses. An accredited college or university is not exempt from approval for real estate and real estate inspection CE programs and courses and must comply with all requirements for approval for providers, courses and instructors required by Subchapter G of this chapter.

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

Filed with the Office of the Secretary of State on May 8, 2025.

TRD-202501569





## SUBCHAPTER G. REQUIREMENTS FOR CONTINUING EDUCATION PROVIDERS, COURSES AND INSTRUCTORS

### 22 TAC §535.70, §535.72

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.70, Definitions, and §535.72, Approval of Non-elective Continuing Education Courses.

The proposed amendment to §535.70 removes the definition of "proctor." The proposed amendments to §535.72(g)(3)(B) remove the proctoring requirement for inspector non-elective continuing education course examinations for distance education delivery and make clarifying changes for rule consistency. Both changes were recommended out of concerns that: (i) the exam proctoring requirement was unnecessary; and (ii) the requirements generally are overly burdensome.

The proposed changes to §535.72(h)(1) are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

The proposed amendments were recommended by the Education Standards Advisory Committee and the Texas Real Estate Inspector Committee.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the sections as proposed are in effect, the public benefit anticipated will be improved clarity and integrity in rule and processes for members of the public, including students, as well as education providers.

For each year of the first five years the proposed amendments are in effect the amendments will not:

- create or eliminate a government program;
- require the creation of new employee positions or the elimination of existing employee positions;
- require an increase or decrease in future legislative appropriations to the agency;
- require an increase or decrease in fees paid to the agency;
- create a new regulation;

-expand, limit or repeal an existing regulation;

-increase or decrease the number of individuals subject to the rule's applicability; or

-positively or adversely affect the state's economy.

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101 and 1102. No other statute, code or article is affected by the proposed amendments.

#### *§535.70. Definitions.*

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

(1) Broker Responsibility Course--The course required by §1101.458 of the Act.

(2) CE--Continuing education.

(3) CE instructor--A person chosen by a provider to teach continuing education courses.

(4) CE provider--Any person approved by the Commission; or specifically exempt by the Act, Chapter 1102, Texas Occupation Code, or Commission rule; that offers a course for which continuing education credit may be granted by the Commission to a license holder or applicant.

(5) Classroom delivery--A method of course delivery where the instructor and students interact face to face and in real time, in either the same physical location, or through the use of technology.

(6) Distance education delivery--A method of course delivery other than classroom delivery, including online and correspondence delivery.

(7) Combination delivery--A combination of classroom and distance education where at least 50% of the course is offered through classroom delivery.

(8) Elective CE course--A continuing education course, other than a Non-elective CE course, approved by the Commission as acceptable to fulfil the continuing education hours needed to renew a license.

(9) Non-elective CE course--A continuing education course, for which the subject matter of the course is specifically mandated by the Act, Chapter 1102, or Commission rule, that a license holder is required to take prior to renewal of a license.

(10) Legal Update Courses--Required courses created for and approved by the Texas Real Estate Commission to satisfy the eight hours of continuing education required by §1101.455 of the Act.

(11) Person--Any individual, partnership, corporation, or other legal entity, including a state agency or governmental subdivision.

~~[(12) Proctor--A person who monitors a final examination for a course offered by a provider under the guidelines contained in this section. A proctor may be a course instructor, the provider, an employee of a college or university testing center, a librarian, or other person approved by the Commission.]~~

*§535.72. Approval of Non-elective Continuing Education Courses.*

(a) General requirements.

(1) The non-elective continuing education courses must be conducted as prescribed by the rules in this subchapter.

(2) Elective continuing education courses are approved and regulated under §535.73 of this subchapter (relating to Approval of Elective Continuing Education Courses).

(b) Application for approval to offer non-elective real estate or inspector CE courses.

(1) A CE provider seeking to offer a specific non-elective real estate or inspector CE course as outlined in this section shall:

(A) for a non-elective real estate course:

(i) submit a Real Estate Non-Elective Continuing Education CE Course Application to the Commission; and

(ii) pay the fee required by §535.101 of this chapter (relating to Fees); and

(B) for a non-elective real estate inspection course:

(i) submit an Inspector Non-Elective Continuing Education CE Course Application to the Commission; and

(ii) pay the fee required by §535.210 of this chapter (relating to Fees).

(2) A provider may file a single application for a CE course offered through multiple delivery methods. A fee is required for content review of each CE course and for each distinct delivery method utilized by a provider for that course.

(3) A provider who seeks approval of a new delivery method for a currently approved CE course must submit a new application, and pay all required fees, including a fee for content review.

(4) The Commission may:

(A) request additional information be provided to the Commission relating to an application; and

(B) terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Commission mails the request.

(c) Commission approval of non-elective course materials. Every two years, the Commission shall approve subject matter and course materials to be used for the following non-elective continuing education courses:

(1) a four-hour Legal Update I: Laws, Rules and Forms course;

(2) a four-hour Legal Update II: Agency, Ethics and Hot Topics course;

(3) a six-hour Broker Responsibility course; and

(4) an eight-hour Inspector Legal and Ethics and Standards of Practice Review course.

(d) Course expiration.

(1) Each legal update course expires on December 31 of each odd-numbered year.

(2) Each broker responsibility course expires on December 31 of each even-numbered year.

(3) Each Inspector Legal and Ethics and Standards of Practice Review course expires on August 31 of each odd-numbered year.

(e) Delivery method. Non-elective CE courses must be delivered by one of the following delivery methods:

(1) classroom delivery;

(2) distance education delivery; or

(3) a combination of (1) and (2) of this subsection if at least 50% of the combined course is offered by classroom delivery.

(f) Except as provided in this section, non-elective CE courses must meet the presentation requirements of §535.65(g) of this chapter (relating to Responsibilities and Operations of Providers of Qualifying Courses). The provider must submit a course completion roster in accordance with §535.75(d) of this subchapter (relating to Responsibilities and Operations of Continuing Education Providers). Non-elective real estate courses are designed by the Commission for interactive classroom delivery. Acceptable demonstration of methods to engage students in interactive discussions and activities to meet the course objectives and time requirements are required for approval.

(g) Course examinations. A provider must administer a final examination promulgated by the Commission for non-elective CE courses.

(1) Real estate non-elective CE courses. The examination will be included in course instruction time. Each student will complete the examination independently followed by a review of the correct answers by the instructor. There is no minimum passing grade required to receive credit.

(2) Inspector non-elective CE courses for classroom delivery.

(A) The examination will be given as a part of class instruction time with each student answering the examination questions independently followed by a review of the correct answers by the instructor.

(B) A student is not required to receive a passing grade on the examination to receive course credit.

(3) Inspector non-elective CE courses for distance education delivery.

(A) An examination is required after completion of regular course work.

(B) The examination must be:

~~[(i) proctored by a member of the provider faculty or staff, or third party proctor set out in §535.65(h)(5) of this chapter, who is present at the test site and has positively identified that the student taking the examination is the student who registered for and took the course; or]~~

~~[(ii) administered [using a computer] under conditions [that satisfy the Commission] that ensure the student taking the examination is the student who registered for and took the course; and~~

~~[(iii) kept confidential.~~

(C) A provider may permit a student to take one subsequent final examination if the student fails the initial final examination. The subsequent final examination must be:

- (i) different from the initial final examination; and
- (ii) completed no later than the 30th day after the date the original course concludes.

(D) Credit will not be awarded to a student for a course where the student receives a pass rate on a final examination or subsequent final exam below 70%.

(E) A student who fails the subsequent final course examination is required to retake the course and the final course examination.

(h) Approval of currently approved courses by a secondary provider.

(1) If a CE provider wants to offer a course currently approved for another provider, that secondary provider must:

(A) submit, using a process acceptable to the Commission:

and

(ii) ~~[(B) submit written]~~ authorization to the Commission from the provider for whom the course was initially approved granting permission for the subsequent provider to offer the course; and

~~(B) [(C)]~~ pay the fee required by §535.101 of this chapter or §535.210 of this chapter.

(2) If approved to offer the currently approved course, the secondary provider is required to:

(A) offer the course as originally approved, assume the original expiration date, include any approved revisions, use all materials required for the course; and

(B) meet the requirements of §535.75 of this subchapter.

(i) Approval notice. A CE Provider shall not offer non-elective continuing education courses until the provider has received written notice of the approval from the Commission.

(j) Required revision of a currently approved non-elective CE course. Providers are responsible for keeping current on changes to the Act and Commission rules and must supplement materials for approved non-elective CE courses to present the current version of all applicable statutes and rules on or before the effective date of those changes.

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

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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



**22 TAC §§535.71, 535.73, 535.75**

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.71, Approval of CE Providers; §535.73, Approval of Elective Continuing Education Courses; and §535.75, Responsibilities and Operations of Continuing Education Providers, in Chapter 535, General Provisions.

The proposed changes are made, in part, as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, rule language is clarified to reflect this change.

The proposed changes to §535.75(d)(1) remove the specific requirements for a distance education delivery course completion roster. This requirement is no longer necessary because of the Commission's continuing education posting system. Additionally, language in subsection (d)(1)(B)(viii) and (d)(1)(C) is being removed to better reflect agency process and requirements.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendments are in effect, the amendments will not:

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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101 and 1102. No other statute, code or article is affected by the proposed amendments.

*§535.71. Approval of CE Providers.*

(a) Application for approval.

(1) A person desiring to be approved by the Commission to offer real estate, easement or right-of-way, or real estate inspection continuing education courses shall:

(A) file an application using a process acceptable to ~~on the appropriate form approved by~~ the Commission, with all required documentation;

(B) submit the required fee under §535.101 of this chapter (relating to Fees) or §535.210 of this chapter (relating to Fees); and

(C) maintain a fixed office in the state of Texas or designate a resident of this state as attorney-in-fact to accept service of process and act as custodian of any records in Texas which the continuing education provider is required to maintain by this subchapter.

(2) The Commission may:

(A) request additional information be provided to the Commission relating to an application; and

(B) terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Commission sends the request.

(3) A CE provider is permitted to offer continuing education courses in real estate, easement or right-of-way, and real estate inspector that have been approved by the Commission.

(b) Standards for approval. To be approved by the Commission to offer real estate, easement or right-of-way, or real estate inspector continuing education courses, the applicant must satisfy the Commission as to the applicant's ability to administer courses with competency, honesty, trustworthiness, and integrity. If the applicant proposes to employ another person to manage the operation of the applicant, that person must meet this standard as if that person were the applicant.

(c) Approval notice. An applicant shall not act as or represent itself to be an approved CE provider until the applicant has received written notice of the approval from the Commission.

(d) Period of initial approval. The initial approval of a CE provider is valid for two years.

(e) Denial.

(1) If the Commission determines that an applicant does not meet the standards for approval, the Commission will provide written notice of denial to the applicant.

(2) The denial notice, applicant's request for a hearing on the denial, and any hearing are governed by the Administrative Procedure Act, Chapter 2001, Texas Government Code, and Chapter 533 of this title (relating to Practice and Procedure).

(f) Renewal.

(1) Not earlier than 90 days before the expiration of its current approval, an approved provider may apply for renewal for another two year period.

(2) Approval or disapproval of a renewal application shall be subject to the standards for initial applications for approval set out in this section.

(3) The Commission may deny an application for renewal if the provider is in violation of a Commission order.

*§535.73. Approval of Elective Continuing Education Courses.*

(a) General requirements.

(1) This subsection applies to continuing education providers seeking to offer an elective CE course approved by the Commission.

(2) Non-elective CE courses are approved and regulated under §535.72 of this subchapter (related to Approval of Non-elective Continuing Education Courses).

(b) Application for approval of an elective CE course.

(1) For each continuing education course an applicant intends to offer, the applicant must:

(A) submit the appropriate CE Course Application using a process acceptable to the Commission ~~[form]~~;

(B) pay the fee required by §535.101 (relating to Fees) and §535.210 of this title (relating to Fees); and

(C) submit a timed course outline that includes:

(i) course topics;

(ii) assignments and activities, if applicable;

(iii) topic or unit quizzes, if applicable; and

(iv) the amount of time dedicated for each item listed in clauses (i) - (iii) of this subparagraph.

(2) A provider may file a single application for a CE course offered through multiple delivery methods. A fee is required for content review of each CE course and for each distinct delivery method utilized by a provider for that course.

(3) A provider who seeks approval of a new delivery method for a currently approved CE course must submit a new application and pay all required fees, including a fee for content review.

(4) The Commission may:

(A) request additional information be provided to the Commission relating to an application; and

(B) terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Commission mails the request.

(c) Standards for course approval of elective CE course.

(1) To be approved as an elective CE course by the Commission, the course must:

(A) cover subject matter appropriate for a continuing education course for real estate, easement or right-of-way, or real estate inspection license holders;

(B) be current and accurate; and

(C) be at least one hour long with daily presentations no more than 10 hours long.

(2) A provider must demonstrate that a course meets the requirements under paragraph (1) of this subsection by submitting a statement describing the objective of the course and the relevance of the subject matter to activities for which a real estate, easement or right-of-way, or inspector license is required, including but not limited to relevant issues in the real estate market or topics which increase or support the license holder's development of skill and competence.

(3) The course must be presented in full hourly units.

(4) The course must be delivered by one of the following delivery methods:

- (A) classroom delivery;
- (B) distance education delivery; or

(C) a combination of (A) and (B), if at least 50% of the combined course is offered by classroom delivery.

(d) Approval notice. A CE provider shall not offer elective continuing education courses until the provider has received written notice of the approval from the Commission.

(e) Renewal of elective CE course approval.

(1) An elective CE course expires two years from the date of approval.

(2) Not earlier than 90 days before the expiration of a course approval, a provider may apply for a renewal of course approval for another two-year period.

(3) Approval of an application to renew an elective CE course approval shall be subject to the standards for initial approval set out in this section.

(4) The Commission may deny an application to renew an elective CE course approval if the provider is in violation of a Commission order.

(f) Approval of currently approved courses by a subsequent provider.

(1) If a CE provider wants to offer a course currently approved for another provider, that subsequent provider must:

(A) submit, using a process acceptable to the Commission:

(i) the applicable course approval form(s); and

(ii) ~~[(B) submit written]~~ authorization to the Commission from the owner of the rights to the course material granting permission for the subsequent provider to offer the course; and

~~(B)~~ ~~[(C)]~~ pay the fee required by §535.101 or §535.210 of this title.

(2) If approved to offer the currently approved course, the subsequent provider is required to:

(A) offer the course as originally approved, with any approved revisions, using all materials required for the course; and

(B) meet the requirements of §535.75 of this subchapter (relating to Responsibilities and Operations of Continuing Education Providers).

*§535.75. Responsibilities and Operations of Continuing Education Providers.*

(a) Except as provided by this section, CE providers must comply with the responsibilities and operations requirements of §535.65 of this chapter (relating to Responsibilities and Operations of Providers of Qualifying Courses).

(b) Use of Qualified Instructor.

(1) Except as provided by this subsection, a CE provider must use an instructor that:

(A) is currently qualified under §535.74 of this subchapter (relating to Qualifications for Continuing Education Instructors); and

(B) has expertise in the subject area of instruction and ability as an instructor;

(2) A CE instructor shall teach a course in substantially the same manner represented to the Commission in the instructor's manual or other documents filed with the application for course approval form;

(3) A CE provider may use the services of a guest instructor who is not qualified under §535.74 of this subchapter for real estate, easement or right-of-way, or inspector elective CE courses provided that:

(A) the guest instructor instructs for no more than a total of 50% of the course; and

(B) a CE instructor qualified under §535.74 of this subchapter remains in the classroom during the guest instructor's presentation.

(4) A CE provider may use the services of a guest instructor who is not qualified under §535.74 of this subchapter for 100% of a real estate, easement or right-of-way, or inspector elective CE courses provided that:

(A) The CE provider is:

(i) an accredited college or university;

(ii) a professional trade association that is approved by the Commission as a CE provider under §535.71 of this subchapter (relating to Approval of Continuing Education Providers); or

(iii) an entity exempt under §535.71 of this subchapter; and

(B) the course is supervised and coordinated by a CE instructor qualified under §535.74 of this subchapter who is responsible for verifying the attendance of all who request CE credit.

(c) CE course examinations.

(1) For real estate CE courses, examinations are only required for non-elective CE courses and must comply with the requirements in §535.72(g) of this subchapter (relating to Approval of Non-elective Continuing Education Courses) and have a minimum of four questions per course credit hour.

(2) For inspector CE courses, examinations are only required for CE courses offered through distance education delivery and must comply with the requirements in §535.72(g) of this subchapter and have a minimum of four questions per course credit hour.

(d) Course completion roster. Upon completion of a course, a CE provider shall submit a class roster to the Commission as outlined by this subsection.

(1) ~~[Classroom delivery.]~~

~~[(A)]~~ A provider shall maintain a course completion roster and submit information contained in the roster by electronic means acceptable to the Commission not sooner than the number of course credit hours has passed and not later than the 10th calendar day after the date a course is completed.

(2) ~~[(B)]~~ A course completion roster shall include:

(A) ~~[(i)]~~ the provider's name and license;

(B) ~~[(ii)]~~ a list of all instructors whose services were used in the course;

(C) ~~[(iii)]~~ the course title;

(D) ~~[(iv)]~~ the course numbers;

- (E) [(v)] the number of classroom credit hours;  
(F) [(vi)] the course delivery method; and  
(G) [(vii)] the dates the student started and completed the course.]; and]

~~[(viii)] the signature of an authorized representative of the provider for whom an authorized signature is on file with the Commission.]~~

~~[(C)] The Commission shall not accept unsigned course completion rosters.]~~

~~[(2)] Distance education delivery. A provider shall maintain a Distance Education Reporting form and submit information contained in that form by electronic means acceptable to the Commission, for each student completing the course not sooner than the number of course credit hours has passed after the student starts the course and not later than the 10th calendar day after the student completed the course.]~~

(3) A provider may withhold any official completion documentation required by this subsection from a student until the student has fulfilled all financial obligations to the provider.

(4) A provider shall maintain adequate security against forgery for official completion documentation required by this subsection.

(e) Maintenance of records. Maintenance of CE provider's records is governed by this subsection.

(1) A CE provider shall maintain records of each student enrolled in a course for a minimum of four years following completion of the course, including course and instructor evaluations and student enrollment agreements.

(2) All records may be maintained electronically but must be in a common format that is legible and easily printed or viewed without additional manipulation or special software.

(3) A CE provider shall maintain any comments made by the provider's management relevant to instructor or course evaluations with the provider's records.

(4) Upon request, a CE provider shall produce instructor and course evaluation forms for inspection by Commission staff.

(f) Changes in ownership or operation of an approved CE Provider. Changes in ownership or operation of an approved CE provider are governed by this subsection.

(1) An approved provider shall obtain the approval of the Commission at least 30 days in advance of any material change in the operation of the provider, including but not limited to changes in:

- (A) ownership;
- (B) management; and

(C) the location of the main office and any other locations where courses are offered.

(2) An approved provider requesting approval of a change in ownership shall provide a CE Provider Application including all required information and the required fee.

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

Filed with the Office of the Secretary of State on May 8, 2025.

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Abby Lee

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For further information, please call: (512) 936-3057



## SUBCHAPTER I. LICENSE RENEWAL

### 22 TAC §535.91

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.91, Renewal of a Real Estate License, in Chapter 535, General Provisions.

The proposed change is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change. This includes removing language from subsection (c) that is no longer necessary in light of the online application process and renumbering accordingly, as well as a clarifying change in subsection (b)(1) to simplify the calculation of the time period.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendments are in effect, the amendments will not:

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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101 and 1102. No other statute, code or article is affected by the proposed amendments.

*§535.91. Renewal of a Real Estate License.*

(a) Renewal application.

(1) A real estate license expires on the date shown on the face of the license issued to the license holder.

(2) If a license holder intends to renew an unexpired license, the license holder must, on or before the expiration date of the current license:

(A) file a renewal application using a process acceptable to [through the online process on the Commission's website or on the applicable form approved by] the Commission;

(B) submit the appropriate fee required by §535.101 of this chapter (relating to Fees);

(C) comply with the fingerprinting requirements under the Act; and

(D) except as provided for in subsections (f) and (g) [(g) and (h)] of this section, satisfy the continuing education requirements applicable to that license.

(3) The Commission may request additional information be provided to the Commission in connection with a renewal application.

(4) A license holder is required to provide information requested by the Commission not later than the 30th day after the date the Commission requests the information. Failure to provide information is grounds for disciplinary action.

(b) Renewal Notice.

(1) The Commission will deliver a license renewal notice to a license holder 90 days [three months] before the expiration of the license holder's current license.

(2) If a license holder intends to renew a license, failure to receive a license renewal notice from the Commission does not relieve a license holder from the requirements of this subsection.

(3) The Commission has no obligation to notify any license holder who has failed to provide the Commission with the person's mailing address and email address or a corporation, limited liability company, or partnership that has failed to designate an officer, manager, or partner who meets the requirements of the Act.

(c) [Timely renewal of a license.]

[(1) A renewal application for an individual broker or sales agent is filed timely if it is received by the Commission, or postmarked, on or before the license expiration date.]

[(2) A renewal application for a business entity broker is filed timely, if the application and all required supporting documentation is received by the Commission, or postmarked, not later than the 10th business day before the license expiration date.]

[(3) If the license expires on a Saturday, Sunday or any other day on which the Commission is not open for business, a renewal

application is considered to be filed timely if the application is received or postmarked no later than the first business day after the expiration date of the license.]

[(d)] Initial renewal of sales agent license. A sales agent applying for the first renewal of a sales agent license must:

(1) successfully complete the additional educational requirements of §535.55 of this chapter (relating to Education and Sponsorship Requirements for a Sales Agent License) before the sales agent files the renewal application; and

(2) fulfill the continuing education requirements of §535.92(a)(1), (a)(2), and (a)(4) of this chapter (relating to Continuing Education Requirements), if applicable.

(d) [(e)] Renewal of license issued to a business entity. The Commission will not renew a license issued to a business entity unless the business entity:

(1) has designated a corporate officer, an LLC manager, an LLC member with managing authority, or a general partner who:

(A) is a licensed broker in active status and good standing with the Commission; and

(B) completes any applicable continuing education required under §535.92 of this chapter;

(2) maintains errors and omissions insurance with a minimum annual limit of \$1 million per occurrence if the designated broker owns less than 10 percent of the business entity; and

(3) is currently eligible to transact business in Texas.

(e) [(f)] Renewal and pending complaints.

(1) The Commission may renew the current license of a license holder that has a complaint pending with the Commission, provided the license holder meets all other applicable requirements of this section.

(2) Upon completion of the investigation of the pending complaint, the Commission may suspend or revoke the license, after notice and hearing in accordance with the Administrative Procedure Act, Chapter 2001, Texas Government Code.

(f) [(g)] Renewal on inactive status.

(1) A license holder may renew a license on inactive status.

(2) A license holder is not required to complete continuing education courses as a condition of renewing a license on inactive status, but must satisfy continuing education requirements before returning to active status.

(g) [(h)] Renewal with deferred continuing education.

(1) A license holder may renew an active license without completion of required continuing education and may defer completion of any outstanding continuing education requirements for an additional 60 days from the expiration date of the current license if the license holder:

(A) meets all other applicable requirements of this section; and

(B) pays the continuing education deferral fee required by §535.101 of this chapter at the time the license holder files the renewal application with the Commission.

(2) If after expiration of the 60 day period set out in paragraph (1) of this subsection, the Commission has not been provided with evidence that the license holder has completed all outstanding

continuing education requirements, the license holder's license will be placed on inactive status.

(3) Credit for continuing education courses for a subsequent licensing period does not accrue until after all deferred continuing education has been completed for the current licensing period.

(h) ~~[(i)]~~ Late Renewal.

(1) Subject to the requirements of this subsection and §1101.451(e) of the Act, a license holder may late renew a license after the expiration date of that license if:

(A) the license has been expired for less than six months; ~~[-]~~

(B) the license holder files the application to renew using a process acceptable to ~~on a form approved by~~ the Commission for that purpose; and

(C) the license holder submits the required fees under §535.101 of this chapter.

(2) Provided the license holder meets all the requirements of paragraph (1) of this subsection, the Commission will renew the license on inactive status.

(i) ~~[(j)]~~ License Reinstatement.

(1) If a license has been expired for more than six months, a license holder may not renew the license.

(2) A license holder may reinstate an expired license if the license holder:

(A) has held an individual broker or sales agent license in this state within the two years preceding the date the reinstatement application is filed;

(B) submits the required fees under §535.101 of this chapter; and

(C) satisfies the Commission as to the applicant's honesty, trustworthiness, and integrity.

(3) An applicant for reinstatement is not required to take an examination.

(4) Provided the license holder meets the requirements of paragraph (2) of this subsection, the Commission will reinstate:

(A) a broker license on active status if the continuing education that would have been required for a timely renewal during the two years preceding the date the application is filed is completed, except as provided in paragraph (5) of this subsection;

(B) a sales agent license on inactive status.

(5) A broker may file an application to reinstate a license on inactive status under this subsection.

(j) ~~[(k)]~~ Reactivation of a license on inactive status under this section is governed by Subchapter L of this chapter (relating to Inactive License Status).

(k) ~~[(l)]~~ Denial of Renewal. The Commission may deny an application for renewal of a license if the license holder is in violation of the terms of a Commission order.

(l) ~~[(m)]~~ Renewal of license for military service member. A license holder on active duty in the United States armed forces is entitled to two years of additional time to renew an expired license without being subject to any increase in fee, any education or experience requirements or examination if the license holder:

(1) provides a copy of official orders or other official documentation acceptable to the Commission showing that the license holder was on active duty during the license holder's last renewal period; and

(2) pays the renewal application fee in effect when the previous license expired.

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

Filed with the Office of the Secretary of State on May 8, 2025.

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Abby Lee

General Counsel

Texas Real Estate Commission

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## SUBCHAPTER L. INACTIVE LICENSE STATUS

### 22 TAC §§535.121 - 535.123

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.121, Inactive Sale Agent License; §535.122, Reactivation of Sales Agent License; and §535.123, Inactive Broker Status, in Chapter 535, General Provisions.

The proposed change is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendments are in effect, the amendments will not:

-create or eliminate a government program;

-require the creation of new employee positions or the elimination of existing employee positions;

-require an increase or decrease in future legislative appropriations to the agency;

-require an increase or decrease in fees paid to the agency;

-create a new regulation;



- expand, limit or repeal an existing regulation;
- increase or decrease the number of individuals subject to the rule's applicability;
- positively or adversely affect the state's economy.

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statute affected by this proposal is Chapter 1101, Texas Occupations Code. No other statute, code or article is affected by the proposed amendments.

#### §535.121. *Inactive Sales Agent License.*

(a) The license of a sales agent becomes inactive upon:

- (1) the death of the sales agent's sponsoring broker;
- (2) the expiration, suspension, revocation or inactivation of the license of the sponsoring broker;
- (3) if the sponsoring broker is a business entity, the dissolution of the entity or the forfeiture of its charter;
- (4) if the sponsoring broker is a business entity, the expiration, suspension, revocation, or inactivation of the license of the designated broker of the entity;
- (5) termination of sponsorship by the sales agent or sponsoring broker;
- (6) failure to timely complete continuing education required under the Act and this chapter; or
- (7) receipt by the Commission of an application for inactive status.

(b) If the broker intends to terminate the sponsorship, the broker must immediately:

- (1) notify the sales agent in writing; and
- (2) terminate the sponsorship using a process acceptable to;

~~[(A)] [through the online process approved by] the Commission;~~ ~~or~~

~~[(B)] [on the appropriate form delivered to the Commission].~~

(c) If the sales agent intends to terminate the sponsorship, the sales agent must immediately:

- (1) notify the broker in writing; and
- (2) terminate the sponsorship using a process acceptable to;

~~[(A)] [through the online process approved by] the Commission.~~ ~~;~~ ~~or~~

~~[(B)] on the appropriate form delivered to the Commission.]~~

(d) If a sponsorship is terminated using the process ~~[on a form]~~ under this section, the effective date of the termination of the sponsorship is the date the Commission receives the termination ~~[completed form]~~ and any applicable fee.

(e) It is the responsibility of the sales agent on inactive status to pay all required license renewal fees timely to prevent the inactive license from expiring.

#### §535.122. *Reactivation of Sales Agent License.*

In order to reactivate a license on inactive status, the license holder must:

(1) provide the Commission with documentation that the license holder has satisfied all continuing education requirements under the Act and this chapter;

(2) certify using a process ~~;~~ ~~on a form]~~ acceptable to the Commission~~;~~ that the license holder has not engaged in activity requiring a license at any time after the license became inactive;

(3) establish a sponsorship relationship with a broker using a process acceptable by the Commission ~~;~~

~~[(A)] through the online process approved by the Commission; or]~~

~~[(B)] [following receipt by the Commission of the applicable sales agent sponsorship form signed by the sales agent and the sponsoring broker]; and~~

(4) pay the appropriate fee.

#### §535.123. *Inactive Broker Status.*

(a) The license of an individual broker becomes inactive when:

(1) the Commission receives an application for inactive status from the broker; or

(2) the broker is placed on inactive status by the Commission for failure to comply with a requirement of the Act or this chapter.

(b) The license of a business entity broker becomes inactive when:

(1) the Commission receives an application for inactive status from the broker;

(2) the entity is not qualified to transact business in Texas;

(3) the designated broker's license:

(A) expires;

(B) is suspended, including a probated suspension; or

(C) is revoked, including a probated revocation; or

(4) the designated broker dies or resigns as designated broker, except as provided in §535.124 of this subchapter (relating to Death of a Designated Broker).

(c) The broker must confirm using a process acceptable to the Commission ~~[in writing]~~ that the broker has given all sales agents sponsored by the broker written notice of termination of sponsorship at least 30 days before filing the application for inactive status.

(d) It is the responsibility of the broker on inactive status to pay all required license renewal fees timely to prevent the inactive license from expiring.

(e) To return to active status, a broker on inactive status must apply to the Commission for return to active status using a process ac-

ceptable to [on a form approved by] the Commission, pay the appropriate fee, and satisfy any continuing education requirements under the Act and this chapter.

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

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## SUBCHAPTER N. SUSPENSION AND REVOCATION OF LICENSURE

### 22 TAC §535.154

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.154, Registration and Use of Alternate, Team and Assumed Business Names Used in Advertisements, in Chapter 535, General Provisions.

The proposed amendments to §535.154 are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendments are in effect, the amendments will not:

- create or eliminate a government program;
- require the creation of new employee positions or the elimination of existing employee positions;
- require an increase or decrease in future legislative appropriations to the agency;
- require an increase or decrease in fees paid to the agency;
- create a new regulation;
- expand, limit or repeal an existing regulation;

-increase or decrease the number of individuals subject to the rule's applicability;

-positively or adversely affect the state's economy.

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statutes affected by this proposal are Texas Occupations Code, Chapter 1101. No other statute, code or article is affected by the proposed amendments.

*§535.154. Registration and Use of Alternate, Team and Assumed Business Names Used in Advertisements.*

(a) Definitions. For the purposes of this section:

(1) "Advertisement" has the meaning assigned by §535.155 of this chapter (relating to Advertisements).

(2) "Alternate name" (commonly known as an alias) means a name used by an individual license holder other than the name shown on the license issued by the Commission, such as a middle name, maiden name, or nickname. It does not include a common derivative of a name, such as Kim for Kimberly or Bill for William, which is considered the same as the name shown on the license.

(3) "Associated broker" means a broker who associates with and gets paid through another broker under a relationship that is intended to be a continuous relationship, including but not limited to, an employment or ongoing independent contractor relationship.

(4) "Assumed business name" (commonly known as a DBA or trade name) means any name used in business by a broker that meets the requirements of subsection (d) of this section, other than the name shown on the broker's license issued by the Commission, a team name, or an alternate name.

(5) "Team name" means a name used by a group of one or more license holders sponsored by or associated with the same broker that performs real estate activities under an exclusive collective name other than the broker's licensed name or assumed business name.

(b) Alternate names.

(1) Before a license holder starts using an alternate name in an advertisement, the license holder must register the name with the Commission using a process acceptable to ~~[on a form approved by]~~ the Commission.

(2) The Commission may request supporting documentation evidencing the legal authority to use the alternate name if the last name submitted is different from the last name shown on the license issued by the Commission.

(3) A license holder must notify the Commission using a process acceptable to the Commission, and their sponsoring broker, not later than the 10th day after the date the license holder stops using an alternate name.

(c) Team names:

(1) A team name may not include any terms that could mislead the public to believe that the team is offering brokerage services independent from its sponsoring broker.

(2) A team name must end with the word "team" or "group".

(3) Before an associated broker or a sales agent sponsored by a broker starts using a team name in an advertisement, the broker must register the name with the Commission using a process acceptable to [on a form approved by] the Commission.

(4) A broker must notify the Commission using a process acceptable to the Commission [in writing] not later than the 10th day after the date the associated broker or a sales agent sponsored by the broker stops using a team name.

(d) Assumed business names.

(1) Before a broker, associated broker or a sales agent sponsored by a broker starts using an assumed business name of the broker in an advertisement, the broker must:

(A) register the name with the Commission using a process acceptable to [on a form approved by] the Commission; and

(B) provide written evidence of legal authority to use the assumed business name in Texas, such as registration of the name with the Secretary of State or county clerk's office.

(2) A broker must notify the Commission using a process acceptable to the Commission [in writing] not later than the 10th day after the date the broker stops using an assumed business name.

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

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## SUBCHAPTER Q. ADMINISTRATIVE PENALTIES

### 22 TAC §535.191

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.191, Schedule of Administrative Penalties, in Chapter 535, General Provisions.

The proposed amendment in §535.191 is made to reflect a corresponding change in §535.91, which removed subsection (c) of that section and renumbered the subsequent subsections accordingly.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendment is in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendment. There is no significant economic cost anticipated for persons who are re-

quired to comply with the proposed amendment. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed is in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendment is in effect, the amendment will not:

-create or eliminate a government program;

-require the creation of new employee positions or the elimination of existing employee positions;

-require an increase or decrease in future legislative appropriations to the agency;

-require an increase or decrease in fees paid to the agency;

-create a new regulation;

-expand, limit or repeal an existing regulation;

-increase or decrease the number of individuals subject to the rule's applicability;

-positively or adversely affect the state's economy.

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendment is proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendment is also proposed under Texas Occupations Code, §1101.702, which requires the Commission adopt by rule a schedule of administrative penalties.

The statute affected by this proposal is Texas Occupations Code, Chapter 1101. No other statute, code or article is affected by the proposed amendment.

§535.191. *Schedule of Administrative Penalties.*

(a) The Commission may suspend or revoke a license or take other disciplinary action authorized by the Act in addition to or instead of assessing the administrative penalties set forth in this section.

(b) The administrative penalties set forth in this section take into consideration all of the criteria listed in §1101.702(b) of the Act.

(c) An administrative penalty range of \$100 - \$1,500 per violation per day may be assessed for violations of the following sections of the Act and Rules:

(1) §1101.552;

(2) §1101.652(a)(3);

(3) §1101.652(a)(8);

(4) §1101.652(a-1)(3);

(5) §1101.652(b)(23);

- (6) §1101.652(b)(29);
- (7) §1101.652(b)(33);
- (8) 22 TAC §535.21(a);
- (9) 22 TAC §535.53;
- (10) 22 TAC §535.65;
- (11) 22 TAC §535.91(c)(4);
- (12) 22 TAC §535.121;
- (13) 22 TAC §535.154;
- (14) 22 TAC §535.155;
- (15) 22 TAC §535.157; and
- (16) 22 TAC §535.300.

(d) An administrative penalty range of \$500 - \$3,000 per violation per day may be assessed for violations of the following sections of the Act and Rules:

- (1) §§1101.652(a)(4) - (7);
- (2) §1101.652(a-1)(2);
- (3) §1101.652(b)(1);
- (4) §§1101.652(b)(7) - (8);
- (5) §1101.652(b)(12);
- (6) §1101.652(b)(14);
- (7) §1101.652(b)(22);
- (8) §1101.652(b)(28);
- (9) §§1101.652(b)(30) - (31);
- (10) §1101.654(a);
- (11) 22 TAC §531.18;
- (12) 22 TAC §531.20;
- (13) 22 TAC §535.2;
- (14) 22 TAC §535.6(c) - (d);
- (15) 22 TAC §535.16;
- (16) 22 TAC §535.17; and
- (17) 22 TAC §535.144.

(e) An administrative penalty range of \$1,000 - \$5,000 per violation per day may be assessed for violations of the following sections of the Act and Rules:

- (1) §1101.351;
- (2) §1101.366(d);
- (3) §1101.557(b);
- (4) §1101.558;
- (5) §§1101.559(a) and (c);
- (6) §1101.560;
- (7) §1101.561(b);
- (8) §1101.615;
- (9) §1101.651;
- (10) §1101.652(a)(2);

- (11) §1101.652(a-1)(1);
- (12) §§1101.652(b)(2) - (6);
- (13) §§1101.652(b)(9) - (11);
- (14) §1101.652(b)(13);
- (15) §§1101.652(b)(15) - (21);
- (16) §§1101.652(b)(24) - (27);
- (17) §1101.652(b)(32);
- (18) 22 TAC §535.141(f);
- (19) 22 TAC §§535.145 - 535.148; and
- (20) 22 TAC §535.156.

(f) The Commission may assess an additional administrative penalty of up to two times that assessed under subsections (c), (d) and (e) of this section, subject to the maximum penalties authorized under §1101.702(a) of the Act, if a person has a history of previous violations.

(g) Payment of an administrative penalty must be submitted in a manner acceptable to the Commission. Payments authorized to be submitted online may be subject to fees set by the Department of Information Resources that are in addition to the administrative penalty assessed by the Commission.

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

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## SUBCHAPTER R. REAL ESTATE INSPECTORS

### 22 TAC §§535.208, 535.215, 535.216, 535.218

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.208, Application for a License; §535.215, Inactive Inspector Status; §535.216, Renewal of License; and §535.218, Continuing Education Required for Renewal, in Chapter 535, General Provisions.

The proposed changes are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change. Additionally, the proposed changes to §535.208(e)(1) correct references to applicable law.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amend-

ments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the sections as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendments are in effect, the amendments will not:

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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statute affected by this proposal is Texas Occupations Code, Chapter 1102. No other statute, code or article is affected by the proposed amendments.

*§535.208. Application for a License.*

(a) Application.

(1) A person who intends to be licensed by the Commission must:

(A) file an application for the license using a [through the online] process acceptable to [approved by] the Commission [or on a form approved by the Commission for that purpose]; and

(B) submit the required fee under §535.210 of this chapter (relating to Fees).

(2) The Commission will reject an application submitted without a sufficient filing fee.

(3) The Commission may request additional information be provided to the Commission relating to an application.

(b) General Requirements for Licensure.

(1) To be eligible for any inspector license, an applicant must:

(A) meet the following requirements at the time of the application:

(i) be 18 years of age;

(ii) be a citizen of the United States or a lawfully admitted alien;

(B) comply with the fingerprinting, education, experience and examination requirements of the Act, Chapter 1102, and the rules of the Commission;

(C) meet the honesty, trustworthiness, and integrity requirements under the Act; and

(D) provide proof of financial responsibility as required by Chapter 1102.

(2) The fact that an individual has had disabilities of minority removed does not affect the requirement that an applicant be 18 years of age to be eligible for a license.

(c) License for military service members, veterans, or military spouses. Unless otherwise excepted under §535.58 of this chapter (relating to License for Military Service Members, Veterans, or Military Spouses), an applicant who is a military service member, veteran, or the spouse of a person who is on full-time military service in the armed forces of the United States or serving on active duty as a member of the armed forces of the United States must meet all requirements of this section.

(d) Terminated application. An application will be terminated and subject to no further evaluation or processing if the applicant fails to satisfy the requirements of subsection (b)(1) of this section within one year from the date the application is filed.

(e) Denial of application.

(1) An application for a license may be denied if the Commission determines that the applicant has failed to satisfy the Commission as to the applicant's honesty, trustworthiness and integrity or if the applicant has been convicted of a criminal offense which is grounds for disapproval of an application under §541.1 of this title (relating to Criminal Offense Guidelines). Notice of the denial and any hearing on the denial shall be as provided in §1102.115 [~~§401.364~~], Texas Occupations Code, and §533.3 [~~§535.34~~] of this title [~~chapter~~] (relating to Filing and Notice [~~Sales Agents Employed by an Owner of Land and Structures Erected by the Owner~~]).

(2) Procuring or attempting to procure a license by fraud, misrepresentation or deceit or by making a material misstatement of fact in an application is grounds to deny the application or suspend or revoke the license. It is a violation of this section for a sponsoring professional inspector knowingly to make a false statement to the Commission in an application for a license for an apprentice or a real estate inspector.

*§535.215. Inactive Inspector Status.*

(a) For the purposes of this section, an "inactive" inspector is a licensed professional inspector, real estate inspector, or apprentice inspector who is not authorized by law to engage in the business of performing real estate inspections as defined by Chapter 1102.

(b) The Commission may place an inspector on inactive status for any of the following reasons:

(1) the written request of the inspector to be placed on inactive status as provided for under subsection (c); or

(2) the inspector's failure to satisfy continuing education requirements. In addition, the inspector's license is inactive when the following occurs:

(A) termination of sponsorship by a professional inspector;

(B) the death of the inspector's sponsoring professional inspector;

(C) the expiration, suspension, or revocation of the license of the inspector's sponsoring professional inspector;

(D) the failure of the license holder to provide to the Commission proof of financial responsibility as required by Chapter 1102 and on a form approved by the Commission for that purpose; or

(E) the expiration or non-renewal of the inspector's financial responsibility as required by Chapter 1102.

(c) To be placed on inactive status by request, an inspector must do the following:

(1) file a request for inactive status using a process acceptable to the Commission [or submit a letter containing the inspector's name, license number and current mailing address]; and

(2) if the inspector is a licensed professional inspector, confirm in writing that the inspector has, at least 30 days prior to filing the request for inactive status, given any real estate inspectors or apprentice real estate inspectors sponsored by the inspector written notice that the inspector will no longer be their sponsor.

(d) A professional inspector on inactive status may apply to the Commission for return to active status by:

(1) filing a request using a process acceptable to [online or on a form approved by] the Commission;

(2) providing the Commission with documentation that the inspector has satisfied all continuing education requirements under Chapter 1102 and this chapter; and

(3) submitting any required fee.

(e) An apprentice inspector or real estate inspector who has been placed on inactive status may return to status if:

(1) the inspector has completed all applicable continuing education requirements; and

(2) the inspector's sponsoring professional inspector has requested that the apprentice inspector or real estate inspector be returned to active status using a process acceptable to [on a form approved by] the Commission.

(f) If a professional inspector terminates the sponsorship of an apprentice inspector or real estate inspector, the license of the apprentice inspector or real estate inspector immediately becomes inactive.

(g) Inactive inspectors may not perform inspections. Performance of inspections while on inactive status is grounds for disciplinary action against the inactive license holder. A professional inspector who has been placed on inactive status may not return to practice or sponsor apprentices or inspectors until the professional inspector has met the requirements to be returned to active status under this section. It is a violation of this section and grounds for disciplinary action against a professional inspector for the professional inspector to permit an inactive apprentice inspector or an inactive real estate inspector to perform inspections in association with, or on behalf of, the professional inspector.

#### *§535.216. Renewal of License.*

(a) Renewal application.

(1) A license issued by the Commission under Chapter 1102 expires on the date shown on the face of the license issued to the license holder.

(2) If a license holder intends to renew an unexpired license, the license holder must, on or before the expiration date of the current license:

(A) file a renewal application using a [through the online] process acceptable to [on the Commission's website or on the applicable form approved by] the Commission;

(B) pay the appropriate fee as required by §535.210 of this subchapter (relating to Fees);

(C) comply with the fingerprinting requirements of Chapter 1102;

(D) satisfy the applicable continuing education requirements of Chapter 1102 and this subchapter; and

(E) provide proof of financial responsibility as required in Chapter 1102 on a form approved by the Commission.

(3) An apprentice inspector or a real estate inspector must be sponsored by a licensed professional inspector in order to renew a license on an active status.

(b) Renewal Notice.

(1) The Commission will send a renewal notice to each license holder at least 90 days before the license expiration date.

(2) If a license holder intends to renew a license, failure to receive a renewal notice does not relieve the license holder from responsibility of applying for renewal as required in this section.

(c) Request for information.

(1) The Commission may request a license holder to provide additional information to the Commission in connection with a renewal application.

(2) A license holder must provide the information requested by the Commission within 30 days after the date of the Commission's request.

(3) Failure to provide the information requested within the required time is grounds for disciplinary action under Chapter 1102.

(d) Renewal on inactive status.

(1) Licensed professional inspectors, real estate inspectors and apprentice inspectors may renew a license on inactive status.

(2) Inspectors are not required to complete continuing education courses as a condition of renewing a license on inactive status, but must satisfy continuing education requirements before returning to active status.

(e) Late Renewal.

(1) If a license has been expired for less than six months, a license holder may renew the license by:

(A) filing a renewal application using a [through the online] process acceptable to [on the Commission's website or on the applicable form approved by] the Commission; and

(B) paying the appropriate late renewal fee as required by §535.210 of this subchapter;

(2) Provided the license holder meets all the requirements of this subsection, the Commission will renew the license on an inactive status.

(3) Reactivation of a license on inactive status under this subsection is governed by §535.211 of this subchapter (relating to Professional Liability Insurance, or Any other Insurance that Provides Coverage for Violations of Subchapter G of Chapter 1102) and §535.215 of this subchapter (relating to Inactive Inspector Status).

(f) License Reinstatement.

(1) If a license has been expired for more than six months, a license holder may not renew the license.

(2) A license holder may reinstate an expired license if the license holder:

(A) has held a professional inspector or real estate inspector license during the 24 months preceding the date the reinstatement application is filed;

(B) submits evidence satisfactory to the commission of successful completion of the continuing education hours required for the renewal of that license; and

(C) satisfies the commission as to the applicant's honesty, trustworthiness, and integrity.

(3) Applicants for a real estate inspector license must submit evidence of sponsorship by a professional inspector.

(4) An applicant for reinstatement is not required to take an examination.

(g) Denial of Renewal or Reinstatement. The Commission may deny an application for license renewal or reinstatement if a license holder is in violation of the terms of a Commission order.

(h) Renewal of license for military service member. A license holder on active duty in the United States armed forces is entitled to two years of additional time to renew an expired license without being subject to any increase in fee, any education or experience requirements or examination if the license holder:

(1) provides a copy of official orders or other official documentation acceptable to the Commission showing that the license holder was on active duty during the license holder's last renewal period; and

(2) pays the renewal application fee in effect when the previous license expired.

*§535.218. Continuing Education Required for Renewal.*

(a) Continuing education required for renewal.

(1) Before renewal of an inspector license, a license holder must take 32 hours of continuing education which shall include the following:

(A) 24 hours in the following subjects:

- (i) Foundations;
- (ii) Framing;
- (iii) Building Enclosures;
- (iv) Roof Systems;
- (v) Plumbing Systems;
- (vi) Electrical Systems;
- (vii) HVAC Systems;
- (viii) Appliances;
- (ix) Texas Standard Report Form Writing;

(x) Other approved courses related real estate inspections; and

(B) eight hours of non-elective coursework in legal, ethics, SOPs, and report writing.

(2) An inspector who files an application for reinstatement of an expired license within two years of the expiration date of the previous license must provide evidence satisfactory to the Commission that the applicant has completed any continuing education that would have been otherwise required for timely renewal of the previous license had that license not expired.

(3) An inspector is not eligible to receive more than 16 hours continuing education credit for any one single subject described in subsection (a)(1) of this section.

(b) Receiving continuing education credit for ride-along inspection course.

(1) Up to eight hours of continuing education credit per two year license period may be given to a license holder for completion of a ride-along inspection course.

(2) At a minimum, a ride-along inspection course must:

(A) consist of one full residential property inspection; and

(B) review applicable standards of practice and departure provisions contained in §§535.227 - 535.233 of this subchapter.

(3) In order to qualify for real estate inspector continuing education credit, a ride-along inspection course shall consist of no more than two students per session.

(4) The instructor of a ride-along inspection course may:

(A) review report writing; and

(B) deliver a notice regarding the ride-along session on a form approved by the Commission to the prospective buyer or seller of the home being inspected.

(c) Continuing education credit for students.

(1) The Commission may not grant continuing education credit twice for a course with the same course content taken by a license holder within a two year period.

(2) Unless a real estate inspection continuing education course is offered by alternative delivery methods, completion of a final examination is not required for a license holder to receive continuing education credit for a course.

(3) The Commission will not grant partial credit to an inspector who attends a portion of a course.

(d) Continuing education credit for course taken outside of Texas. An inspector may receive continuing education elective credit for a course taken to satisfy the continuing education requirements of a country, territory, or state other than Texas if:

(1) the inspector licensed in Texas held an active inspector license in a country, territory, or state other than Texas at the time the course was taken;

(2) the course was approved for continuing education credit for an inspector license by a country, territory, or state other than Texas at the time the course was taken;

(3) the successful completion of the course has been evidenced by a course completion certificate, a letter from the provider or such other proof satisfactory to the Commission;

(4) the subject matter of the course was predominately devoted to a subject acceptable for continuing education credit for an inspector licensed in Texas; and

(5) the inspector licensed in Texas has filed a Continuing Education (CE) Credit Request for an Out of State Course, with the Commission.

(e) Continuing education credit for instructors.

(1) Providers may request continuing education credit be given to instructors of real estate inspection courses subject to the following guidelines:

(A) instructors may receive credit for only those portions of the course which they teach; and

(B) instructors may receive full course credit by attending all of the remainder of the course.

(2) An instructor may receive continuing education credit for a ride-along inspection course conducted by the instructor if:

(A) the course is completed during the term of the instructor's current license period; and

(B) the instructor provides the Commission a certification of course completion no later than the expiration date of that license period using a process acceptable to ~~on a form approved by~~ the Commission.

(3) Instructors of ride-along inspection course sessions may only receive up to 8 hours of continuing education credit for teaching the course per license period.

(f) Continuing education credit for attendance at a meeting of the Texas Real Estate Inspector Committee. An inspector licensed in Texas may receive up to four hours of continuing education elective credit per license period for attendance in person at any meeting of the full Texas Real Estate Inspector Committee, provided that the inspector attend the entire meeting. Partial credit will not be awarded.

(g) Continuing education credit for courses taken by persons who hold another occupational license issued by a governmental body in Texas. An inspector licensed in Texas may receive continuing education credit for a course taken to satisfy the continuing education requirements for another occupational license if:

(1) the inspector files the applicable form using a process acceptable to ~~[with]~~ the Commission;

(2) the inspector holds one of the following occupational licenses, including but not limited to:

(A) plumber;

(B) electrician;

(C) architect;

(D) professional engineer;

(E) air conditioner and refrigeration technician; or

(F) structural pest control applicator or technician;

(3) at the time the course was taken:

(A) the inspector held an active occupational license issued by a governmental body in Texas; and

(B) the course was approved for continuing education credit for the other occupational license;

(4) the inspector demonstrates successful completion of the course by submitting:

(A) a course completion certificate;

(B) a letter from the provider; or

(C) other proof satisfactory to the Commission; and

(5) the primary subject matter of the course was a subject acceptable for continuing education credit for an inspector licensed in Texas.

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

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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



## SUBCHAPTER T. EASEMENT OR RIGHT-OF-WAY AGENTS

### 22 TAC §§535.400, 535.403, 535.404

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.400, Registration of Easement or Right-of-Way Agents; §535.403, Renewal of Registration; and §535.404, Fees, in Chapter 535, General Provisions.

The proposed amendments are made as a result of the agency's license management system project. Because of this project, users will be able to provide information and make payment to the agency through an online process, rather than by submitting a paper form or check. As a result, the rule language is clarified to reflect this change. This includes removing language from 535.403(f) that is no longer necessary in light of the online application process. New language is added §535.404(3) to provide notice that when submitting online payment, the Commission may collect a subscription or convenience fee required by the Texas Department of Information Resources.

Finally, a clarifying change is made to the time period referenced in §535.403 to simplify and make consistent the calculation of the time period.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the sections as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendments are in effect, the amendments will not:



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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statutes affected by this proposal is Texas Occupations Code, Chapters 1101. No other statute, code or article is affected by the proposed amendments.

*§535.400. Registration of Easement or Right-of-Way Agents.*

(a) Application.

(1) A person who intends to be registered by the Commission as an easement or right-of-way agent must:

(A) file an application for the registration using a [through the online] process acceptable to [approved by] the Commission [or on the form prescribed by the Commission for that purpose]; and

(B) submit the required fee under §535.404 of this subchapter (relating to Fees).

(2) The Commission will reject an application submitted without a sufficient filing fee.

(3) The Commission may request additional information be provided to the Commission relating to an application.

(b) To be eligible for registration, an applicant must:

(1) meet the following requirements at the time of the application:

(A) be 18 years of age;

(B) be a citizen of the United States or a lawfully admitted alien;

(2) comply with the fingerprinting and education requirements of the Act;

(3) meet the honesty, trustworthiness, and integrity requirements under the Act; and

(4) if the applicant is a business entity, designate one of its managing officers who is registered under this title as agent for the business entity.

(c) Texas residents who enter military service and resume their Texas residence immediately upon separation from the military are not considered to have lost their Texas residence unless they have affirmatively established legal residence elsewhere.

(d) The fact that an individual has had disabilities of minority removed does not affect the requirement that an applicant be 18 years of age to be eligible for a license.

(e) The Commission will assign a registration number to each certificate holder and provide each certificate holder with a certificate of registration. Each registration issued by the Commission is valid until the last day of the month two years after the date the registration was issued.

(f) Termination of application. An application is terminated and is subject to no further evaluation or processing if the applicant fails to satisfy the requirements of subsection (b) of this section within one year from the date the application is filed.

(g) The Commission may disapprove an application for registration with written notice to the applicant if the applicant has been convicted of a criminal offense which is grounds for disapproval of an application under §541.1 of this title (relating to Criminal Offense Guidelines) or the applicant has engaged in conduct prohibited by the Act. Provided a timely written request for a hearing is made by the applicant in accordance with the Act, an applicant whose application for registration has been disapproved is entitled to a hearing. The hearing on the application will be conducted in accordance with §1101.364 of the Act and Chapter 533 of this title (relating to Practice and Procedure).

(h) If the Commission determines that issuance of a probationary certificate is appropriate, the order entered by the Commission with regard to the application must set forth the terms and conditions for the probationary certificate. Terms for a probationary certificate may include any of the following:

(1) that the probationary certificate holder comply with the Act and with the rules of the Commission;

(2) that the probationary certificate holder fully cooperate with the Commission in the investigation of any complaint filed against the certificate holder;

(3) that the probationary certificate holder attend a prescribed number of classroom hours in specific areas of study during the probationary period;

(4) that the probationary certificate holder limit acts as an easement or right-of-way agent as prescribed in the order;

(5) that the probationary certificate holder report regularly to the Commission on any matter which is the basis of the probationary certificate;

(6) that the probationary certificate holder comply with any other terms contained in the order which have been found to be reasonable and appropriate by the Commission after consideration of the circumstances involved in the particular application; or

(7) that the probationary certificate holder comply with any other terms contained in an order from any other court or administrative agency under which the probationary certificate holder is bound.

(i) Unless the order granting a probationary certificate specifies otherwise, a probationary certificate holder may renew the certifi-

cate after the probationary period by satisfying the requirements under §535.403 of this subchapter (relating to Renewal of Registration).

(j) Each certificate holder shall display the certificate of registration issued by the Commission in a prominent location in the certificate holder's place of business, as required by §1101.507 of the Act. If the certificate holder maintains more than one place of business, the certificate holder shall display either the certificate or a copy of the certificate in each place of business.

(k) Each certificate holder shall provide a mailing address, phone number, and email address used in business, if available, to the Commission and shall report all subsequent changes not later than the 10th day after the date of a change of any of the listed contact information. If a certificate holder fails to update the contact information, the last known contact information provided to the Commission is the certificate holder's contact information.

*§535.403. Renewal of Registration.*

(a) Renewal application.

(1) A registration expires on the date shown on the face of the registration issued to the certificate holder.

(2) If a certificate holder intends to renew an unexpired registration, the certificate holder must, on or before the expiration date of the current registration:

(A) file a renewal application using a ~~[through the online] process acceptable to [on the Commission's website or on the applicable form approved by]~~ the Commission;

(B) submit the appropriate fee required by §535.404 of this subchapter (relating to Fees); and

(C) comply with the fingerprinting and education requirements under the Act.

(b) Failure to provide information requested by the Commission in connection with a renewal application is grounds for disciplinary action under §1101.653 of the Act.

(c) A registrant who fails to timely renew must apply for and receive a new registration in order to act as an easement or right-of-way agent.

(d) The Commission will deliver a registration renewal notice to a certificate holder 90 days ~~[three months]~~ before the expiration of the certificate holder's current registration. Failure to receive the certificate renewal notice does not relieve a certificate holder of the obligation to renew a certificate.

(e) The Commission is not required to notify a business entity such as a corporation, limited liability company, or partnership that has failed to designate an officer, manager, or general partner who meets the requirements of §1101.502 of the Act. The Commission may not renew a registration issued to a business entity that has not designated an officer, manager, or general partner who meets the requirements of the Act.

(f) ~~[If the registration expires on a Saturday, Sunday or any other day on which the Commission is not open for business, a renewal application is considered to be timely filed when the application is received or postmarked no later than the first business day after the expiration date of the registration.]~~

~~[(g)]~~ Denial of Renewal. The Commission may deny an application for renewal of a registration if the certificate holder is in violation of the terms of a Commission order.

*§535.404. Fees.*

The Commission shall charge and collect the following fees:

(1) a fee of \$200 for the application or renewal of a registration for a two-year period; ~~[and]~~

(2) a fee of \$50 for deposit into the Real Estate Recovery Trust Account upon the filing of an original or renewal application for a certificate of registration; ~~and[-]~~

(3) the fee required by the Department of Information Resources as a subscription or convenience fee for use of an online payment system.

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

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## CHAPTER 537. PROFESSIONAL AGREEMENTS AND STANDARD CONTRACTS

### 22 TAC §§537.63 - 537.65

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §537.63, Standard Contract Form TREC No. OP-L, Addendum for Seller's Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards as Required by Federal Law; §537.64, Standard Contract Form TREC No. OP-M, Non-Realty Items Addendum; and §537.65, Standard Contract Form TREC No. 57-0, Notice to Prospective Buyer, and the forms adopted by reference, in Chapter 537, Professional Agreements and Standard Contracts.

The proposed amendments to Chapter 537 and the forms adopted by reference are made as a result of the Commission's quadrennial rule review. The proposed changes update or correct form reference numbering.

Texas real estate license holders are generally required to use forms promulgated by TREC when negotiating contracts for the sale of real property. These forms are drafted and recommended for proposal by the Texas Real Estate Broker-Lawyer Committee, an advisory body consisting of six attorneys appointed by the President of the State Bar of Texas, six brokers appointed by TREC, and one public member appointed by the governor.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the sections as proposed are in effect, the public benefits anticipated as a result of enforcing the sections as proposed will

be improved clarity and consistency for members of the public and license holders who use these contract forms.

For each year of the first five years the proposed amendment is in effect, the amendments will not:

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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendment is proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendment is also adopted under Texas Occupations Code, §1101.155, which authorizes the Commission to adopt rules in the public's best interest that require license holders to use contract forms prepared by the Texas Real Estate Broker-Lawyer Committee and adopted by the Commission.

The statute affected by this amendment is Texas Occupations Code, Chapter 1101. No other statute, code or article is affected by the amendment.

§537.63. *Standard Contract Form TREC No. 56-0 [OP-L], Addendum for Seller's Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards as Required by Federal Law.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 56-0 [OP-L] approved by the Commission in 2011 for voluntary use to comply with federal regulation to furnish a lead paint disclosure in properties constructed prior to 1978.

§537.64. *Standard Contract Form TREC No. 57-0 [OP-M], Non-Realty Items Addendum.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 57.0 [OP-M] approved by the Commission in 2011 for voluntary use when the parties need to convey items of personal property not already listed in Paragraph 2, Property, of the contracts.

§537.65. *Standard Contract Form TREC No. 58-0 [57-0], Notice to Prospective Buyer.*

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 58.0 [57-0] approved by the Commission in 2022 for voluntary use when the parties use a contract of sale that has not been approved for mandatory use by the Commission.

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

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Abby Lee

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## CHAPTER 541. RULES RELATING TO THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 53

### 22 TAC §541.2

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §541.2, Criminal History Evaluation Letters/Determination of Fitness.

The proposed amendment to §541.2 is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendment is in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendment is in effect, the amendment will not:

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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendment is proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendment is also proposed pursuant to Subchapter D, Chapter 53, Occupations Code.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101 and 1102. No other statute, code or article is affected by the proposed amendment.

*§541.2. Criminal History Evaluation Letters /Determination of Fitness.*

Pursuant to Texas Occupations Code, Chapter 53, Subchapter D and §1101.353, a person may request that the Texas Real Estate Commission (the Commission) evaluate the person's eligibility for a specific occupational license regulated by the Commission by:

- (1) submitting a request using a process acceptable to [on a form approved by] the Commission [for that purpose]; and
- (2) paying the required fee.

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

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General Counsel

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## CHAPTER 543. RULES RELATING TO THE PROVISIONS OF THE TEXAS TIMESHARE ACT

### 22 TAC §§543.2 - 543.6, 543.13

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §543.2, Registration; §543.3, Amendments; §543.4, Fees; §543.5, Forms; §543.6, Violations; and §543.13, Renewal of Registration in Chapter 543, Rules Relating to the Provisions of the Texas Timeshare Act.

The proposed amendments to Chapter 543 are made as a result of: (i) the Commission's quadrennial rule review; and (ii) the agency's license management system project.

A clarifying change is made to the time periods referenced in §543.2, 543.6, and §543.13 to simplify and make consistent the calculation of the relevant time period. A new subsection (g) is added to §543.4 to provide notice that when submitting online payment, the Commission may collect a subscription or convey-

nience fee required by the Texas Department of Information Resources.

Because of the license management system project, users will be able to provide more information and make payment to the agency utilizing an online process, rather than by submitting a paper form or check. As a result, the rule language is clarified to reflect this change. This includes the removal of references to most of the forms listed in §543.5 (the Consent to Service of Process form adopted by reference is updated with a new title to differentiate the form from other consent forms and contains terminology changes). The proposed changes to §543.6(f) also help align the language with agency process among other license types.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed new rules are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed new rules. There is no significant economic cost anticipated for persons who are required to comply with the proposed new rules. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed new rules are in effect the new rules and amendments will not:

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

Comments on the proposal may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to [general.counsel@trec.texas.gov](mailto:general.counsel@trec.texas.gov). The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under the Texas Property Code, §221.024, which authorizes the Texas Real Estate Commission to prescribe and publish forms and adopt rules necessary to carry out the provisions of The Texas Timeshare Act.

The statute affected by this proposal is Chapter 221, Property Code. No other statute, code or article is affected by the proposed new rules.

*§543.2. Registration.*

(a) A developer who wishes to register a timeshare plan shall submit an application for registration using a process acceptable to [forms approved by] the Commission. The Commission may not accept for filing an application submitted without a completed application form and the appropriate filing fee.

(b) If the Commission determines that an application for registration of a timeshare plan satisfies all requirements for registration, the Commission shall promptly register the timeshare plan. The Commission shall notify the applicant in writing that the timeshare plan has been registered, specifying the anniversary date of the registration and shall assign a registration number to the timeshare plan.

(c) If the Commission determines that an application for registration of a timeshare plan fails to satisfy any requirement for registration, the Commission shall promptly notify the applicant of any deficiency in writing. The Commission may require an applicant to revise and resubmit written documents filed with the application or to provide additional information if the Commission determines that the application is incomplete or inaccurate. Upon submission by an applicant of a response sufficient in the opinion of the Commission to cure any deficiency in the application, the Commission shall promptly register the timeshare plan and provide the applicant with the written notice required by these rules. An application will be terminated and the Commission shall take no further action if the applicant fails to submit a response to the Commission within 90 days [three months] after the Commission makes [mails] a request to the applicant for curative action.

#### §543.3. Amendments.

(a) A person who wishes to amend the registration of a timeshare plan shall submit an application to amend the registration using a process acceptable to [forms approved by] the Commission. A developer may file an application to amend a registration before the occurrence of the change. The Commission may not accept for filing an application submitted without a completed application form and the appropriate filing fee.

(b) For the purposes of §221.023 and subsections (b)(26), (c)(9) and (d)(32) of §221.032 of the Texas Timeshare Act, a developer shall file amendments to the registration reporting to the Commission any material or materially adverse change in any document contained in a registration.

(c) "Material" includes, but is not limited to:

- (1) a change of developer;
- (2) a change of exchange company or association with an additional exchange company;
- (3) an increase in assessments of 15% or more;
- (4) any substantial change in the accommodations that are part of the timeshare plan;
- (5) an increase or decrease in the number of timeshare interests in the timeshare plan registered by the Commission;
- (6) a change of escrow agent or type of escrow or other financial assurance;
- (7) if applicable, an increase of more than 20% in an original alternative assurance as defined by §221.063(a) of the Texas Timeshare Act;
- (8) a change to a substantive provision of the escrow agreement between the escrow agent and the developer;
- (9) a change of management company; or

(10) a change to a substantive provision of the management agreement.

(d) "Materially adverse" means any material change to the timeshare plan that substantially reduces the benefits or increases the costs to purchasers.

(e) Material or materially adverse does not include the correction of any typographical or other nonsubstantive changes.

(f) If the Commission determines that a registration, if amended in the manner indicated in an application to amend a registration, would continue to satisfy all requirements for registration, the Commission shall promptly notify the applicant in writing that the registration has been amended, specifying the effective date of the amendment.

(g) If the Commission determines that a registration, if amended in the manner indicated in an application to amend a registration, would fail to satisfy a requirement for registration, the Commission shall promptly notify the applicant of any deficiency. The Commission may require the applicant to revise and resubmit written documents filed with the application or to provide additional information if the Commission determines that the application or written material filed with the application is incomplete or inaccurate. Upon submission by an applicant of a response sufficient in the opinion of the Commission to cure any deficiency in the application, the Commission shall promptly notify the applicant that the registration has been amended, specifying the effective date of the amendment.

#### §543.4. Fees.

(a) An applicant for registration of a timeshare plan or an applicant for abbreviated registration of a timeshare plan shall pay a filing fee of \$2.00 for each seven days of annual use availability in each accommodation that is a part of the timeshare plan, provided however, that the Commission shall charge and collect a minimum filing fee of \$500.00 and that no registration filing fee shall exceed \$3,500.00.

(b) An applicant for amendment of the registration of a timeshare plan shall pay a minimum filing fee of \$100.00, provided however, that the filing fee for an amendment that increases the number of timeshare interests to be sold from the number that existed or were proposed for sale in the original registration shall be \$2.00 for each seven days of annual use availability in each timeshare unit that is being added to the timeshare plan and that no filing fee shall exceed \$2,000.00.

(c) An applicant for pre-sale authorization shall pay a filing fee of \$100.00 in addition to the filing fee due under subsection (a) of this section.

(d) A filing fee is not refundable once an application is accepted for filing by the Commission.

(e) A developer of a registered timeshare plan shall pay a fee of \$100 to renew a registration.

(f) To reinstate an expired registration of the timeshare plan, a developer shall pay, in addition to the fee of \$100 to renew a timeshare plan, an additional fee of \$25 for each month the registration has been expired.

(g) The Commission may collect the fee required by the Department of Information Resources as a subscription or convenience fee for use of an online payment system.

#### §543.5. Forms.

[~~(a)~~] The Commission adopts by reference the following forms to be used in connection with ~~[the registration, amendment, or renewal of]~~ a timeshare plan application:

[(1) Application to Register a Timeshare Plan, Form TSR 1-6;]

[(2) Application to Amend a Timeshare Registration, Form TSR 2-6;]

[(3) Application for Abbreviated Registration of a Timeshare Plan, Form TSR 3-4;]

[(4) Application for Pre-sale Authorization, Form TSR 4-0;]

(1) [(5)] Escrow Surety Bond, Form TSR 5-1;

(2) [(6)] Construction Surety Bond, Form TSR 6-1; and

(3) [(7)] Timeshare Consent to Service of Process, Form TSR 7-1. [TSR 7-0; and]

[(8) Application to Renew the Registration of a Timeshare Plan, Form TSR 8-2].

[(b) Forms approved or promulgated by the Commission must be submitted on copies obtained from the Commission, whether in printed format or electronically completed from the forms available on the Commission's website.]

[(c) Forms adopted by reference in this section are published by and available from the Texas Real Estate Commission at P.O. Box 12188, Austin, Texas 78711-2188, or [www.trec.texas.gov](http://www.trec.texas.gov).]

#### §543.6. Violations.

(a) It is a material violation of the Texas Timeshare Act for a person to engage in any of the acts described in §221.071(a) of the Texas Timeshare Act.

(b) It is a material violation of the Texas Timeshare Act for a developer to represent to a potential purchaser of a timeshare interest by advertising or any other means that a timeshare plan has been approved by the State of Texas or the Commission or to represent that the State of Texas or the Commission has passed upon the merits of a timeshare plan. It is not a material violation of the Texas Timeshare Act for a registrant to represent that a timeshare plan has been registered if the registrant discloses at the same time and in the same manner that the State of Texas and the Commission have not approved the timeshare plan or passed upon the merits of the timeshare plan.

(c) It is a material violation of the Texas Timeshare Act for a developer to fail to file an application to amend a registration within 30 days [one month] of the occurrence of a material or materially adverse change in any document contained in the registration or to fail to submit a response together with any related material in a good faith effort to cure a deficient application to amend a registration within 90 days [three months] after the Commission has mailed to the applicant a request for curative action.

(d) It is a material violation of the Texas Timeshare Act for a person to procure or attempt to procure a registration or amendment to a registration by fraud, misrepresentation, or deceit or by making a material misstatement of fact in an application filed with the Commission.

(e) It is a material violation of the Texas Timeshare Act for a person to disregard or violate a rule of the Commission.

(f) It is a material violation of the Texas Timeshare Act for a developer to fail to make good a payment [check] issued to the Commission [one month] after the Commission has sent [mailed a request for payment] by certified mail a request for payment to the developer's last known mailing address according to [as reflected by] the Commission's records.

(g) It is a material violation of the Texas Timeshare Act for a developer to fail, not later than the 14th day after the date of a request, to provide information or documents requested by the Commission or a Commission representative in the course of the investigation of a complaint.

(h) It is a material violation of the Texas Timeshare Act for a developer to fail to properly file an assumed name as required by §221.037(b) of the Texas Timeshare Act or to fail to give the Commission timely written notice of the developer's use of an assumed name.

#### §543.13. Renewal of Registration.

(a) The registration of a timeshare plan expires on the last day of the month two years after the date the plan was registered.

(b) A developer of a timeshare plan may renew the registration for a two-year period by submitting an application using a process acceptable to the Commission [completing an Application to Renew the Registration of a Timeshare Plan, Form TSR 8-2,] and paying the appropriate filing fee.

(c) The Commission will deliver a renewal notice to a developer 90 days before the expiration of the registration of the timeshare plan [Three months before the expiration of a registration, the Commission shall mail a renewal application form to the developer's last known mailing address as shown in the Commission's records].

(d) An application to renew a timeshare plan is considered void and is subject to no further evaluation or processing when the developer fails to provide information or documentation within 60 days [two months] after the Commission makes written request for correct or additional information or documentation.

(e) Denial of Renewal. The Commission may deny an application for renewal of a registration if the developer of a timeshare plan is in violation of the terms of a Commission order.

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

Filed with the Office of the Secretary of State on May 8, 2025.

TRD-202501581

Abby Lee

General Counsel

Texas Real Estate Commission

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 936-3057



## TITLE 25. HEALTH SERVICES

### PART 1. DEPARTMENT OF STATE HEALTH SERVICES

#### CHAPTER 448. STANDARD OF CARE SUBCHAPTER A. DEFINITIONS

##### 25 TAC §448.101

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of Chapter 448 consisting of §448.101, concerning Definitions.

#### BACKGROUND AND PURPOSE

The purpose of the proposal is to remove an obsolete rule. Section 448.101 was adopted in 2004 to adopt by reference definitions originally located in Title 40, Chapter 141 that have since been repealed.

#### FISCAL NOTE

Trey Wood, Chief Financial Officer, has determined that for each year of the first five years that the rule repeal will be in effect, enforcing or administering the rule repeal does not have foreseeable implications relating to costs or revenues of state or local governments.

#### GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule repeal will be in effect:

- (1) the proposed repeal will not create or eliminate a government program;
- (2) implementation of the proposed repeal will not affect the number of HHSC employee positions;
- (3) implementation of the proposed repeal will result in no assumed change in future legislative appropriations;
- (4) the proposed repeal will not affect fees paid to HHSC;
- (5) the proposed repeal will not create a new regulation;
- (6) the proposed repeal will not expand, limit, or repeal an existing regulation;
- (7) the proposed repeal will not change the number of individuals subject to the rule; and
- (8) the proposed repeal will not affect the state's economy.

#### SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rule will be removed and does not require any change in business processes or additional costs.

#### LOCAL EMPLOYMENT IMPACT

The proposed repeal will not affect a local economy.

#### COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to the repeal because the repeal does not impose a cost on regulated persons.

#### PUBLIC BENEFIT AND COSTS

Libby Elliott, Deputy Executive Commissioner for the Office of Policy and Rules, has determined that for each year of the first five years the repeal is in effect, the public benefit will be removal of an unnecessary rule from the Texas Administrative Code.

Trey Wood has also determined that for the first five years the repeal is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed repeal because the rule will be removed.

#### TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

#### PUBLIC COMMENT

Written comments on the proposal may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to [HHSRulesCoordinationOffice@hhs.texas.gov](mailto:HHSRulesCoordinationOffice@hhs.texas.gov).

To be considered, comments must be submitted no later than 21 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 24R056" in the subject line.

#### STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which requires the Executive Commissioner of HHSC to adopt rules for the operation and provision of services by the health and human services agencies.

The repeal implements Texas Government Code §524.0151.

*§448.101. Definitions.*

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

Filed with the Office of the Secretary of State on May 6, 2025.

TRD-202501532

Karen Ray

Chief Counsel

Department of State Health Services

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 221-9021

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 9. TEXAS COMMISSION ON JAIL STANDARDS

#### CHAPTER 263. LIFE SAFETY RULES

##### SUBCHAPTER A. GENERAL

##### 37 TAC §263.1

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.1, concerning life safety in county jails. The proposed rule adds language to 37 TAC §263.1, that clarifies the requirement to, and ensures that, county jails comply with standards as adopted by the Texas Department of Insurance. This language is proposed following feedback from the State Fire Marshal's Office during TCJS' four-year rule review, which was evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be enhanced clarity in interpreting and enforcing this rule in county jails. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

#### *§263.1. General Purpose.*

All facilities shall be designed, constructed, maintained, staffed, and operated to:

- (1) provide for proper compartmentation;
- (2) provide for the prompt detection, alarm, and extinguishing of fires and the avoidance of any explosion;
- (3) provide for a mechanical smoke management system and other emergency equipment;
- (4) provide (and file with the Commission) plans, programs, drills, and training for emergencies, as required under §263.40 and §263.41 of this title (relating to Plans and Drills for Emergencies).
- (5) comply with standards as adopted by The Texas Department of Insurance under Government Code 417.

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

Filed with the Office of the Secretary of State on May 12, 2025.

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Brandon Wood

Executive Director

Texas Commission on Jail Standards

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 850-9668



## SUBCHAPTER B. DESIGN AND MATERIALS

### 37 TAC §263.12

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.12, concerning life safety in county jails. The proposed rule adds language to 37 TAC §263.12, which updates the references to the National Fire Protection Association's standards and adds language as suggested by the State Fire Marshal's Office. This language is proposed following feedback from the State Fire Marshal's Office, which was evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule is enhanced compliance to national standards of fire protection. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

#### *§263.12. Additions/New Construction.*

New facilities, new additions, and major renovations to existing facilities shall:

- (1) be constructed of fire resistive, noncombustible materials. Single story, minimum security facilities may use wood framing when provided as part of an Underwriters Laboratory fire rated assembly, appropriate for the application, provided exterior walls, interior walls, and ceilings are of fire resistive materials. Roof materials shall meet Class C criterion unless superseded by local code requirements;
- (2) have dividing fire and smoke partitions between floors, between compartments, and in corridors with self-closing fire doors or normally closed power operated swinging or sliding detention doors;
- (3) have Class A interior finish materials on all interior surfaces (flame spread 0-25, smoke developed 0-450 in accordance with ASTM E84 "Standard Test Method for Surface Burning Characteristics of Building Materials" and UL 723 standards [NFPA 255, "Method of Test of Surface Burning Characteristics of Building Materials"]);
- (4) be designed for isolation of fires, riots, or other emergencies;
- (5) provide means of egress components consisting of doors, stairs, and smoke proof enclosures (in multistory facilities),



horizontal exits, and passageways in accordance with NFPA 101 Life Safety Code §14.2 concerning Means of Egress Components as appropriate for the occupancy type such as Business or Detention.[<sup>-</sup> ]

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

Filed with the Office of the Secretary of State on May 12, 2025.

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Brandon Wood

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



### 37 TAC §263.15

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.15, concerning the illumination of exits in county jails. The proposed rule adds language to 37 TAC §263.15, that updates the requirements for illumination of discharge stairways to conform with the State Fire Marshal's Office recommended comments received during TCJS' four-year rule review. This language is proposed following feedback from the State Fire Marshal's Office, which was evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be enhanced life safety of inmates, corrections staff, and visitors in county jails. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

#### §263.15. *Illumination of Exits.*

All corridors and passages to exits, the exits themselves, [~~discharging stairways,~~] and other means of egress shall be continuously illuminated at all points with not less than 1.0 foot candle measured at the floor,

and shall be so arranged that the failure of any lighting unit or bulb will not leave any area in darkness. Discharging stairways shall be continuously illuminated at all points with not less than 10 foot candle measured at the floor, and shall be so arranged that the failure of any lighting unit or bulb will not leave any area in darkness.

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

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Brandon Wood

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



### 37 TAC §263.19

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.19, concerning life safety in county jails. The proposed rule adds language to 37 TAC §263.19, correcting grammatical errors and clarifying a reference with the full title. This language is proposed following feedback from the State Fire Marshal's Office, which was evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule is enhanced compliance to national standards of fire protection. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

#### §263.19. *Hazardous Area Protection.*

(a) Areas used for general storage, boiler or furnace rooms, fuel storage, storage for chemicals or cleaning supplies, maintenance shops including woodworking and painting areas, laundries, and

kitchens, shall be separated from other parts of the building with ~~two-hour [two hour]~~ fire resistive construction with openings protected with automatic or self-closing one-half hour fire rated assemblies. When the hazardous area is protected by automatic sprinkler protection, the separation may be of one hour fire resistive construction with openings protected with automatic or self-closing 20-minute ~~[self closing 20 minute]~~ fire rated assemblies.

(b) Cooking facilities producing grease laden vapors shall have an approved automatic fire extinguishing system ~~[systems]~~ protecting cooking surfaces and hood and duct systems serving the cooking equipment in accordance with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

(c) Where hazardous processes or storage areas are of such a character as to introduce an explosion potential, explosion venting or an explosion suppression system specifically designed for the hazard shall be provided. The use of combustible supplies and permitting of hazardous material and trash to collect shall be minimized and avoided where possible.

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

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Brandon Wood

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



## SUBCHAPTER C. DETECTION AND ALARM SYSTEMS

### 37 TAC §263.30

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.30, concerning life safety in county jails. The proposed rule adds language to 37 TAC §263.30, which clarifies references and conforms to recommended language as provided by the State Fire Marshal's Office during TCJS' four-year rule review. This language is proposed following feedback from the State Fire Marshal's Office, which was evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be enhanced sanitation in county jail holding cells. There will not be an effect on small businesses, microbusinesses, rural com-

munities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

#### §263.30. General.

An automatic fire detection and alarm system shall be provided for all facilities. The system shall include:

- (1) automatic fire detection for all areas of the facility;
- (2) manual fire alarm pull station for staff use;

(3) audio and visual devices shall be installed ~~[visual and audible annunciation of all fire detection devices and fire extinguishing systems]~~ at continuously staffed locations.

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

Filed with the Office of the Secretary of State on May 12, 2025.

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Brandon Wood

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



### 37 TAC §263.32

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.32, concerning periodic testing of fire alarm systems in county jails. The proposed rule adds language to 37 TAC §263.32, which specifies how fire alarm systems shall be tested. This language is proposed following feedback from the State Fire Marshal's Office, which was evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule is enhanced clarity in interpreting and enforcing this rule. There will

not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

#### *§263.32. Periodic Testing.*

The fire alarm system shall ~~systems should~~ be tested in accordance with ~~the inspection, testing, and maintenance schedules in NFPA 72, National Fire Alarm and Signaling Code [the manufacturer's recommendation.] and [but]~~ shall be tested at least on calendar quarterly intervals.

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

Filed with the Office of the Secretary of State on May 12, 2025.

TRD-202501608

Brandon Wood

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



### **37 TAC §263.33**

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.33, concerning fire alarm system notification of others in county jails. The proposed rule adds language to 37 TAC §263.33, which adds a reference to the National Fire Protection Association regarding how fire alarm systems shall be supervised. This language is proposed following comments from the State Fire Marshal's Office, which were evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule is enhanced compliance to national standards of fire protection. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no

anticipated economic cost to persons who are required to comply with proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

#### *§263.33. Notification of Others.*

The fire alarm system shall be supervised in accordance with NFPA 72, National Fire Alarm and Signaling Code, to facilitate the notification of ~~[should provide annunciation at]~~ the local fire department.

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

Filed with the Office of the Secretary of State on May 12, 2025.

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Brandon Wood

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



## **SUBCHAPTER E. LIFE SAFETY AND EMERGENCY EQUIPMENT**

### **37 TAC §263.50**

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.50, concerning emergency electrical power in county jails. The proposed rule adds language to 37 TAC §263.50, which corrects grammatical mistakes in this rule. This language is proposed following feedback from the State Fire Marshal's Office, which was evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule is increased clarity in interpretation and enforcement of this rule. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is

no anticipated economic cost to persons who are required to comply with proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

*§263.50. Emergency Electrical Power.*

(a) New facilities, new additions, and major renovations to existing facilities shall be equipped with an emergency back-up electrical generator designed to operate both manually and automatically upon interruption of the primary electrical power source. The system shall be capable of operating uninterrupted for a minimum period of one and one-half [~~one and one half~~] hours without refueling. Back-up electrical power shall be provided for necessary equipment and life safety systems including, but not limited to:

- (1) emergency illumination systems;
- (2) exit signs [~~lights~~];
- (3) smoke management systems;
- (4) fire detection and alarm systems;
- (5) audible communication systems;
- (6) security/control systems;
- (7) normal ventilation systems required for smoke detection.

(b) Existing facilities shall provide emergency illumination, and this may be accomplished by utilizing a battery back-up system capable of continuous operation for one and one-half hours.

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

Filed with the Office of the Secretary of State on May 12, 2025.

TRD-202501610

Brandon Wood

Executive Director

Texas Commission on Jail Standards

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 850-9668



**37 TAC §263.51**

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.51, concerning smoke management in county jails. The proposed rule adds language to 37 TAC §263.51, which will clarify the rule, and adds references to the National Fire Protection Association with titles. This language is proposed following feedback from the State Fire Marshal's Office, which was evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule is increased clarity in interpreting and enforcing this rule. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

*§263.51. Smoke Management.*

(a) General. Jails shall have a sufficient means of managing smoke from a fire to permit orderly movement of inmates from the area of a fire incident. Smoke management shall limit the exposure of staff to untenable conditions when responding to a fire emergency. The means of smoke management shall be a combination of compartmentation, control of smoke migration from the affected area, and means of removing smoke to the exterior of the building. The smoke management system shall include the consideration of:

- (1) automatic and manual fire detection;
- (2) automatic and manual fire alarm system;
- (3) automatic and manual smoke control system activation;
- (4) automatic and manual fire suppression system;
- (5) maintenance of reliable [~~safe~~] means of egress;
- (6) movement of inmates from affected area to an area of refuge [~~safety~~];
- (7) containment of smoke to area [~~space~~] of fire origin;
- (8) automatic and manual removal of smoke.

(b) Coverage.

(1) Smoke management shall be provided throughout all detention and support areas within the security perimeter.

(2) Mechanical smoke control systems and smoke removal systems shall be provided for all inmate housing areas, including cells, day rooms, dormitories, and special purpose cells.

(3) For the purpose of smoke control and smoke removal systems, the affected area shall be deemed to be the compartment consisting of a cell, day room, dormitory, or special purpose cell, in which the fire incident originates. Where open grating or mesh walls are used,

the affected area shall be restricted to the cell(s) and the adjacent day room.

(c) **Compartmentation.** Smoke barriers shall be provided in accordance with NFPA 101 Chapter 22.3.7 and Chapter 23.3.7 [the Life Safety Code, NFPA 101 14.3] concerning Subdivision of Building Spaces.

(d) **Control of Smoke Migration.**

(1) The smoke [fire] detection system shall promptly detect smoke within the affected area.

(2) Upon detection, a fire [an] alarm system shall automatically alert the control station(s) and initiate the automatic smoke control system.

(3) The smoke control system shall automatically, by pressure differential and/or air flow, contain smoke in the area of fire origin.

(4) Smoke control systems shall be designed so that smoke is restricted from entering the means of egress during the evacuation of inmates by providing sufficient air flow through exit access doors, when open.

(5) A manual override capability shall be provided in the event of detection failure and for testing purposes.

(e) **Smoke Removal.**

(1) All jails shall be provided with smoke removal capability, except as provided under subsection (g) of this section, relating to exceptions.

(2) The smoke removal system shall have the ability to remove smoke from the affected area to the exterior of the building using fixed mechanical equipment. Existing facilities (in operation prior to December 23, 1976) may be exempt from using fixed equipment when portable equipment is provided.

(3) During smoke removal, smoke shall not migrate from the affected area to other areas of the building.

(4) Smoke removal systems shall be designed to develop air flow patterns within the affected area which contribute to the dilution and removal of smoke. Air devices for supply and exhaust shall be separated by a distance of not less than 75% of the horizontal dimensions of the compartment and so arranged to provide air flow coverage of at least 50% of the vertical dimension of the compartment. Alternate air device configurations which have demonstrated effectiveness by field testing or mock-up testing may be approved.

(5) Capacity of the smoke removal system shall be sufficient to comply with subsection (f) of this section relating to smoke testing. Facilities in operation or initiated prior to March 31, 1991, which are not provided with a complete smoke management system (as required by this section) shall provide smoke removal capability, being automatically activated by the smoke detection system when utilizing fixed equipment, meeting the smoke testing criteria established by the commission on September 27, 1989. Designs for smoke removal systems which provide air change rates of less than 15 air changes per hour shall not be utilized. Design consideration shall be given to system configuration, friction loss, pressure drops and differentials, air leakage, and other construction characteristics, which may necessitate safety factors being included in design calculations.

(6) A manual override capability shall be provided in the event of detection failure and for testing purposes.

(f) **Testing.**

(1) **General.** Testing of the smoke management systems in all facilities shall be in compliance with the requirements of this section.

(2) **Functional Testing.**

(A) **Air Balancing Certification.** Prior to any other testing of new smoke management systems, an air balance report prepared in accordance with nationally recognized practices shall be submitted to the county. Such report shall bear certification that the smoke control and removal systems meet the engineer of record's design requirements with respect to pressure differentials achieved and air flow rates necessary to meet the intended smoke management operation. A copy of the air balance report shall be maintained at the facility and made available to the commission's inspector during all tests and inspections. An air balance report on an existing system may be required by the Texas Commission on Jail Standards when there is evidence that the smoke management system has been impaired due to modifications to the system or inadequate maintenance.

(B) **System Operation.** A test of smoke management system's initiating devices and control systems' output shall be performed. Such testing shall verify that, upon activation of a smoke detector, water flow indicating device, manual fire alarm station, or other smoke management system initiating device, the smoke management system components will automatically commence operation. The engineer of record shall provide a "cause and effect" chart to indicate the appropriate smoke management operating mode for all affected equipment based on the operation of each initiating device. Acceptance of functional testing shall be predicated upon all input and output devices performing as indicated by the "cause and effect" chart.

(3) **Smoke Testing.**

(A) **General smoke testing** of the smoke management systems shall be accomplished in accordance with this section. The smoke management system shall be tested in both normal and emergency power modes.

(B) **Smoke Detection.** Artificial smoke shall be introduced into the space to be tested. The rate of introduction of smoke shall be two times the volume of the space to be tested. The commission may establish a minimum amount of smoke to be introduced into a space. The smoke detection system shall alarm and initiate the smoke control and removal system(s) within 60 seconds of the beginning of smoke introduction.

(C) **Smoke Migration.** The smoke management system shall be deemed to be controlling smoke migration if smoke from the detection test does not migrate from the affected area for a period of ten minutes from the time of detection and activation of the smoke control system. The inspector may conduct the smoke migration test with the compartment exit door open or closed.

(D) **Smoke Removal.** Utilizing the procedure for testing smoke detection, smoke removal shall be completed in the space to be tested within fifteen minutes from the time of system activation.

(4) **Maintenance and Retesting.** The smoke management systems shall be regularly maintained to assure consistent performance. The smoke management systems shall be operationally tested quarterly and may be tested by the commission's inspector on an annual basis utilizing the smoke testing procedures.

(g) **Exceptions.**

(1) Fully sprinklered, minimum security facilities may be exempt from these requirements if approved by the sheriff, the local fire marshal, and the commission; however, smoke detection and alarm systems shall be provided for all facilities. Approval shall be based on

review of each facility, the degree of overall protection achieved, and a high degree of freedom of movement afforded the inmates. Such facilities shall be inspected by local fire protection authorities monthly.

(2) Single story, new construction, minimum security facilities whose exit doors are incapable of being locked from the inside and which provide direct exiting to the exterior of the building from the inmate sleeping area(s) and day room(s) may be constructed without smoke control, smoke removal, or sprinkler systems. However, these facilities shall provide proper compartmentation and smoke detection.

(3) Facilities that were in operation or initiated prior to March 31, 1991, and which comply with subsection (c) of this section, relating to Smoke Removal, may be exempt from other requirements of this section relating to smoke management.

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

Filed with the Office of the Secretary of State on May 12, 2025.

TRD-202501611

Brandon Wood

Executive Director

Texas Commission on Jail Standards

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 850-9668



### 37 TAC §263.52

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.52, concerning standpipes and hoses in county jails. The proposed rule adds language to 37 TAC §263.52, which adds titles for references to National Fire Protection Association chapters, and corrects grammatical errors. This language is proposed following feedback from the State Fire Marshal's Office, which was evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule is increased clarity in interpretation and enforcement of this rule. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

#### §263.52. *Standpipes and Hoses.*

Each facility shall be furnished with an approved wet NFPA 14, Standard for the Installation of Standpipe and Hose Systems, Class III standpipe and hose system (located to permit quick deployment to all inmate occupied areas) for use by fire department personnel and staff. Partial or complete automatic fire sprinkler systems with appropriate sprinkler heads may be provided. Facilities equipped with complete automatic fire sprinkler systems, in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, may reduce the system to an NFPA 14, Standard for the Installation of Standpipe and Hose Systems, Class I system. A one-inch [~~one inch~~] non collapsible [~~noncollapsible~~] hose and reel system may be used in lieu of the one and one-half inch collapsible hose when approved by local fire officials. Existing facilities may request a variance from this requirement.

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

Filed with the Office of the Secretary of State on May 12, 2025.

TRD-202501612

Brandon Wood

Executive Director

Texas Commission on Jail Standards

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 850-9668



## CHAPTER 279. SANITATION

### 37 TAC §279.1

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule 279.1, concerning sanitation plans for county jails. The proposed rule adds language to 37 TAC §279.1 that requires a county jail to include a method to allow handwashing prior to meals being served in holding cells. This language is proposed following a public petition for the addition of this language, which was evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined, for each year of the first five-year period the rule is in effect, that the rule will have no impact on government programs, employee positions, legislative appropriations to the agency, fees paid to the agency, the number of individuals subject to the rules, the state's economy.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be enhanced sanitation in county jail holding cells. There will not

be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas, 78711-2985 or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

*§279.1. Sanitation Plan.*

Each facility shall have and implement a written plan, reviewed and approved by the commission, for the maintenance of an acceptable level of cleanliness and sanitation throughout the facility. Such plan shall provide for:

- (1) a regular daily schedule for the work and inspections necessary to keep the facility clean; which schedule shall be assigned and supervised by jailers who have the responsibility for keeping the facility clean and making regular sanitation inspections;
- (2) water and sewage systems not part of a public system and food preparation areas shall be inspected at least annually by health authorities and record kept for each inspection;
- (3) adequate and safe cleaning equipment;
- (4) water tight garbage containers with tight fitting covers in the kitchen;
- (5) the maintenance of toilets, lavatories, showers, and other equipment throughout the facility in good working order;
- (6) the maintenance of all counters, shelves, tables, equipment, and utensils with which food or drink comes into contact in a clean condition and in good repair;
- (7) clean washing aids, such as brushes, dishcloths, and other hand aids used in dish washing operations and for no other purposes;
- (8) a well ventilated place for storing and drying mops and other cleaning tools;
- (9) the continuous compliance of the water system and sewage system with the minimum requirements for such public systems;
- (10) the prohibition of excessive storage of food in cells and day rooms.
- (11) a method to allow hand washing prior to meals being served in holding cells.

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

Filed with the Office of the Secretary of State on May 12, 2025.  
TRD-202501602

Brandon Wood  
Executive Director  
Texas Commission on Jail Standards  
Earliest possible date of adoption: June 22, 2025  
For further information, please call: (512) 850-9668

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

**PART 1. DEPARTMENT OF AGING AND DISABILITY SERVICES**

**CHAPTER 71. INFORMATION PRACTICES**

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of Chapter 71 consisting of §71.101, concerning Definitions; §71.102, concerning Requests for Information; §71.103, concerning Schedule of Fees; §71.201, concerning Definitions; §71.202, concerning Confidential Nature of Client Information; §71.203, concerning Client Access to Own Information; §71.204, concerning Release for Death Notification; §71.205, concerning Release for Eligibility Verification, Billing, and Service Delivery; §71.206, concerning Release under Client Authorization; §71.301, concerning Definitions; §71.302, concerning Right of Access to Your Individually Identifiable Health Information; §71.303, concerning Designated Record Sets; §71.304, concerning Right to Report of Disclosures; §71.305, concerning Fees for Copies of Information; §71.306, concerning Requests for Further Limits on Uses and Disclosures of Individually Identifiable Health Information; §71.307, concerning Requests for Communication by Different Means or at Different Locations; §71.308, concerning Verification of Identity and Authority; §71.309, concerning Disclosure of Health Information; §71.310, concerning Complaints; §71.401, concerning Right to Correct Incorrect Information; §71.402, concerning Requesting a Correction; §71.403, concerning Where to Send a Request for Correction; §71.404, concerning The Correction Review; and §71.405, concerning Correction of Individually Identifiable Health Information in a Designated Record Set.

**BACKGROUND AND PURPOSE**

The purpose of the proposal is to remove obsolete rules adopted in 2003 by the Texas Department of Human Services concerning information practices. These rules are outdated, duplicative of current rules and contain incorrect agency information.

**SECTION-BY-SECTION SUMMARY**

The proposed repeal of §§71.101 - 71.103, 71.201 - 71.206, 71.301 - 71.310 and 71.401 - 71.405 removes rules no longer necessary.

**FISCAL NOTE**

Trey Wood, Chief Financial Officer, has determined that for each year of the first five years that the rule repeals will be in effect, enforcing or administering the rule repeals do not have foreseeable implications relating to costs or revenues of state or local governments.

**GOVERNMENT GROWTH IMPACT STATEMENT**

HHSC has determined that during the first five years that the rule repeals will be in effect:

- (1) the proposed repeals will not create or eliminate a government program;
- (2) implementation of the proposed repeals will not affect the number of HHSC employee positions;
- (3) implementation of the proposed repeals will result in no assumed change in future legislative appropriations;
- (4) the proposed repeals will not affect fees paid to HHSC;
- (5) the proposed repeals will not create a new regulation;
- (6) the proposed repeals will repeal an existing regulation;
- (7) the proposed repeals will not change the number of individuals subject to the rules; and
- (8) the proposed repeals will not affect the state's economy.

#### SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules will be removed and do not require any change in business processes or additional costs.

#### LOCAL EMPLOYMENT IMPACT

The proposed repeals will not affect a local economy.

#### COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to the repeals because the repeals do not impose a cost on regulated persons.

#### PUBLIC BENEFIT AND COSTS

Libby Elliott, Deputy Executive Commissioner for the Office of Policy and Rules, has determined that for each year of the first five years the repeals are in effect, the public benefit will be removal of unnecessary rules from the Texas Administrative Code.

Trey Wood has also determined that for the first five years the repeals are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed repeals because the rules will be removed.

#### TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

#### PUBLIC COMMENT

Written comments on the proposal may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to [HHSRulesCoordinationOffice@hhs.texas.gov](mailto:HHSRulesCoordinationOffice@hhs.texas.gov).

To be considered, comments must be submitted no later than 21 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please

indicate "Comments on Proposed Rule 24R056" in the subject line.

## SUBCHAPTER A. DISCLOSURE OF INFORMATION

### 40 TAC §§71.101 - 71.103

#### STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies.

The repeals implement Texas Government Code §524.0151.

§71.101. *Definitions.*

§71.102. *Requests for Information.*

§71.103. *Schedule of Fees.*

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

Filed with the Office of the Secretary of State on May 6, 2025.

TRD-202501533

Karen Ray

Chief Counsel

Department of Aging and Disability Services

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 221-9021



## SUBCHAPTER B. CLIENT INFORMATION

### 40 TAC §§71.201 - 71.206

#### STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies.

The repeals implement Texas Government Code §524.0151.

§71.201. *Definitions.*

§71.202. *Confidential Nature of Client Information.*

§71.203. *Client Access to Own Information.*

§71.204. *Release for Death Notification.*

§71.205. *Release for Eligibility Verification, Billing, and Service Delivery.*

§71.206. *Release under Client Authorization.*

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

Filed with the Office of the Secretary of State on May 6, 2025.

TRD-202501534

Karen Ray

Chief Counsel

Department of Aging and Disability Services

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 221-9021



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## SUBCHAPTER C. PRIVACY OF HEALTH INFORMATION

### 40 TAC §§71.301 - 71.310

#### STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies.

The repeals implement Texas Government Code §524.0151.

§71.301. *Definitions.*

§71.302. *Right of Access to Your Individually Identifiable Health Information.*

§71.303. *Designated Record Sets.*

§71.304. *Right to Report of Disclosures.*

§71.305. *Fees for Copies of Information.*

§71.306. *Requests for Further Limits on Uses and Disclosures of Individually Identifiable Health Information.*

§71.307. *Requests for Communication by Different Means or at Different Locations.*

§71.308. *Verification of Identity and Authority.*

§71.309. *Disclosure of Health Information.*

§71.310. *Complaints.*

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

Filed with the Office of the Secretary of State on May 6, 2025.

TRD-202501535

Karen Ray

Chief Counsel

Department of Aging and Disability Services

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 221-9021

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## SUBCHAPTER D. CORRECTING INFORMATION

### 40 TAC §§71.401 - 71.405

#### STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies.

The repeals implement Texas Government Code §524.0151.

§71.401. *Right to Correct Incorrect Information.*

§71.402. *Requesting a Correction.*

§71.403. *Where to Send a Request for Correction.*

§71.404. *The Correction Review.*

§71.405. *Correction of Individually Identifiable Health Information in a Designated Record Set.*

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

Filed with the Office of the Secretary of State on May 6, 2025.

TRD-202501536

Karen Ray

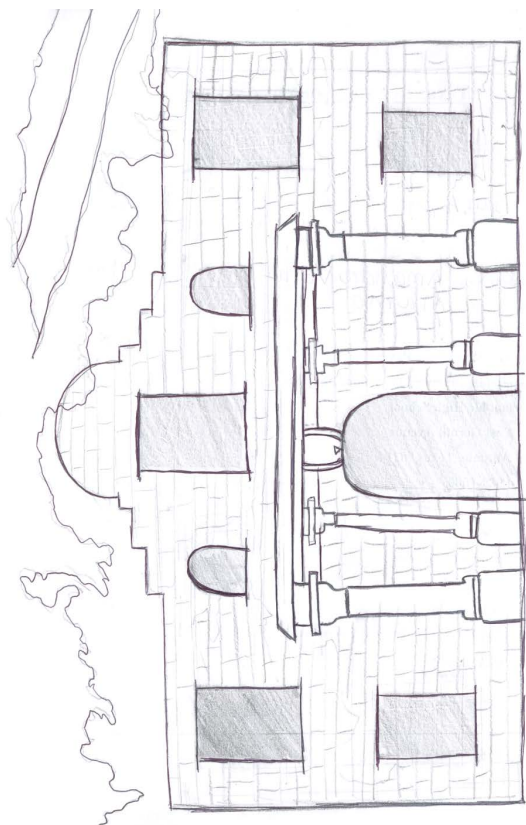
Chief Counsel

Department of Aging and Disability Services

Earliest possible date of adoption: June 22, 2025

For further information, please call: (512) 221-9021

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# WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

## TITLE 1. ADMINISTRATION

### PART 2. TEXAS ETHICS COMMISSION

#### CHAPTER 50. LEGISLATIVE SALARIES AND PER DIEM

##### 1 TAC §50.1

Proposed amended §50.1, published in the November 1, 2024, issue of the *Texas Register* (49 TexReg 8630), is withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Published by the Office of the Secretary of State on May 7, 2025.  
TRD-202501561



## TITLE 13. CULTURAL RESOURCES

## PART 7. STATE PRESERVATION BOARD

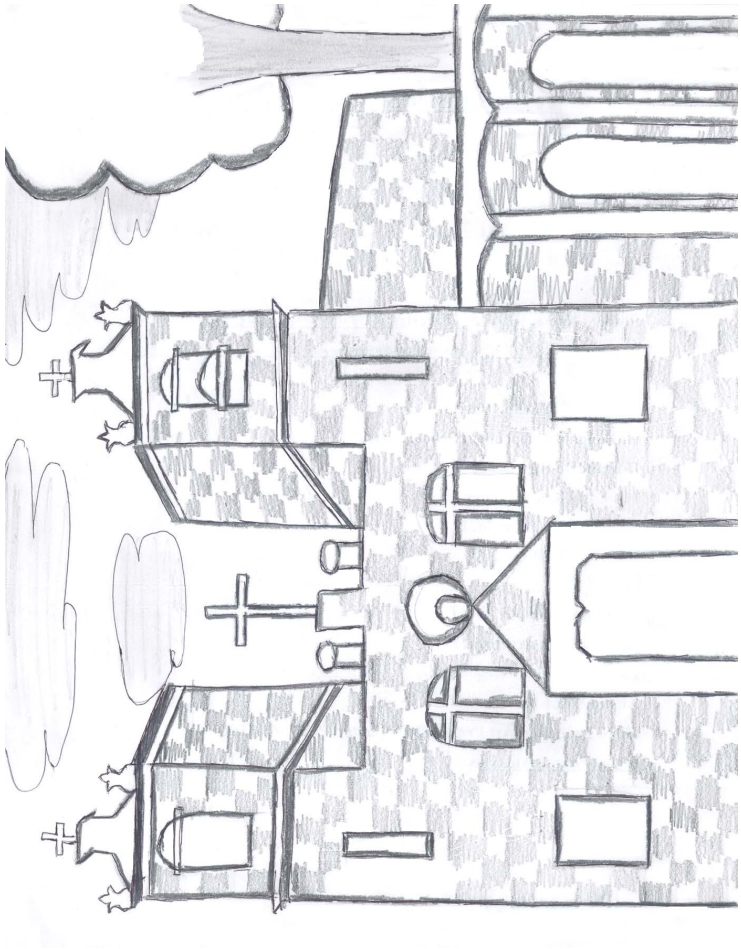
### CHAPTER 111. RULES AND REGULATIONS OF THE BOARD

#### 13 TAC §111.27

Proposed amended §111.27, published in the November 1, 2024, issue of the *Texas Register* (49 TexReg 8645), is withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Published by the Office of the Secretary of State on May 7, 2025.  
TRD-202501562





# ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

## TITLE 4. AGRICULTURE

### PART 2. TEXAS ANIMAL HEALTH COMMISSION

#### CHAPTER 51. ENTRY REQUIREMENTS

##### 4 TAC §51.1, §51.4

The Texas Animal Health Commission (Commission) in a duly noticed meeting on May 6, 2025, adopted amendments to Title 4, Texas Administrative Code, Chapter 51 titled "Entry Requirements." Specifically, the Commission adopted amendments to §51.1 regarding Definitions and §51.4 regarding Shows, Fairs, and Exhibitions. The amendments to §51.4 are adopted with nonsubstantive changes to the proposed text published in the March 14, 2025 issue of the *Texas Register* (50 TexReg 1885) to correct a typographical error. The rule will be republished. The amendments to §51.1 are adopted without changes to the proposed text and will not be republished.

##### JUSTIFICATION FOR RULE ACTION

A member of the public petitioned the Commission for a rule change to modify the requirements for Texas origin animals entering Texas exhibition events. The petitioner explained that the current regulations made it expensive for youth competitors to participate in small family-run or 4H/FFA volunteer shows because of the cost of obtaining a certificate of veterinary inspection (CVI) for each show when out-of-state animals are present.

The petitioner requested that the Commission consider removing the requirement that Texas origin animals obtain a CVI for each exhibition.

According to the petitioner, many exhibitors are unable to obtain CVIs for multiple shows due to the cost, only allowing wealthy exhibitors to attend multiple shows, causing a disadvantage to some youth exhibitors. Elimination of the requirement would help level the playing field for all youth competitors.

The petitioner also pointed out that the current rule requires show sponsors to bar out-of-state participants for Texas only shows if they want to eliminate the requirement for Texas participants to have CVIs, resulting in loss revenue from out-of-state participants. The petitioner noted that out-of-state participants provide additional income to local businesses, particularly restaurants, hotels, gas stations, and feed/tack supply stores.

Currently, Commission rules distinguish between interstate shows and intrastate shows and have different entry requirements for each. The Commission considers shows, fairs, and exhibitions to be interstate if they permit livestock and poultry from other states to enter for show or exhibition and be held or exhibited in common facilities with Texas origin livestock and poultry of the same species. For interstate shows all animals

must meet the out-of-state entry requirements which includes obtaining a CVI. The Commission considers shows, fairs, or exhibitions to be intrastate if they only allow Texas animals to enter or if they require Texas livestock and poultry of the same species to be housed and exhibited separately from livestock and poultry from out of state. For intrastate exhibitions, CVIs are not generally required.

Any time animals congregate from multiple premises there is an increased risk of disease transmission. The purpose of the entry requirements for shows, fairs, and exhibitions is to reduce the risk of disease transmission and ensure the Commission can perform a disease investigation if needed.

In reviewing the petition, staff at the Commission looked at the overall risk of disease transmission from Texas origin animals and at alternative ways a disease investigation could be conducted. Staff concluded that disease risk was not appreciably higher for interstate shows as long as out-of-state origin animals meet the Texas entry requirements. Staff also concluded that a disease investigation could be accomplished by obtaining information about participants from the show sponsor. Because sponsors typically gather information regarding the animals during the registration process, such as owner information, species, breed, sex, and age, it should not cause unreasonable burden on show sponsors. Commission staff found this recordkeeping would eliminate the need for CVIs for Texas origin animals.

After consideration of the petition, the Commission proposed amendments to the rules that will add a recordkeeping requirement for sponsors of shows, eliminate the distinction between interstate and intrastate shows, maintain entry requirements for out-of-state participants, and eliminate the need for Texas participants to meet the same standards of out-of-state participation. These changes will reduce the barriers for entry to shows, fairs, and exhibitions for Texas participants. Entry requirements for out-of-state participants cannot be reduced further without conflicting with existing federal requirements.

##### HOW THE RULES WILL FUNCTION

Section 51.1 removes the definition of "interstate show" and adds a definition for "official identification."

Section 51.4 sets forth the requirements for entry requirements for shows, fairs, and exhibitions. The amendments add a recordkeeping requirement for sponsors of shows, eliminate the distinction between interstate and intrastate shows, maintain entry requirements for out-of-state participants, and eliminate the need for Texas participants to meet the same standards of out-of-state participation.

##### SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended April 13, 2025.

During this period, the Commission received comments from 38 individuals in support of the rule. A summary of the comments relating to the rules and the Commission's response follows.

Comment: 38 individual commenters were supportive of the Commission's proposal to remove CVI requirements for in-state participants, noting that the change will greatly reduce the burden on youth participants without compromising animal health and biosecurity.

Response: The Commission thanks the commenters for the feedback. No changes were made as a result of these comments.

#### STATUTORY AUTHORITY

The amendments are authorized by Texas Agriculture Code, Chapter 161.

Pursuant to §161.041, titled "Disease Control", the Commission shall protect all livestock, exotic livestock, domestic fowl, and exotic fowl from diseases the Commission determines require control or eradication. Pursuant to §161.041(b) the Commission may act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl. The Commission may adopt any rules necessary to carry out the purposes of this subsection, including rules concerning testing, movement, inspection, and treatment.

Pursuant to §161.043, titled "Regulation of Exhibitions", the Commission may regulate the entry of livestock and may require certification of those animals as reasonably necessary to protect against communicable diseases.

Pursuant to §161.046, titled "Rules", the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.047, titled "Entry Power", a commissioner or veterinarian or inspector employed by the Commission may enter public or private property for the exercise of an authority or performance of a duty under Chapter 161.

Pursuant to §161.048, titled "Inspection of Shipment of Animals or Animal Product", the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or non-communicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception", the Commission may by rule regulate the movement of animals, and may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved.

Pursuant to §161.056(a), titled "Animal Identification Program", the Commission, to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, may develop and implement an animal identification program that is no more stringent than a federal animal disease traceability or other federal animal identification program. Section 161.056(d) authorizes the Commission to

adopt rules to provide for an animal identification program more stringent than a federal program only for control of a specific animal disease or for animal emergency management.

Pursuant to §161.0601, titled "Certificates of Veterinary Inspection", the Commission by rule may provide for the issuance of certificates of veterinary inspection by a veterinarian to a person transporting livestock, exotic livestock, domestic fowl, or exotic fowl.

Pursuant to §161.081, titled "Importation of Animals", the Commission by rule may provide the method for inspecting and testing animals before and after entry into the state of Texas. The Commission may create rules for the issuance and form of health certificates and entry permits.

No other statutes, articles, or codes are affected by this proposal.

#### §51.4. Shows, Fairs and Exhibitions.

##### (a) Sponsor Recordkeeping

(1) A sponsor must maintain the following records for each animal entered into a show, fair, or exhibition:

(A) owner's name and contact information, including address;

(B) county of origin;

(C) a description of the animal including sex, age, and breed, and, if applicable, official identification, validation information, tag numbers, tattoos, brands, and registration;

(D) information regarding the stall or pen that the animal was kept during the event, if applicable; and

(E) the buyer's name and contact information, including address, if the animal is sold at the show, fair, or exhibition.

(2) A sponsor must maintain records for one year after the date of the event.

(3) The sponsor must provide the records to Commission personnel upon request.

##### (b) Requirements for out-of-state origin animals.

###### (1) Cattle

(A) Certificate of Veterinary Inspection. All out-of-state origin cattle must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. All out-of-state origin cattle of any age must be identified using official identification regardless of age or breed.

(C) Permit Requirements. Out-of-state origin cattle must meet the permit requirements contained in §51.8 of this title (relating to Cattle).

(D) Testing Requirements. Out-of-state origin cattle must meet the testing requirements contained in §51.8 of this title.

(E) Vaccination Requirements. Out-of-state origin cattle must meet the brucellosis vaccination requirements contained in §35.4 of this title (relating to Entry, Movement, and Change of Ownership).

###### (2) Equine

(A) Certificate of Veterinary Inspection. All out-of-state origin equine must have one of the following: a valid Certificate of Veterinary Inspection (CVI); a valid equine interstate passport; or a valid equine identification card.

(B) Testing Requirements.

(i) Equine Infectious Anemia (EIA). All out-of-state origin equine must have one of the following: proof of a negative result to an official Equine Infection Anemia (EIA) test within the previous 12 month if travelling on a Certificate of Veterinary Inspection (CVI); a valid equine interstate passport; or equine identification card.

(ii) Piroplasmosis. Equine entering a racetrack facility must meet the Piroplasmosis requirements for testing in §49.5 of this title (relating to Piroplasmosis: Testing, Identification of Infected Equine).

(3) Exotic Livestock and Fowl

(A) Certificate of Veterinary Inspection. All out-of-state origin exotic livestock and fowl must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. All out-of-state origin exotic Cervidae, Bovidae, Swine, and Ratites must be identified using official identification.

(C) Permit Requirements. Out-of-state origin exotic livestock and fowl must meet the permit requirements contained in §51.9 of this title (relating to Exotic Livestock and Fowl).

(D) Testing Requirements. Out-of-state origin exotic livestock and fowl must meet the testing requirements contained in §51.9 of this title.

(E) Sale of Exhibition Exotic Fowl. All out-of-state sellers of live exotic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(4) Goats

(A) Certificate of Veterinary Inspection. All out-of-state origin goats must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. Unless excepted, all out-of-state origin goats are required to be identified using official identification.

(C) Permit Requirements. Out-of-state origin goats must meet the permit requirements contained in §51.11 and §51.12 of this title (relating to Goats and relating to Sheep).

(D) Testing Requirements. Out-of-State origin goats must meet the testing requirements contained in §51.11 and §51.12 of this title.

(5) Poultry and Domestic Fowl

(A) Certificate of Veterinary Inspection. All out-of-state origin poultry and domestic fowl entering Texas to be exhibited must have a valid Certificate of Veterinary Inspection (CVI).

(B) Permit Requirements. All poultry and domestic fowl entering Texas to be exhibited must have an entry permit issued by the Commission.

(C) Testing Requirements. All out-of-state origin poultry must meet the testing requirements contained in §51.15 and §57.11 of this title (relating to Poultry and relating to General Requirements).

(D) Sale of Exhibition Poultry and Domestic Fowl. All out-of-state sellers of live poultry and domestic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(6) Sheep

(A) Certificate of Veterinary Inspection. All out-of-state origin sheep must have a valid Certificate of Veterinary Inspection (CVI).

(B) Official Identification. All out-of-state origin sheep are required to be identified using official identification.

(C) Permit Requirements. Out-of-state origin sheep must meet the permit requirements contained in §51.12 of this title.

(D) Testing Requirements. Out-of-State origin sheep must meet the testing requirements contained in §51.12 of this title.

(7) Swine

(A) Certificate of Veterinary Inspection. All out-of-state origin swine must have a valid Certificate of Veterinary Inspection (CVI) that includes the certifications required by §51.14(a) of this title (relating to Swine).

(B) Official Identification. All out-of-state origin swine are required to be identified using official identification.

(C) Testing Requirements. All out-of-state origin swine must meet testing requirements contained in §51.14 of this title.

(D) Vaccination Requirements. All out-of-state origin breeding swine (sexually intact swine, 6 months of age or older) must have a Leptospirosis vaccination within 30 days prior to the event. The vaccine must contain the following strains: Canicola, Hardjo, Icterohaemorrhagiae, Grippotyphosa, and Pomona. Vaccination status should be recorded on the CVI.

(c) Requirements for Texas origin animals.

(1) Cattle

(A) Official Identification. All dairy breed cattle, including steers and spayed heifers, and all breeding bulls 12 months of age or older must be identified using official identification.

(B) Testing Requirements. Texas origin dairy cattle are not required to test for tuberculosis to participate in a show, fair or exhibition within this state.

(C) Sale of Exhibition Bulls. Any Texas origin bulls changing possession at the event must meet the Trichomoniasis testing requirements contained §38.2 of this title (relating to General Requirements).

(2) Equine

(A) A Certificate of Veterinary Inspection is required for Texas origin entering a parimutuel racetrack.

(B) Testing Requirements.

(i) Equine Infectious Anemia (EIA). All equine must have one of the following: proof of a negative results to an official Equine Infection Anemia (EIA) test within the previous 12 months month if travelling on a Certificate of Veterinary Inspection (CVI); or a valid equine interstate passport; or equine identification card.

(ii) Piroplasmosis. Equine entering a racetrack facility must meet the Piroplasmosis requirements for testing in §49.5 of this title.

(3) Exotic Livestock and Fowl

(A) Official Identification.

(i) Texas origin Chronic Wasting Disease (CWD) susceptible cervids must be identified using official identification.

(ii) Exhibition ratites offered for sale must be identified using official identification.

(B) Sale of Exhibition Exotic Fowl. All sellers of live exotic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(4) Goats. Unless excepted under §60.2 of this title (relating to Animal Identification and Record Keeping), all Texas origin goats are required to be identified using official identification.

(5) Poultry and Domestic Fowl

(A) Testing Requirements.

(i) Pullorum-Typhoid (PT) Test. Poultry must originate from flocks or hatcheries free of pullorum disease and fowl typhoid or have a negative PT test within 30 days before exhibition.

(ii) Laryngotracheitis (LT) Test. Poultry must originate from areas where LT has not been active in the past 30 days, and poultry must not have been vaccinated with the modified live chick-embryo origin LT vaccine or the modified live MG- attenuated vaccine.

(B) Sale of Exhibition Poultry and Domestic Fowl. All sellers of live poultry and domestic fowl who do not participate in a qualifying disease surveillance program recognized by the Commission must register under Chapter 54 of this title.

(6) Sheep

(A) Official Identification. Unless excepted under §60.2 of this title, all Texas origin sheep are required to be identified using official identification.

(B) Testing Requirements. Texas origin breeding rams may enter shows, fairs, and exhibitions without a test for *Brucella ovis*.

(7) Swine

(A) Official Identification. Texas origin breeding swine changing ownership must be identified using official identification.

(B) Testing Requirements. Prior to change of ownership, all swine must meet testing requirements contained in §55.1(b) of this title (relating to Testing Breeding Swine Prior to Sale or Change of Ownership). Texas origin swine entered in terminal shows are exempt from brucellosis and pseudorabies testing requirements.

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

Filed with the Office of the Secretary of State on May 9, 2025.

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Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

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For further information, please call: (512) 839-0511



## TITLE 10. COMMUNITY DEVELOPMENT

### PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

## CHAPTER 7. HOMLESSNESS PROGRAMS

### SUBCHAPTER C. EMERGENCY SOLUTIONS GRANTS (ESG)

#### 10 TAC §7.34, §7.36

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the proposed text as previously published in the February 21, 2025, issue of the *Texas Register* (50 TexReg 903), the repeal of 10 TAC Chapter 7, Subchapter A, Emergency Solutions Grants (ESG), §7.34 Continuing Awards and §7.36 General Threshold Criteria. The purpose of the repeals is to eliminate an outdated rule, while adopting a new updated rule under separate action. The rules will not be republished.

The Department has analyzed this adopted rulemaking and the analysis is described below for each category of analysis performed.

#### a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

1. Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the repeal would be in effect, the repeal does not create or eliminate a government program, but relates to the repeal, and simultaneous readoption making changes to an existing activity, administration of the Department's Emergency Solutions Grants (ESG) Program.

2. The repeal does not require a change in work that would require the creation of new employee positions, nor is the repeal significant enough to reduce workload to a degree that any existing employee positions are eliminated.

3. The repeal does not require additional future legislative appropriations.

4. The repeal does not result in an increase in fees paid to the Department, nor a decrease in fees paid to the Department.

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The action will repeal an existing regulation, but is associated with a simultaneous readoption making changes to an existing activity, the administration of the Department's Emergency Solutions Grant Program.

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

8. The repeal will not negatively or positively affect the state's economy.

#### b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated this repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

#### c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.



**d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).**

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

**e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5).** Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the repealed sections would be updated and more germane rules. There will not be economic costs to individuals required to comply with the repealed sections.

**f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4).** Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

**REQUEST FOR PUBLIC COMMENT.** The public comment period was held February 21, 2025, to March 21, 2025, to receive input on the proposed repealed sections. No comment was received.

**STATUTORY AUTHORITY.** The adopted repeal is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the adopted repealed sections affect no other code, article, or statute.

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

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501597

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

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For further information, please call: (512) 475-3959



**10 TAC §7.34, §7.36**

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the proposed text as previously published in the February 21, 2025 issue of the *Texas Register* (50 TexReg 904), new Chapter 7, Subchapter A, Emergency Solutions Grants (ESG), §7.34 Continuing Awards and §7.36 General Threshold Criteria. The purpose of the new sections is to take steps to better incentivize compliance with HUD's annual reporting requirements. The rules will not be republished.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

**a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.**

Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the new rule would be in effect:

1. The new sections do not create or eliminate a government program, but relate to the readoption of this rule which makes changes to administration of the Department's Emergency Solutions Grants Program.

2. The new sections do not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The new sections do not require additional future legislative appropriations.

4. The new sections will not result in an increase in fees paid to the Department nor a decrease in fees paid to the Department.

5. The new sections are not creating a new regulation, except that it is replacing a rule being repealed simultaneously to provide for revisions.

6. The new sections will not expand or repeal an existing regulation.

7. The new sections will not increase or decrease the number of individuals subject to the rule's applicability.

8. The new sections will not negatively or positively affect the state's economy.

**b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.** The Department, in drafting these new sections, has attempted to reduce any adverse economic effect on small or micro-business or rural communities while remaining consistent with the statutory requirements of Tex. Gov't Code §2306.111.

1. The Department has evaluated these new sections and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. The Department has determined that because the new sections serve to clarify and update existing requirements and do not establish new requirements for which there would be an associated cost, there will be no economic effect on small or micro-businesses or rural communities.

**c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043.** The new sections do not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

**d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).**

The Department has evaluated the new sections as to their possible effects on local economies and has determined that for the first five years the rule will be in effect the adopted new sections have no economic effect on local employment because the rule serves to clarify and update existing requirements and does not establish new requirements or activities that may positively or negatively impact local economies.

Tex. Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Consid-

ering that participation in the Department's Homeless Programs is at the discretion of the local government or other eligible sub-recipients, there are no "probable" effects of the adopted new sections on particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Bobby Wilkinson, Executive Director, has determined that, for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of the rule will be a more germane rule that better aligns administration to federal and state requirements. There will not be any economic cost to any individuals required to comply with the new sections because the processes described by the rule have already been in place through the rule found at this section being repealed.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new sections are in effect, enforcing or administering the rule does not have any foreseeable implications related to costs or revenues of the state or local governments because the rule updates and clarifies existing requirements and does not impose new requirements.

REQUEST FOR PUBLIC COMMENT. The public comment period was held February 21, 2025, to March 21, 2025, to receive input on the adopted new sections. No public comment was received.

STATUTORY AUTHORITY. The new sections are approved pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the new sections affect no other code, article, or statute.

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

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Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

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For further information, please call: (512) 475-3959



## TITLE 16. ECONOMIC REGULATION

### PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

#### CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

#### SUBCHAPTER S. WHOLESALE MARKETS

##### 16 TAC §25.506

The Public Utility Commission of Texas (commission) adopts amendments to 16 Texas Administrative Code (TAC) §25.506, relating to Publication of Resource and Load Information in the

Electric Reliability Council of Texas Power Region with changes to the proposed text as published in the February 28, 2025, issue of the *Texas Register* (50 TexReg 1069). The rule will be republished.

The adopted rule implements Public Utility Regulatory Act (PURA) §35.0022 as enacted by House Bill 1500, Section 8, during the 88th Texas Legislative Session (R.S.). The adopted rule requires owners and operators of generation resources and energy storage resources to provide ERCOT with information regarding each forced outage and certain forced derates, including the reason for the forced outage or derate. Additionally, the adopted rule requires ERCOT to post the provided information in a publicly accessible location on its website within three business days of the end of a resource's forced outage or derate.

The commission received comments on the proposed rule from the Advanced Power Alliance (APA) and American Clean Power Association (ACP) (APA + ACP), Electric Reliability Council of Texas (ERCOT), Lower Colorado River Authority (LCRA), Office of Public Utility Council (OPUC), Texas Electric Cooperatives, Inc. (TEC), Texas Public Power Association (TPPA), Texas Solar + Storage Association and Solar Energy Industries Association (Association Joint Commenters), and Vistra Corp. (Vistra).

#### Question for Comment

In the proposal for publication, the commission requested comments on whether all unplanned derates should be considered "unplanned service interruptions" for purposes of this rule.

Commenters provided three perspectives on the question for comment. The majority of commenters—including the Association Joint Commenters, APA + ACP, TPPA, Vistra, and LCRA—argued that the rule should only consider some unplanned derates to be unplanned service interruptions, reflecting ERCOT's current reporting requirements; OPUC supported the rule treating all unplanned derates as unplanned service interruptions; and TEC argued that no unplanned derates should be considered unplanned service interruptions.

The Association Joint Commenters recommended that only some unplanned derates be considered unplanned service interruptions. Specifically, the Association Joint Commenters recommended that only a "forced derate," as defined in ERCOT protocols, be considered an unplanned service interruption. The Association Joint Commenters recommended that if the commission determines that the rule should require reporting on any unplanned derates, the rule should use terms and thresholds for reporting that are consistent with ERCOT protocols. The Association Joint Commenters asserted that ERCOT's approach of setting a threshold on forced derate reporting is appropriate and should be retained because it eliminates reporting on minor forced derates that are unlikely to result in an "unplanned service interruption" as contemplated by statute.

APA + ACP recommended that only some unplanned derates be considered unplanned service interruptions. APA + ACP noted that the ERCOT protocols already require resources to report on forced outages and derates and asserted that they have an appropriate reporting threshold for forced derates in place. Accordingly, APA + ACP recommended that the commission establish a threshold for derate reporting rather than requiring resources to report on all unplanned derates.

TPPA recommended that only some unplanned derates be considered unplanned service interruptions. TPPA commented in

support of maintaining the threshold in ERCOT protocols for derate reporting. Further, TPPA noted that this threshold underwent review through the ERCOT stakeholder process, was approved by the ERCOT Board of Directors and the commission, and prevents onerous reporting of unplanned derates that are not significant enough to affect the reliability of the grid.

Vistra recommended that only some unplanned derates be considered unplanned service interruptions. Vistra commented that the legislative history of PURA §35.0022 indicates that the intended purpose of the statute is to focus on unplanned outages, rather than unplanned outages and derates. However, Vistra acknowledged that PURA §35.0022 does not preclude consideration of unplanned derates. For purposes of efficient implementation, Vistra recommended aligning the rule with existing ERCOT protocols, which only require resources to report on "forced" derates above a certain threshold, rather than all unplanned derates. To add clarity to the rule, Vistra also recommended adding the following statement in subsection (d)(1) and renumbering the subsequent paragraphs accordingly: "For purposes of this section, an unplanned outage or unplanned derate is the unavailability of all or a portion of a generation resource's or energy storage resource's capacity, based on its seasonal net maximum sustainable rating provided through ERCOT's resource registration process, that is required to be entered into the ERCOT outage scheduler and is not planned and scheduled in advance with ERCOT."

LCRA recommended that only some unplanned derates be considered unplanned service interruptions. LCRA suggested that required reporting on all unplanned derates could diminish the explanatory value of the reports for purposes of analyzing supply shortages and informing policy decisions. To add clarity to the rule, LCRA also recommended aligning the rule with the derate reporting threshold in ERCOT Nodal Protocol §3.1.4.7 by modifying proposed §25.506(d)(1) accordingly: "An owner or operator of a generation resource or energy storage resource must submit to ERCOT, in a manner determined by ERCOT, the following information related to each unplanned outage or unplanned derate that occurred at an amount greater than 10 MW and 5% of seasonal net maximum sustainable rating, lasting longer than 30 minutes."

OPUC recommended that all unplanned derates be considered unplanned service interruptions. OPUC noted that PURA §35.0022 requires reporting on the reason for each unplanned service interruption and, therefore, concluded that the reporting requirement in the adopted rule should not be contingent on whether an unplanned derate meets a materiality threshold, such as the one identified in ERCOT Nodal Protocol §3.1.4.7. OPUC asserted that aligning the reporting requirements in the rule with the materiality threshold in ERCOT Nodal Protocol §3.1.4.7 would be "contrary to PURA §35.0022" and "counterintuitive to the transparency reporting requirement," especially for residential consumers who use less than one megawatt of electricity.

TEC recommended that no unplanned derates be considered unplanned service interruptions. TEC commented that the rule should focus only on resource outages because derates are "not equivalent to an interruption of service" and are not specifically contemplated by PURA §35.0022. Further, TEC asserted that, because unplanned derates are "normal operational realities" for resources during certain seasons and weather conditions, requiring resources to report on all unplanned derates would impose an unfounded administrative burden on resources and ER-

COT. Accordingly, TEC recommended that the commission modify the proposed rule to remove all references to "unplanned derates," replace all references to "unplanned outages" with "unplanned service interruption," and establish a definition for "unplanned service interruption" that would align with the "forced outage" definition in ERCOT protocols. TEC also recommended that the commission add rule language to clarify that resources are not required to report on "minor trips where only a portion of the generator's capacity is tripped offline momentarily" because a minor trip does not constitute an interruption of service and can be quickly resolved.

#### Commission Response

The commission agrees with the Association Joint Commenters, APA + ACP, TPPA, Vistra, and LCRA that only some unplanned derates should be considered unplanned service interruptions and that the adopted rule should align with the terms and reporting thresholds established by the ERCOT protocols. Accordingly, the commission replaces the proposed rule's references to "unplanned" outages and derates with references to "forced" outages and derates and adopts Vistra's recommendation to add adopted §25.506(d)(1) to establish that "for purposes of this subsection, a forced outage or forced derate is the unavailability of all or a portion of a generation resource's or energy storage resource's capacity, based on its seasonal net maximum sustainable rating provided through ERCOT's resource registration process, that is required to be entered into the ERCOT outage scheduler and was not planned and scheduled in advance with ERCOT." Additionally, the commission adds adopted §25.506(d)(2)(B) through (D) to further align the adopted rule with ERCOT protocols and ensure that essential information about the practical impacts of forced outages and derates on resource availability is available to ERCOT and the public.

The commission disagrees with OPUC that all unplanned derates should be considered unplanned service interruptions and that promulgating a rule that aligns with the forced derate reporting threshold in ERCOT Nodal Protocol §3.1.4.7 is "contrary to PURA §35.0022" and "counterintuitive to the transparency reporting requirement." Requiring generation resources to report on all forced derates, rather than only those deemed material, would not result in a meaningful increase in transparency around generation availability. This is because not all forced derates result in a material impact to a resource's availability. In fact, it is common for resources to experience low-magnitude or short-lived forced derates during normal operations. Therefore, requiring resources to report on all forced derates could result in an unnecessary influx of information for both ERCOT and the public and diminish the value of providing transparency around resource availability. While PURA §35.0022 does require resources to report on "each unplanned service interruption," it leaves the term "unplanned service interruption" undefined. Accordingly, the commission adds adopted §25.506(d)(1) to ensure that the public is provided with relevant and valuable information regarding generation availability.

The commission disagrees with TEC that no unplanned derates should be considered unplanned service interruptions and declines to modify the proposed rule to remove all references to "unplanned derates," replace all references to "unplanned outages" with "unplanned service interruption," or establish a definition for "unplanned service interruption," as recommended by TEC. As detailed above, the commission agrees that requiring resources and ERCOT to report on all forced derates would

result in a loss of meaningful transparency around generation availability, not a gain as intended by PURA §35.0022. However, the commission disagrees with TEC that it is appropriate for this rule to require resources and ERCOT to report only on forced outages. While not all derates are "equivalent to an interruption of service" as aptly noted by TEC, high-magnitude or long-lasting forced derates have a demonstrable impact on resource availability and are already subject to reporting requirements under ERCOT protocols. To ensure that the public continues to be provided with relevant and valuable information regarding generation availability, the commission aligns the adopted rule with ERCOT protocols by adding adopted §25.506(d)(1).

The commission also declines to add clarifying language to the proposed rule regarding "minor trip" reporting as recommended by TEC for two reasons. First, the term "minor trip" is not defined or used in Chapter 35 of PURA, commission rules, or ERCOT protocols and would cause confusion for stakeholders if added to this rule without further definition. Second, there is no need for the rule to provide resources with specific guidance on "minor trip" reporting. As detailed above, adopted §25.506(d)(1) provides that resources are only required to report on forced outages and derates that are required to be entered into the ERCOT Outage Scheduler and were not planned and scheduled in advance with ERCOT. Accordingly, a resource is not required to report a "minor trip" to ERCOT unless the "minor trip" meets the definition of "forced outage" or "forced derate" under the ERCOT protocols and meets the criterion in adopted §25.506(d)(1).

#### General Comments

##### Alignment with statutory language

The Association Joint Commenters commented that, because ERCOT protocols already contain comprehensive outage reporting requirements, there is no need for the commission to adopt a rule that goes beyond the statutory language. Accordingly, the Association Joint Commenters recommended that the commission modify proposed §25.506(d)(1) to mirror PURA §35.0022 and modify proposed §25.506(d)(2) to direct ERCOT to adopt protocols to implement the rule.

APA + ACP commented that the ERCOT protocols already establish appropriate reporting requirements for forced outages and derates and recommended that the commission modify the proposed rule to remove provisions that go beyond the statutory requirements and allow any future concerns or changes to be addressed through the ERCOT stakeholder process.

##### Commission Response

The commission declines to modify the proposed rule to only reflect the statutory language and requirements as recommended by the Association Joint Commenters and APA + ACP. The adopted rule affirms the existing reporting practices for forced outages and forced derates under ERCOT protocols, while establishing a baseline for what information is essential for ERCOT and the public to receive for reliability and transparency purposes, respectively.

The commission also declines to direct ERCOT to implement protocols in accordance with the adopted rule as recommended by Association Joint Commenters and APA + ACP because it is unnecessary. Adopted §25.506(e) already requires ERCOT to use a stakeholder process to develop and implement rules that comply with §25.506.

##### Reporting on aggregated generation resources

TEC recommended that the adopted rule state that, where ERCOT treats an aggregation of generation resources as a single unit, the reporting related to the aggregation under this section also be treated as a single unit.

##### Commission Response

The commission declines to modify the proposed rule to state that where ERCOT treats an aggregation of generation resources as a single unit, the reporting related to the aggregation should also be treated as a single unit as recommended by TEC because it is unnecessary. Adopted §25.506(d)(2) establishes that a generation resource or energy storage resource must submit information related to forced outages and forced derates to ERCOT in a manner consistent with ERCOT protocols, which effectively defers reporting procedures to the ERCOT protocols.

##### Good cause exceptions

TEC recommended that the commission add a good cause exception to some of the reporting deadlines to give greater flexibility to generators working to restore service following more severe outage situations.

##### Commission Response

The commission declines to modify the proposed rule to provide good cause exceptions to "some of the reporting deadlines" for generation resources or energy storage resources as recommended by TEC because the adopted rule does not provide any reporting deadlines for generation resources or energy storage resources. The only reporting deadline in the adopted rule is in §25.506(d)(3) and is related to ERCOT's reporting of the information provided by generation resources or energy storage resources under adopted §25.506(d)(2). Any reporting deadlines for generation resources or energy storage resources regarding forced outages and forced derates are provided in the ERCOT protocols.

##### Duplicative reporting requirements

TEC noted that the reporting requirements of the proposed rule may be duplicative of the North American Electric Reliability Commission (NERC) Generating Availability Data System (GADS) reporting. TEC requested that the commission analyze the reporting requirements for GADS and remove any duplicative elements in the proposed rule or make exceptions for those generators that already report under GADS. TEC did not include redlines on this issue.

##### Commission Response

The commission declines to modify the proposed rule to remove reporting requirements that are duplicative to NERC GADS reporting requirements, or provide exceptions for generation resources or energy storage resources that already report under NERC GADS, as recommended by TEC. Receiving the information under adopted §25.506(d)(2) is essential for ERCOT to both assess the reliability impacts of a forced outage or forced derate and provide timely information on generation availability to the public. Further, the NERC GADS and ERCOT reporting requirements for forced outages and forced derates are not identical, meaning that some NERC GADS reporting requirements are more extensive than ERCOT reporting requirements and vice versa. Therefore, the removal of duplicative reporting requirements from the proposed rule could lead to a less comprehensive picture of resources' forced outages and derates for both ERCOT and the public.

##### Report formatting and submission

TEC requested clarification from the commission on whether reports under this section will be electronic- or paper-based and whether the reports will require an executive signature.

#### Commission Response

The available submission methods for reports required under §25.506(d)(2) will be determined by ERCOT.

#### Proposed §25.506(d)(1)

Proposed §25.506(d)(1) requires an owner or operator of a generation resource or an energy storage resource to submit to ERCOT, in a manner determined by ERCOT, information related to each unplanned outage or unplanned derate.

Vistra recommended that the commission modify proposed §25.506(d)(1) to reference the ERCOT protocols to reflect that the forced outage and forced derate reporting process is defined in ERCOT protocols, and not unilaterally determined by ERCOT. Vistra included redlines consistent with its recommendation.

#### Commission Response

The commission agrees with Vistra that the adopted rule should reflect that the forced outage and derate reporting process is established in the ERCOT protocols and not unilaterally determined by ERCOT. Accordingly, the commission modifies adopted §25.506(d)(2) as recommended by Vistra.

#### Proposed §25.506(d)(1)(C) and (D)

Proposed §25.506(d)(1)(C) requires an owner or operator of a generation resource or an energy storage resource to submit to ERCOT the end date and time of each unplanned outage or unplanned derate. Proposed §25.506(d)(1)(D) requires an owner or operator of a generation resource or an energy storage resource to submit to ERCOT the date and time that a resource returned to normal operations following each unplanned outage or unplanned derate.

ERCOT recommended that the commission modify proposed §25.506(d)(1)(C) to align with ERCOT reporting requirements found in Section 3 of the ERCOT Nodal Protocols which requires ERCOT to report the "planned or actual end date/time" of an unplanned outage or unplanned derate. ERCOT included redlines consistent with its recommendation.

ERCOT also recommended that the commission modify proposed §25.506(d)(1)(D) to clarify that the unplanned outage or unplanned derate reporting timeline is initiated by the actual end of the reported event instead of a generation resource's "return to normal operations" as a generation resource could have numerous unplanned outages or derates at any given time and would not "return to normal operations" until the conclusion of all unplanned outages or derates. ERCOT included redlines consistent with its recommendation.

TEC commented that it was unaware of any instance when the dates in proposed §25.506(d)(1)(C) and (D) would be different and recommended that the commission combine the provisions to reflect the fact that the date for both of these events will be the same. TEC did not include redlines on this issue.

#### Commission Response

The commission agrees with TEC that proposed §25.506(d)(1)(C) and (D) effectively communicate the same date. However, the commission declines to adopt TEC's recommended change. Instead, the commission modifies proposed §25.506(d)(1)(C) and (D) to better align with the re-

porting requirements under ERCOT protocols as recommended by ERCOT. Specifically, adopted §25.506(d)(2)(F) and (G) respectively require generation resources and energy storage resources to report "the anticipated end date and time" and "the actual end date and time" of a forced outage or forced derate to ERCOT.

#### Proposed §25.506(d)(1)(F)

Proposed §25.506(d)(1)(F) requires an owner or operator of a generation resource or an energy storage resource to submit to ERCOT, in addition to the information required under proposed §25.506(d)(1)(A)-(E), any other information required under the ERCOT Nodal Protocols.

TEC recommended that the commission clarify proposed §25.506(d)(1)(F) by specifying that "any other information under the ERCOT Nodal Protocols" relates only to "outage reporting information required to be provided to ERCOT under the ERCOT Nodal Protocols." TEC included redlines consistent with its recommendation.

#### Commission Response

The commission agrees with TEC that the language of proposed §25.506(d)(1)(F) is unclear. However, the commission declines to modify the proposed rule to specify that, in addition to the reporting requirements in adopted §25.506(d)(2)(A) through (H), resources must only provide "any other outage reporting information required to be provided to ERCOT under the ERCOT Nodal Protocols" as recommended by TEC because it is inconsistent with the policy in adopted §25.506(d), which requires reporting related to forced outages and forced derates. Instead, the commission modifies the proposed rule to clarify that, in addition to the reporting requirements in adopted §25.506(d)(2)(A) through (H), generation resources and energy storage resources must report "any other applicable information required under the ERCOT protocols." This addition provides more clarity to stakeholders while ensuring consistency with subsection (d)(1) of the adopted rule.

#### Proposed §25.506(d)(2)

Proposed §25.506(d)(2) requires ERCOT to, not later than the third business day after a generation resource or energy storage resource returns to normal operations following an unplanned outage or unplanned derate, post the information received under proposed §25.506(d)(1)(A), (B), (C), and (E), in resource-specific form, for each operating day.

ERCOT commented that a generation resource could have numerous unplanned outages or derates at any given time and would not "return to normal operations" until the conclusion of all unplanned outages or derates. Accordingly, ERCOT recommended that the commission modify proposed §25.506(d)(2) to clarify that the reporting requirements under proposed §25.506(d)(2) are initiated at the actual end of an unplanned outage or derate event, rather than when a resource "returns to normal operations." ERCOT included redlines consistent with its recommendation.

LCRA noted that the reporting requirement under proposed §25.506(d)(2) is consistent with statute, but different from current ERCOT practice. LCRA explained that current ERCOT protocols require resource entities to provide an estimation of a resource's return to service and to speculate on the cause of the forced outage or forced derate within 60 minutes. LCRA further explained that this "competitively sensitive information" is posted publicly on the ERCOT website three days after

the first operating day of the forced outage or derate. LCRA asserted that ERCOT's current publishing practice could negatively impact the price of bids and offers of competitors and increase costs for consumers, as well as provide policymakers concerned with unit availability during supply shortages with "little insight." LCRA recommended that the commission adopt the rule with the ERCOT reporting timeline as proposed, add language to proposed §25.506(d)(2) prohibiting ERCOT from publishing information provided under proposed §25.506(d)(1) until a resource has returned to normal operations, and, upon adoption, explicitly direct ERCOT to file a nodal protocol revision request to bring the protocols into conformity with the adopted rule.

Vistra commented in support of proposed §25.506(d)(2), citing that the provision aligns with the ERCOT reporting timeline provided by PURA §35.0022. However, Vistra asserted that ERCOT's current practice of reporting on forced outages and forced derates three business days after they begin does not align with proposed §25.506(d)(2). Vistra recommended that the commission direct ERCOT through the rulemaking to leverage existing reports and processes to achieve the purposes of PURA §35.0022, including by aligning the timing of outage reporting with statute.

#### Commission Response

The commission agrees with ERCOT that the phrase "returns to normal operations" in proposed §25.506(d)(2) is unclear and modifies the rule accordingly. Specifically, adopted §25.506(d)(3) specifies that ERCOT must post the information received under adopted §25.506(d)(2) not later than the third business day after a forced outage or forced derate under adopted §25.506(d)(1) ends.

The commission declines to explicitly direct ERCOT to file a nodal protocol revision request to bring the protocols into conformity with the adopted rule as recommended by LCRA because it is unnecessary. The commission also declines to direct ERCOT through this rulemaking to leverage existing reports and processes to achieve the purposes of PURA §35.0022, including by aligning the timing of outage reporting with statute as recommended by Vistra for the same reason. ERCOT's current practice of reporting on forced outages and forced derates within three days of one starting both complies with adopted §25.506(d)(3) and PURA §35.0022 and provides information around generation availability to the public more quickly than is required. Therefore, there is no need for the commission to direct ERCOT to bring either its protocols or reporting practices into compliance or conformity with adopted §25.506(d)(3) or PURA §35.0022.

Further, the commission declines to modify proposed §25.506(d)(2) to prohibit ERCOT from reporting on forced outages and forced derates until after a resource has returned to normal operations as recommended by LCRA. LCRA asserted in its comments that ERCOT's current reporting practice involves "competitively sensitive information" and could "negatively impact the price of bids and offers of competitors and increase costs for consumers." The commission does not share this concern. When a generation resource or energy storage resource is unavailable for ERCOT dispatch due to a forced outage or forced derate, it is inherently possible that higher bids and offers--and consumer costs--will occur. However, ERCOT's reports on forced outages and forced derates are purposely backward-looking and do not provide real-time--or "competitively sensitive"--information that would prove advantageous to

other competitive entities as asserted by LCRA. Furthermore, as noted by LCRA, this is an existing practice, and the commission is not aware of evidence that it has resulted in cost increases or other negative consequences. This lack of evidence supports preserving the status quo on this issue. Finally, the adopted rule provides ERCOT and stakeholders with the flexibility to further fine tune these requirements, as necessary, should concerns over competitively sensitive information increase.

OPUC recommended that the commission modify proposed §25.506(d)(2) to reflect that the information provided under proposed §25.506(d)(1)(A), (B), (C), and (E) should be posted in a publicly accessible location on ERCOT's website. OPUC included redlines consistent with its recommendation.

#### Commission Response

The commission declines to modify proposed §25.506(d)(2) to require ERCOT to publish the information provided under proposed §25.506(d)(1)(A), (B), (C), and (E) in a publicly accessible location on its website as recommended by OPUC because adopted §25.506(a) already requires ERCOT to post the information required in §25.506 at a publicly accessible location on its website."

The amended rule is adopted under the following provisions of PURA: §14.001, which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which provides the commission with the authority to make adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; and §35.0022, which directs the commission to, by rule, require a provider of electric generation service to provide ERCOT with the reason for each unplanned service interruption.

Cross reference to statutes: Public Utility Regulatory Act §§14.001, 14.002, and 35.0022.

*§25.506. Publication of Resource and Load Information in the Electric Reliability Council of Texas Power Region.*

(a) General Requirements. To increase the transparency of the ERCOT-administered markets, ERCOT must post the information required in this section at a publicly accessible location on its website. In no event will ERCOT disclose competitively sensitive consumption data. The information released must be made available to all market participants.

(b) ERCOT will post the following information in aggregated form, for each settlement interval and for each area where available, two calendar days after the day for which the information is accumulated:

- (1) quantities and prices of offers for energy and each type of ancillary capacity service, in the form of supply curves;
- (2) self-arranged energy and ancillary capacity services, for each type of service;
- (3) actual resource output;
- (4) load and resource output for all entities that dynamically schedule their resources;
- (5) actual load; and
- (6) energy bid curves, cleared energy bids, and cleared load.

(c) ERCOT will post the following information in entity-specific form, for each settlement interval, 60 calendar days after the day for which the information is accumulated, except where inapplicable or otherwise prescribed. Resource-specific offer information must be linked to the name of the resource (or identified as a virtual offer), the name of the entity submitting the information, and the name of the entity controlling the resource. If there are multiple offers for the resource, ERCOT must post the specified information for each offer for the resource, including the name of the entity submitting the offer and the name of the entity controlling the resource. ERCOT will use §25.502(d) of this title (relating to Pricing Safeguards in Markets Operated by the Electric Reliability Council of Texas) to determine the control of a resource and must include this information in its market operations data system.

(1) Offer curves (prices and quantities) for each type of ancillary service and for energy in the real time market, except that, for the highest-priced offer selected or dispatched for each interval on an ERCOT-wide basis, ERCOT will post the offer price and the name of the entity submitting the offer three calendar days after the day for which the information is accumulated.

(2) If the clearing prices for energy or any ancillary service exceeds a calculated value that is equal to 50 times a natural gas price index selected by ERCOT for each operating day, expressed in dollars per megawatt-hour (MWh) or dollars per megawatt per hour, during any interval, the portion of every market participant's price-quantity offer pairs for balancing energy service and each other ancillary service that is at or above a calculated value that is equal to 50 times a natural gas price index selected by ERCOT for each operating day, expressed in dollars per MWh or dollars per megawatt per hour, for that service and that interval must be posted seven calendar days after the day for which the offer is submitted.

(3) Other resource-specific information, as well as self-arranged energy and ancillary capacity services, and actual resource output, for each type of service and for each resource at each settlement point.

(4) The load and generation resource output, for each entity that dynamically schedules its resources.

(5) For each hour, transmission flows, voltages, transformer flows, voltages and tap positions (i.e., State Estimator data). Notwithstanding the provisions of this subparagraph and the provisions of paragraphs (1) through (4) of this subsection, ERCOT must release relevant State Estimator data earlier than 60 days after the day for which the information is accumulated if, in its sole discretion, it determines the release is necessary to provide a complete and timely explanation and analysis of unexpected market operations and results or system events, including but not limited to pricing anomalies, recurring transmission congestion, and system disturbances. ERCOT's release of data in this event must be limited to intervals associated with the unexpected market or system event as determined by ERCOT. The data released must be made available simultaneously to all market participants.

(d) Reporting on forced generation outages and derates.

(1) For purposes of this subsection, a forced outage or forced derate is the unavailability of all or a portion of a generation resource's or energy storage resource's capacity, based on its seasonal net maximum sustainable rating provided through ERCOT's resource registration process, that is required to be entered into the ERCOT outage scheduler and was not planned and scheduled in advance with ERCOT.

(2) An owner or operator of a generation resource or energy storage resource must submit to ERCOT, in a manner consistent with ERCOT protocols, the following information related to each forced outage or forced derate of a generation resource or energy storage resource:

- (A) the name of the resource;
- (B) the resource's applicable seasonal net maximum sustainable rating, in megawatts;
- (C) the resource's available capacity during the resource's forced outage or forced derate, in megawatts;
- (D) the effective reduction to the resource's applicable seasonal net maximum sustainable rating due to the resource's forced outage or forced derate, in megawatts;
- (E) the start date and time of the resource's forced outage or forced derate;
- (F) the anticipated end date and time of the resource's forced outage or forced derate;
- (G) the actual end date and time of the resource's unplanned outage or derate;
- (H) the reason for the resource's forced outage or forced derate; and
- (I) any other applicable information required under the ERCOT protocols.

(3) Not later than the third business day after a forced outage or forced derate under paragraph (1) of this subsection ends, ERCOT must post the information received under paragraph (2) of this subsection, in resource-specific form, for each operating day.

(e) Development and implementation. ERCOT must use a stakeholder process, in consultation with commission staff, to develop and implement rules that comply with this section. Nothing in this section prevents the commission from taking actions necessary to protect the public interest, including actions that are otherwise inconsistent with the other provisions in this section.

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

Filed with the Office of the Secretary of State on May 8, 2025.

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Adriana Gonzales

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Public Utility Commission of Texas

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For further information, please call: (512) 936-7322



## PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

### CHAPTER 110. ATHLETIC TRAINERS

#### 16 TAC §§110.24, 110.30, 110.70

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 110, §§110.24, 110.30, and 110.70,

regarding the Athletic Trainers program, without changes to the proposed text as published in the December 27, 2024, issue of the *Texas Register* (49 TexReg 10460). These rules will not be republished.

#### EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 110, implement Texas Occupations Code, Chapter 451, Athletic Trainers.

The adopted rules amend the license renewal process to add an affirmation by the licensee that all services provided will be directed by a qualified health professional, with those written directives kept current. The adopted rules also update the temporary licensing requirements to first require passage of the written examination, with the expiration of the temporary license coming on the last day of the month of the next scheduled practical examination. Finally, the adopted rules update the standards of practice to include a physician-delegated authority document. This document must be obtained before an athletic trainer practices, be kept on file with the athletic trainer's license, and be available for review. The physician-delegated authority document must have the contact information of the sponsoring physician. The document must also be renewed each time the sponsoring physician changes.

The adopted rules are necessary to improve safety standards, as clear documentation of the services that may be provided by the licensee will clarify expectations and eliminate confusion. By adding the qualification of passage of the written examination to the current educational and apprenticeship requirements, the adopted rules will help ensure that individuals with temporary licenses have the requisite knowledge of athletic training principles to be in the field. These adopted rules are supported by the Athletic Trainers Advisory Board.

#### SECTION-BY-SECTION SUMMARY

The adopted rules add §110.24(e) to include the requirement that, upon renewal of a license, a licensee must affirm that all services rendered will be under the direction of a licensed physician or qualified, licensed, health professional. That direction will be in the form of a current, written document.

The adopted rules add §110.30(a)(2) to require an individual to pass the written portion of the Athletic Trainer examination before receiving a temporary license.

The adopted rules amend §110.30(b) to terminate a temporary license on the last day of the month of the next scheduled offering of the practical portion of the Athletic Trainer examination.

The adopted rules add §110.70(a)(1) to introduce the physician-delegated document. Athletic Trainers, under this adopted rule, will need to have a physical copy of this document before practicing.

The adopted rules add §110.70(a)(2) to require the physician-delegated document to be on file with the athletic trainer's license or identification card. Both documents must be available for review.

The adopted rules add §110.70(a)(3) to require the physician-delegated document held by the athletic trainer to include identifying and contact information of the sponsoring physician. The physician-delegated document must be renewed each time the sponsoring physician changes.

#### PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the December 27, 2024, issue of the *Texas Register* (49 TexReg 10460). The public comment period closed on January 27, 2025. The Department received comments from one interested party on the proposed rules. The public comment is summarized below.

**Comment:** One commenter asked how the proposed rule amendments would affect licensees who work at camps or perform contractual work outside of Texas.

**Department Response:** The proposed amendments should not impact licensees who work outside of the state. The Athletic Trainers statute and rules apply only to services performed or offered to be performed within Texas. The Department did not make any changes to the proposed rules in response to the comment.

#### ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Athletic Trainers Advisory Board met on March 10, 2025, to discuss the proposed rules and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register*. At its meeting on April 9, 2025, the Commission adopted the proposed rules as recommended by the Advisory Board.

#### STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 451, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 451, and Texas Education Code Chapter 38, §38.158. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on May 9, 2025.

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Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

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



## TITLE 22. EXAMINING BOARDS

### PART 15. TEXAS STATE BOARD OF PHARMACY

#### CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

##### SUBCHAPTER A. GENERAL PROVISIONS

##### 22 TAC §281.2



The Texas State Board of Pharmacy adopts amendments to §281.2, concerning Definitions. These amendments are adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2027). The rule will not be republished.

The amendments correct the chapter range in the definition of the Act.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on May 8, 2025.

TRD-202501584

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

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Proposal publication date: March 21, 2025

For further information, please call: (512) 305-8084



## CHAPTER 291. PHARMACIES

### SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)

#### 22 TAC §291.32

The Texas State Board of Pharmacy adopts amendments to §291.32, concerning Personnel. These amendments are adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2031). The rule will not be republished.

The amendments exclude central fill pharmacies that have no patient-facing contact from the required minimum ratio of pharmacists to pharmacy technicians and pharmacy technician trainees.

The Board received comments from the National Association of Chain Drug Stores, Jeenu Philip, R.Ph., with Walgreen Co., and Rob Geddes, PharmD, with CVS Health expressing support for the amendments.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

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Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: May 28, 2025

Proposal publication date: March 21, 2025

For further information, please call: (512) 305-8084



### SUBCHAPTER C. NUCLEAR PHARMACY (CLASS B)

#### 22 TAC §291.55

The Texas State Board of Pharmacy adopts amendments to §291.55, concerning Records. These amendments are adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2034). The rule will not be republished.

The amendments update a citation concerning a statutory provision that has been repealed.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on May 8, 2025.

TRD-202501586

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: May 28, 2025

Proposal publication date: March 21, 2025

For further information, please call: (512) 305-8084



### SUBCHAPTER F. NON-RESIDENT PHARMACY (CLASS E)

#### 22 TAC §291.102

The Texas State Board of Pharmacy adopts amendments to §291.102, concerning Definitions. These amendments are

adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2041). The rule will not be republished.

The amendments correct the chapter range in the definition of the Act.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on May 8, 2025.

TRD-202501587

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: May 28, 2025

Proposal publication date: March 21, 2025

For further information, please call: (512) 305-8084



## CHAPTER 315. CONTROLLED SUBSTANCES

### 22 TAC §315.13

The Texas State Board of Pharmacy adopts amendments to §315.13, concerning Official Prescription Form - Effective September 1, 2016. These amendments are adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2043). The rule will not be republished.

The amendments remove a recordkeeping requirement concerning a statutory provision that has been repealed and the effective date from the short title.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on May 8, 2025.

TRD-202501588

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: May 28, 2025

Proposal publication date: March 21, 2025

For further information, please call: (512) 305-8084



## TITLE 25. HEALTH SERVICES

### PART 1. DEPARTMENT OF STATE HEALTH SERVICES

#### CHAPTER 27. CASE MANAGEMENT FOR CHILDREN AND PREGNANT WOMEN

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts the repeal of §27.1, concerning Purpose and Application, §27.3, concerning Definitions, §27.5, concerning Client Eligibility, §27.7, concerning Client Rights, §27.9, concerning Client Confidentiality, §27.11, concerning Components of Case Management for Children and Pregnant Women Services, §27.13, concerning Prior Authorization, §27.15, concerning Provider Qualifications, §27.17, concerning Provider Approval Process, §27.19, concerning Provider Responsibilities, §27.21, concerning Case Manager Qualifications, §27.23, concerning Case Manager Responsibilities, §27.25, concerning Utilization and Quality Assurance Reviews and Compliance, and §27.27, concerning Termination, Suspension, Probation, and Reprimand of Providers.

The repeal of §§27.1, 27.3, 27.5, 27.7, 27.9, 27.11, 27.13, 27.15, 27.17, 27.19, 27.21, 27.23, 27.25, and 27.27 are adopted without changes to the proposed text as published in the February 21, 2025, issue of the *Texas Register* (50 TexReg 906). These rules will not be republished.

#### BACKGROUND AND JUSTIFICATION

Case Management for Children and Pregnant Women (CPW) services, administered by HHSC, provides Medicaid case management to assist eligible Medicaid clients in accessing necessary medical, social, educational, and other services related to health conditions and health risks. To be eligible for services, a client must be either a child with a health condition or health risk or a pregnant woman with a high-risk condition. The client must also be Medicaid-eligible in Texas, need case management for CPW services, and choose such services.

HHSC is repealing Chapter 27, Case Management for Children and Pregnant Women, in Title 25, Part 1, Texas Administrative Code (TAC), and adopting new Chapter 257, Case Management for Children and Pregnant Women, in 26 TAC, Part 1. The purpose for moving the CPW chapter from Title 25 to Title 26, is to conform administrative rules to current HHSC practices based on Senate Bill (S.B.) 200, 84th Legislature, Regular Session, 2015. S.B. 200 consolidated functions in the Texas Health and Human Services delivery system and transferred programs, to include CPW, from the Department of State Health Services to HHSC.

The new CPW rules in 26 TAC Chapter 257 are adopted elsewhere in this issue of the *Texas Register*.

#### COMMENTS

The 31-day comment period ended March 24, 2025.

During this period, HHSC did not receive any comments regarding the proposed rules.

## **SUBCHAPTER A. GENERAL PROVISIONS**

### **25 TAC §§27.1, §27.3**

#### **STATUTORY AUTHORITY**

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

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

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501589

Karen Ray

Chief Counsel

Department of State Health Services

Effective date: May 29, 2025

Proposal publication date: February 21, 2025

For further information, please call: (737) 395-1786



## **SUBCHAPTER B. CLIENT SERVICES**

### **25 TAC §§27.5, 27.7, 27.9, 27.11, 27.13**

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

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

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501590

Karen Ray

Chief Counsel

Department of State Health Services

Effective date: May 29, 2025

Proposal publication date: February 21, 2025

For further information, please call: (737) 395-1786



## **SUBCHAPTER C. PROVIDER QUALIFICATIONS AND RESPONSIBILITIES**

### **25 TAC §§27.15, 27.17, 27.19, 27.21, 27.23, 27.25, 27.27**

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

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

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501591

Karen Ray

Chief Counsel

Department of State Health Services

Effective date: May 29, 2025

Proposal publication date: February 21, 2025

For further information, please call: (737) 395-1786



## **TITLE 26. HEALTH AND HUMAN SERVICES**

### **PART 1. HEALTH AND HUMAN SERVICES COMMISSION**

#### **CHAPTER 257. CASE MANAGEMENT FOR CHILDREN AND PREGNANT WOMEN**

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts new §257.1, concerning Purpose and Application; §257.3, concerning Definitions; §257.5, concerning Client Eligibility; §257.7, concerning Client Rights; §257.9, concerning Client Confidentiality; §257.11, concerning Components of Case Management for Children and Pregnant Women Services; §257.15, concerning Provider Qualifications and Approval Process; §257.17, concerning Provider Responsibilities; §257.19, concerning Case Manager Qualifications; §257.21, concerning Case Manager Responsibilities; and §257.23, concerning Compliance with Utilization Reviews and Quality Assurance Reviews and Overpayments.

Sections 257.1, 257.3, 257.5, 257.7, 257.9, 257.11, 257.15, 257.17, 257.19, 257.21, and 257.23 are adopted without changes to the proposed text as published in the February 21, 2025, issue of the *Texas Register* (50 TexReg 939). These rules will not be republished.

#### **BACKGROUND AND JUSTIFICATION**

Case Management for Children and Pregnant Women (CPW) services, administered by HHSC, provides Medicaid case management to assist eligible Medicaid clients in accessing necessary medical, social, educational, and other services related to health conditions and health risks. To be eligible for services, a client must be either a child with a health condition or health risk

or a pregnant woman with a high-risk condition. The client must also be Medicaid-eligible in Texas, need case management for CPW services, and choose such services.

HHSC is repealing Chapter 27, Case Management for Children and Pregnant Women, in Title 25, Part 1, Texas Administrative Code (TAC), and adopting new Chapter 257, Case Management for Children and Pregnant Women, in 26 TAC, Part 1. The purpose for moving the CPW chapter from Title 25 to Title 26 is to conform administrative rules to current HHSC practices based on Senate Bill (S.B.) 200, 84th Legislature, Regular Session, 2015. S.B. 200 consolidated functions in the Texas Health and Human Services delivery system and transferred programs, including CPW, from the Department of State Health Services (DSHS) to HHSC. The repeal of the CPW rules in 25 TAC Chapter 27 is adopted elsewhere in this issue of the *Texas Register*.

In addition to relocating the CPW rules from DSHS to HHSC, the new sections are necessary to comply with amendments to the CPW rules in accordance with House Bill (H.B.) 133, 87th Legislature, Regular Session, 2021, that directs HHSC to deliver CPW services through managed care organizations. The adoption also makes amendments to the CPW rules to implement certain requirements of House Bill 1575, 88th Legislature, Regular Session, 2023. H.B. 1575 authorizes case management services to pregnant women with a high-risk condition to address nonmedical needs; adds two new provider types, doula and community health worker, as eligible to provide case management services; and establishes CPW provider qualifications for doulas and community health workers. The adoption also updates the CPW rules with appropriate references and terminology and includes organizational and minor editing changes for clarity.

#### COMMENTS

The 31-day comment period ended March 24, 2025.

During this period, HHSC did not receive any comments regarding the proposed rules.

### SUBCHAPTER A. GENERAL PROVISIONS

#### 26 TAC §§257.1, §257.3

##### STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

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

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501592

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: May 29, 2025

Proposal publication date: February 21, 2025

For further information, please call: (737) 395-1786



### SUBCHAPTER B. CLIENT SERVICES

#### 26 TAC §§257.5, 257.7, 257.9, 257.11

##### STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

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

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501593

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: May 29, 2025

Proposal publication date: February 21, 2025

For further information, please call: (737) 395-1786



### SUBCHAPTER C. PROVIDER QUALIFICATIONS AND RESPONSIBILITIES

#### 26 TAC §§257.15, 257.17, 257.19, 257.21, 257.23

##### STATUTORY AUTHORITY

The new sections are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Human Resources Code §32.021 and Texas Government Code §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program.

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

Filed with the Office of the Secretary of State on May 9, 2025.

TRD-202501594

Karen Ray  
Chief Counsel  
Health and Human Services Commission  
Effective date: May 29, 2025  
Proposal publication date: February 21, 2025  
For further information, please call: (737) 395-1786





# REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

## Adopted Rule Reviews

State Board for Educator Certification

### Title 19, Part 7

The State Board for Educator Certification (SBEC) adopts the review of 19 Texas Administrative Code (TAC) Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility, pursuant to Texas Government Code (TGC), §2001.039. The SBEC proposed the review of 19 TAC Chapter 227 in the March 14, 2025 issue of the *Texas Register* (50 TexReg 1937).

Relating to the review of 19 TAC Chapter 227, the SBEC finds that the reasons for the adoption continue to exist and readopts the rules. No public comments were received on the proposal.

This concludes the review of 19 TAC Chapter 227.

TRD-202501616

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: May 12, 2025



Texas Department of Insurance

### Title 28, Part 1

The Texas Department of Insurance (TDI) has completed its review of 28 Texas Administrative Code Chapters 5, 6, 7, 9, 13, 19, 21, 22, 25, 26, 28, 33, and 34 under Texas Government Code §2001.039, which directs state agencies to review and consider for readoption each of their rules. The proposed rule review was published in the November 22, 2024, issue of the *Texas Register* (49 TexReg 9571).

#### SUMMARY OF COMMENTS ON CHAPTERS UNDER REVIEW

Commenters: TDI received written comments from the National Risk Retention Association. The commenter did not address support or opposition to the readoption of any reviewed chapter, but did suggest amendments to one chapter's sections.

Comments on §13.310 and §13.312

*Comment:* A commenter requests that TDI revise §13.310 to exclude applicability to risk retention groups chartered outside of Texas. The commenter says the section contradicts 15 USC §3901 et seq., i.e., the Liability Risk Retention Act or LRRRA, which is the federal law that enables risk retention groups. The commenter says the section also contradicts case law, guidance from the National Association of Insurance Commissioners (NAIC), and the Texas Insurance Code. The

commenter says §13.310 gives TDI authority to exercise powers that the LRRRA explicitly preempts. The commenter also notes that Insurance Code §2201.158(b) requires the state to apply to a court of competent jurisdiction for injunctive relief.

In addition, the commenter requests that TDI revise §13.312 by deleting paragraphs (2) and (3) to remove filing fees for risk retention groups chartered outside of Texas and amending paragraph (5) to provide that service of process fees are not applicable to risk retention groups chartered outside of Texas. The commenter says §13.312 imposes fees that violate the LRRRA. The commenter discusses federal regulations, case law, and NAIC guidance that the commenter says preempts a state from imposing fees on non-domiciliary risk retention groups.

*Agency response:* The substantive changes to §13.310 and §13.312 the commenter requests are beyond the scope of this rule review project. This project's scope is to determine whether the reasons for adopting the sections in Chapter 13 continue to exist. TDI will, however, take the comments into consideration when determining whether any amendments to the sections are warranted in future rulemaking projects.

#### READoption OF CHAPTERS

TDI finds that the reasons for adopting these chapters continue to exist. TDI readopts the following chapters:

- Chapter 5, Property and Casualty Insurance;
- Chapter 6, Captive Insurance;
- Chapter 7, Corporate and Financial Regulation;
- Chapter 9, Title Insurance;
- Chapter 13, Miscellaneous Insurers and Other Regulated Entities;
- Chapter 19, Licensing and Regulation of Insurance Professionals;
- Chapter 21, Trade Practices;
- Chapter 22, Privacy;
- Chapter 25, Insurance Premium Finance;
- Chapter 26, Employer-Related Health Benefit Plan Regulations;
- Chapter 28, Supervision and Conservation;
- Chapter 33, Continuing Care Providers; and
- Chapter 34, State Fire Marshal.

As part of the review, TDI determined that it will further review for repeals or amendments certain rule sections in the chapters subject to this rule review. TDI will formally propose all repeals and amendments under the Texas Administrative Procedures Act, Texas Government Code Chapter 2001.

This concludes the review of 28 Texas Administrative Code Chapters 5, 6, 7, 9, 13, 19, 21, 22, 25, 26, 28, 33, and 34.

TRD-202501560  
Jessica Barta  
General Counsel  
Texas Department of Insurance  
Filed: May 7, 2025



Texas Department of Insurance, Division of Workers' Compensation

**Title 28, Part 2**

The Texas Department of Insurance, Division of Workers' Compensation (DWC) completed its review of 28 Texas Administrative Code Chapters 140 - 144, 147 - 148, 150, 152, and 156. DWC conducted the review under Texas Government Code §2001.039.

Notice of the review was published in the February 28, 2025, issue of the *Texas Register* at (50 TexReg 1705). There were no requests for a public hearing.

DWC received one comment by the March 28, 2025, deadline. No comments suggested repealing a rule in its entirety. Commenters for readoption and for readoption with changes were: the Office of Injured Employee Counsel. There were no commenters against readoption.

As a result of the review, and in accordance with Texas Government Code §2001.039, DWC finds that the reasons for initially adopting the rules continue to exist and readopts all sections in 28 Texas Administrative Code:

Chapter 140 (Dispute Resolution--General Provisions);

Chapter 141 (Dispute Resolution--Benefit Review Conference);  
Chapter 142 (Dispute Resolution--Benefit Contested Case Hearing);  
Chapter 143 (Dispute Resolution Review by the Appeals Panel);  
Chapter 144 (Dispute Resolution);  
Chapter 147 (Dispute Resolution--Agreements, Settlements, Commutations);  
Chapter 148 (Hearings Conducted by the State Office of Administrative Hearings);  
Chapter 150 (Representation of Parties Before the Agency--Qualifications for Representatives);  
Chapter 152 (Attorney Fees); and  
Chapter 156 (Representation of Parties Before the Agency--Carrier's Austin Representative).

DWC may consider any suggested repeals or amendments identified during this rule review in future rulemaking under Texas Government Code Chapter 2001 (Administrative Procedure).

This concludes the review of 28 Texas Administrative Code Chapters 140 - 144, 147 - 148, 150, 152, and 156.

TRD-202501613  
Kara Mace  
General Counsel  
Texas Department of Insurance, Division of Workers' Compensation  
Filed: May 12, 2025





# TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 16 TAC §22.71(j)(2)(E)

## CONFIDENTIAL-FILING MEMORANDUM

TO: [Presiding Officer/Commission Staff/Division, if applicable]  
FROM: [Submitting Party Name]  
DATE: [MM/DD/YYYY]  
RE: [Control Number - *Style/Title of Commission Matter*], [SOAH Docket Number, if applicable]

[Submitting Party Name] designates [title of filing] as [entirely/partially] confidential.

This filing [concerns/consists] of: [brief summary/description of filing contents]. The [Bate stamp/sequential page number range] of the filing consists of confidential material from [number] to [number] pages [or non-consecutive page number ranges].

The following pages contain redactions for the reasons stated below:

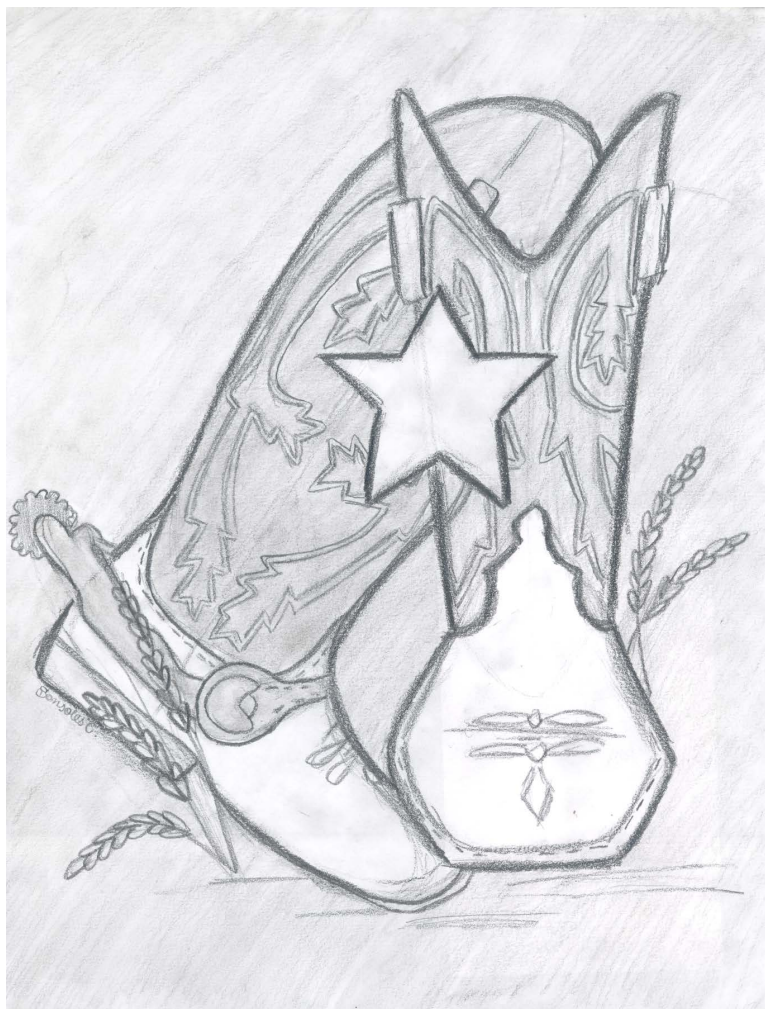
- [Each specific bate stamp or sequential page number range that is redacted]
  - [Statement of the specific reasons for designating the material as confidential, including any applicable law]
- <REPEAT AS NEEDED>

[Any additional information required by any protective order in effect in the applicable matter]

[Submitting Party Name] acknowledges that the confidential filing status of this document may be subject to challenge by another party in the proceeding or by the presiding officer.

[Signature of party or party representative]

[Name of party/business name of party/party representative name, address, telephone number, and e-mail address]



# 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 the Attorney General

### Texas Health and Safety Code and Texas Water Code Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to Section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *State of Texas v. Valero Energy Corporation and The Premcor Refining Group, Inc.*; Cause No. D-1-GN-19-004121; in the 419th Judicial District Court, Travis County, Texas.

Background: Defendants own and operate a petroleum refinery in Port Arthur, Texas. For several years between January 2014 and July 2019, the refinery had several emissions events and permit exceedances and violations that resulted in emissions of unauthorized air contaminants into the environment, in violation of Texas Clean Air Act and associated rules and permits.

Proposed Settlement: The parties propose an agreed final judgment that awards the State against Defendants \$3.24 million in civil penalties and \$260,000 in attorney's fees.

For a complete description of the proposed settlement, the Agreed Final Judgment should be reviewed in its entirety. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to Jake Marx, Assistant Attorney General, Office of the Attorney General of Texas, P.O. Box 12548, MC 066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911, email: Jake.Marx@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202501630  
Justin Gordon  
General Counsel  
Office of the Attorney General  
Filed: May 14, 2025



### Texas Water Code and Texas Health and Safety Code Settlement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments disclose facts or consid-

erations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Water Code.

Case Title and Court: *Harris County, Texas, and the State of Texas, acting by and through the Texas Commission on Environmental Quality, a Necessary and Indispensable Party v. Hans' Crawfish LLC and Anna Rumfolo*; Cause No. 2024-33951, in the 151st Judicial District, Harris County, Texas.

Nature of the Suit: Defendant Hans' Crawfish LLC operated a crawfish business on the real property located at or near 15920 FM 2920, Harris County, Texas 77377. Harris County initiated suit alleging that there were several violations of state and local regulations on the real property in question. These violations included: a private well being used as a public water system in violation of the Texas Health and Safety Code; an unauthorized and malfunctioning on-site sewage facility in violation of the Texas Water Code, Texas Health and Safety Code, and Texas Commission on Environmental Quality (TCEQ) rules promulgated thereunder; unpermitted Development that has not passed the required inspections in violation of the Regulations of Harris County, Texas for Floodplain Management and the Harris County Fire Code; Development occupied prior to receiving the required Fire Code approval; and a crawfish dining business operating without the required food permits and Operational Permits in violation of both the Fire Code and the Texas Health and Safety Code. The State of Texas, on behalf of the TCEQ, joined the suit as a necessary and indispensable party.

Proposed Settlement: The proposed Agreed Final Judgment includes injunctive relief that orders Defendant to cease occupation of buildings on the property and any/all operations upon the property in question until the Defendant has acquired permits, certificates, and passed all inspections necessary to bring the property into compliance with state and local laws and regulations. The proposed settlement also assesses against Defendant civil penalties in the amount of \$2,000 to Harris County; civil penalties in the amount of \$6,000 to be equally divided between Harris County and the State; attorney's fees in the amount of \$3,000 each to Harris County and the State; and court costs.

For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment should be reviewed. Requests for copies of the judgment and written comments on the proposed settlement should be directed to Ross Potter, Assistant Attorney General, Office of the Attorney General. P.O. Box 12548, MC 066, Austin, Texas 78711-2548. Phone: (512) 463-2012. Facsimile: (512) 320-0911. Email: ross.potter@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202501626  
Justin Gordon  
General Counsel  
Office of the Attorney General  
Filed: May 13, 2025



## 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, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/19/25- 05/25/25 is 18.00% for consumer<sup>1</sup> credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/19/25- 05/25/25 is 18.00% for commercial<sup>2</sup> credit.

<sup>1</sup> Credit for personal, family, or household use.

<sup>2</sup> Credit for business, commercial, investment, or other similar purpose.

TRD-202501628

Leslie Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: May 14, 2025

## 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 **June 24, 2025**. 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 **June 24, 2025**. 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: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-1417-PWS-E; IDENTIFIER: RN102674082; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the executive director (ED) and receive approval prior to making a significant change or addition where the change in the existing systems results in an increase or decrease in production, treatment, storage, or pressure maintenance; 30 TAC §290.42(m), by failing to enclose the

treatment plant and related appurtenances by an intruder-resistant fence with gates that shall be locked during periods of darkness and when the facility is unattended; 30 TAC §290.45(b)(1)(D)(i) and THSC, §341.0315(c), by failing to provide two or more wells having a total capacity of 0.6 gallons per minute per connection; 30 TAC §290.46(f)(2) and (3)(D)(ii), by failing to maintain water works operation and maintenance records and make them readily available for review by the ED upon request; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; and 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$4,627; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(2) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-1706-PWS-E; IDENTIFIER: RN102685484; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(k), by failing to obtain approval from the Executive Director for the use of interconnections; PENALTY: \$1,000; ENFORCEMENT COORDINATOR: Mason Demasi, (210) 657-8425; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(3) COMPANY: Benjamin Dominguez dba Bayou Shadows Water System and Beau Ray, Incorporated; DOCKET NUMBER: 2022-1299-PWS-E; IDENTIFIER: RN103953956; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(e)(5), by failing to house the hypochlorination solution containers in a secure enclosure to protect them from adverse weather conditions and vandalism; 30 TAC §290.45(b)(1)(C)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide a well capacity of 0.6 gallons per minute per connection; and 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; PENALTY: \$1,872; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(4) COMPANY: Buffalo Trail Council, Incorporated, Boy Scouts of America; DOCKET NUMBER: 2024-1628-PWS-E; IDENTIFIER: RN104375480; LOCATION: Fort Davis, Jeff Davis 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 and receive approval prior to making a significant change or addition where the change in the existing systems results in an increase or decrease in production, treatment, storage, or pressure maintenance; PENALTY: \$1,050; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(5) COMPANY: City of Glenn Heights; DOCKET NUMBER: 2024-1213-WQ-E; IDENTIFIER: RN105481188; LOCATION: Glenn Heights, Ellis and Dallas County; TYPE OF FACILITY: small municipal separate storm sewer system; RULES VIOLATED: 30 TAC §281.25(a)(4) and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR040038 Part III, Section

B.1(a)(3), by failing to post the Storm Water Management Plan on the permittee's website 30 days after the approval date, and the annual reports or a summary of the annual report 30 days after the due date; 30 TAC §281.25(a)(4) and TPDES General Permit Number TXR040038 Part III, Section B.2(c)(1), by failing to maintain an up-to-date Municipal Separate Storm Sewer System map on-site and available for review by the TCEQ; and 30 TAC §281.25(a)(4) and TPDES General Permit Number TXR040038 Part IV, Section B.2, by failing to submit a concise annual report to the Executive Director within 90 days of the end of each reporting year; PENALTY: \$24,750; ENFORCEMENT COORDINATOR: Nancy M. Sims, (512) 239-5053; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(6) COMPANY: City of Huntington; DOCKET NUMBER: 2022-1479-PWS-E; IDENTIFIER: RN101184638; LOCATION: Lufkin, Angelina County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$3,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$3,375 ; ENFORCEMENT COORDINATOR: Mason Demasi, (210) 657-8425; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(7) COMPANY: City of Presidio; DOCKET NUMBER: 2024-0932-PWS-E; IDENTIFIER: RN101418119; LOCATION: Presidio, Presidio County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(I), by failing to fine grade the well site so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well; 30 TAC §§290.41(c)(3)(O), 290.42(m), and 290.43(e), by failing to provide an intruder-resistant fence or well house around each water treatment plant, well unit, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the facility is unattended; 30 TAC §290.43(c)(6), by failing to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage; 30 TAC §290.44(h)(4), by failing to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications; 30 TAC §290.46(e)(4)(C) and Texas Health and Safety Code, §341.033(a), by failing to operate the facility under the direct supervision of at least two water works operators who hold a valid Class C or higher groundwater license and each work at least 16 hours per month; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's three ground storage tanks and two elevated storage tanks annually; and 30 TAC §290.46(u), by failing to plug an abandoned public water supply well with cement in accordance with 16 TAC Chapter 76 or submit test results proving that the well is in a non-deteriorated condition; PENALTY: \$10,952; ENFORCEMENT COORDINATOR: Daphne Greene, (903) 535-5157; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(8) COMPANY: Crown Mountain Water Supply Corporation; DOCKET NUMBER: 2023-0507-PWS-E; IDENTIFIER: RN102874633; LOCATION: Camp Wood, Real County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(e) and (h)(1) and Texas Health and Safety Code (THSC), §341.035(a), by failing to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new water supply; 30 TAC §290.43(c), by failing to ensure that all potable water storage facilities are covered and designed,

fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association (AWWA) standards; 30 TAC §290.43(c)(3), by failing to maintain the facility's storage tanks in strict accordance with current AWWA standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover cap tightly fitted with no gap over 1/16 inch; 30 TAC §290.43(c)(4), by failing to provide all ground storage tanks with a liquid level indicator; 30 TAC §290.45(b)(1)(B)(ii) and THSC, §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; 30 TAC §290.45(b)(1)(B)(iv) and THSC, §341.0315(c), by failing to provide a pressure tank capacity of 20 gallons per connection; and 30 TAC §290.46(s)(1), by failing to calibrate the facility's well meter at least once every three years; PENALTY: \$3,748; ENFORCEMENT COORDINATOR: Claudia Bartley, (512) 239-1116; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(9) COMPANY: CSWR-Texas Utility Operating Company, LLC; DOCKET NUMBER: 2024-1332-PWS-E; IDENTIFIER: RN101237352; LOCATION: Rockport, Aransas County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(B) and §290.110(b)(4) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to maintain a disinfectant residual of at least 0.5 milligrams per liter of chloramine throughout the distribution system at all times; 30 TAC §290.46(e)(3)(B) and THSC, §341.033(a), by failing to operate the facility under the direct supervision of a water works operator who holds an applicable, valid Class C or higher surface water license issued by the Executive Director; and 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; PENALTY: \$8,731; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(10) COMPANY: El Paso Natural Gas Company, L.L.C.; DOCKET NUMBER: 2023-1386-AIR-E; IDENTIFIER: RN100211531; LOCATION: Toyah, Culberson County; TYPE OF FACILITY: compressor station; RULES VIOLATED: 30 TAC §122.133(2) and §122.241(b) and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit a permit renewal application at least six months prior to the expiration of a Federal Operating Permit (FOP); 30 TAC §122.143(4) and §122.145(2)(C), FOP Number O496/ General Operating Permit (GOP) Number 514, Site-wide Requirements Number (b)(2), and THSC, §382.085(b), by failing to submit a deviation report no later than 30 days after the end of each reporting period; and 30 TAC §122.143(4) and §122.146(2), FOP Number O496/GOP Number 514, Site-wide Requirements Number (b)(3), and THSC, §382.085(b), by failing to submit a permit compliance certification within 30 days of any certification period; PENALTY: \$10,500; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(11) COMPANY: ETC Texas Pipeline, Ltd.; DOCKET NUMBER: 2023-0975-AIR-E; IDENTIFIER: RN100217843; LOCATION: McCamey, Crockett County; TYPE OF FACILITY: oil and gas production plant; RULES VIOLATED: 30 TAC §§106.512(2)(C)(i) and (ii), 116.115(c), and 122.143(4), New Source Review Permit Number 73614, Special Conditions Number 4.A, Federal Operating Permit Number O3190, General Terms and Conditions and Special Terms and Conditions Number 8, and Texas Health and Safety Code, §382.085(b), by failing to conduct an evaluation of engine performance quarterly based on a calendar year and failing to replace the oxygen sensor at least quarterly; PENALTY: \$6,028; ENFORCEMENT COORDINA-

TOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(12) COMPANY: FRIBERG-COOPER WATER SUPPLY CORPORATION; DOCKET NUMBER: 2024-1631-PWS-E; IDENTIFIER: RN101439487; LOCATION: Wichita Falls, Wichita County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(e) and Texas Health and Safety Code, §341.033(a), by failing to use a water works operator who holds an applicable, valid license issued by the Executive Director; PENALTY: \$248; ENFORCEMENT COORDINATOR: Daphne Greene, (903) 535-5157; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(13) COMPANY: Jimmy Baggett; DOCKET NUMBER: 2023-1705-IHW-E; IDENTIFIER: RN111218350; LOCATION: Pampa, Gray County; TYPE OF FACILITY: residential home; RULE VIOLATED: 30 TAC §327.5(c), by failing to submit written information, describing the details of the discharge or spill and supporting the adequacy of the response action, to the appropriate TCEQ regional manager within 30 working days of the discovery of the reportable discharge or spill; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(14) COMPANY: KBR INVESTMENT INCORPORATED dba Super Stop 22; DOCKET NUMBER: 2024-1099-PST-E; IDENTIFIER: RN102361938; LOCATION: Orange, Newton 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) and TCEQ Agreed Order Docket Number 2021-1225-PST-E Ordering Provision Number 2.a, 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: \$36,000; ENFORCEMENT COORDINATOR: Eunice Adegele, (512) 239-5082; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(15) COMPANY: KOJ MART INCORPORATED dba Blue Mart; DOCKET NUMBER: 2024-1892-PST-E; IDENTIFIER: RN102352192; LOCATION: Mount Pleasant, Titus County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) in a manner which will detect a release at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$6,318; ENFORCEMENT COORDINATOR: Eresha DeSilva, (512) 239-5084; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(16) COMPANY: Lake Front Buchanan, LLC; DOCKET NUMBER: 2024-1708-PWS-E; IDENTIFIER: RN101194496; LOCATION: Buchanan Dam, Llano 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; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(17) COMPANY: MURPHY OIL USA, INCORPORATED dba Murphy Express 8649; DOCKET NUMBER: 2025-0164-PST-E; IDENTIFIER: RN105981765; LOCATION: Round Rock, Williamson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §115.225 and Texas Health and Safety Code, §382.085(b), by failing to comply with annual Stage I vapor recovery testing requirements; PENALTY: \$1,125; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 430-6057;

REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(18) COMPANY: NGO Industrial Holdings LLC; DOCKET NUMBER: 2023-1385-AIR-E; IDENTIFIER: RN110650058; LOCATION: Sealy, Austin County; TYPE OF FACILITY: power peaking facility; RULES VIOLATED: 30 TAC §122.143(4) and §122.146(1) and (2), Federal Operating Permit (FOP) Number O4170, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 11, and Texas Health and Safety Code (THSC), §382.085(b), by failing to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance, and failing to submit a permit compliance certification (PCC) within 30 days of any certification period; and 30 TAC §122.143(4) and §122.146(2), FOP Number O4170, GTC and STC Number 11, and THSC, §382.085(b), by failing to submit a PCC within 30 days of any certification period; PENALTY: \$8,500; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(19) COMPANY: Pack and Pack, L.P.; DOCKET NUMBER: 2023-0492-PWS-E; IDENTIFIER: RN108608100; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(1)(F), by failing to obtain a sanitary control easement covering land within 150 feet of the facility's Well Number 1; and 30 TAC §290.41(c)(3)(C), by failing to seal the space between the casing and drill hole by using enough cement under pressure to completely fill and seal the annular space between the well casing and the drill hole for Well Number 1; PENALTY: \$400; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(20) COMPANY: PLAINVIEW SERENITY CENTER, INCORPORATED; DOCKET NUMBER: 2024-1575-PWS-E; IDENTIFIER: RN105672653; LOCATION: Plainview, Hale County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; and 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan at each water treatment plant and at a central location; PENALTY: \$525; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(21) COMPANY: Premium Waters, Incorporated; DOCKET NUMBER: 2024-1298-IWD-E; IDENTIFIER: RN105975452; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: bottling facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0004937000, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$11,250; ENFORCEMENT COORDINATOR: Madison Stringer, (512) 239-1126; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(22) COMPANY: Texas Department of Transportation; DOCKET NUMBER: 2024-1782-MWD-E; IDENTIFIER: RN102674090; LOCATION: Whitsett, Live Oak 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 WQ0014767001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$12,375; ENFORCEMENT

COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(23) COMPANY: Thomas K. Rawls dba Doucette Water System and Danasa Rawls dba Doucette Water System; DOCKET NUMBER: 2024-0827-PWS-E; IDENTIFIER: RN101245405; LOCATION: Woodville, Tyler County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.51(a)(6) and TWC, §5.702, by failing to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account Number 92290004 for Fiscal Years 2022 and 2023; 30 TAC §290.106(e), by failing to provide the results of cyanide sampling to the executive director (ED) for the January 1, 2021 - December 31, 2023, monitoring period; 30 TAC §290.106(e) and §290.107(e), by failing to provide the results of nitrate and volatile organic chemical contaminants sampling to the ED for the January 1, 2022 - December 31, 2022 and January 1, 2023 - December 31, 2023, monitoring periods; 30 TAC §290.107(e) and §290.115(e), by failing to provide the results of synthetic organic chemical Group 5 contaminants and Stage 2 Disinfection Byproducts sampling to the ED for the January 1, 2020 - December 31, 2022, monitoring period; 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 1st for each year, and failing to submit to the TCEQ by July 1st 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 2022; PENALTY: \$4,600; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(24) COMPANY: Thurman Development, LLC; DOCKET NUMBER: 2024-1451-WQ-E; IDENTIFIER: RN110900099; LOCATION: Aledo, Parker County; TYPE OF FACILITY: construction site; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with construction activities; and TWC, §26.121(a)(2), by failing to prevent an unauthorized discharge of sediment into or adjacent to any water in the State; PENALTY: \$5,688; ENFORCEMENT COORDINATOR: Sarah Castillo, (512) 239-1130; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(25) COMPANY: Undine Texas, LLC; DOCKET NUMBER: 2023-0895-PWS-E; IDENTIFIER: RN101259828; LOCATION: Woodville, Tyler County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(I), by failing to fine grade the well site so that the site is free from depressions, reverse grades, or areas too rough for maintenance to ensure that surface water will drain away from the source; 30 TAC §290.41(c)(3)(J), by failing to provide the facility's well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the well head at not less than 0.25 inches per foot; 30 TAC §290.41(c)(3)(N), by failing to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data; 30 TAC §290.41(d)(3)(B), by failing to encase the artesian well in an open-bottomed, watertight basin which intercepts the flowing water below the surface of the ground and extends at least 18 inches above the ground level and the top of the base at least two feet above the highest known water mark or 100-year flood elevation; 30 TAC §290.42(f)(1)(C), by failing to provide every chemical bulk storage facility and day tank with a label that identifies the tank's contents and a device that indicates the amount of chemical remaining in the tank; 30 TAC §290.42(j), by failing to use an approved chemical or media

for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation Standard 60 for Drinking Water Treatment Chemicals; 30 TAC §290.44(a)(4), by failing to install water transmission and distribution lines below the frost line and in no case less than 24 inches below the ground surface; and 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free excessive solids; PENALTY: \$12,350; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(26) COMPANY: Village of Salado; DOCKET NUMBER: 2024-0298-MWD-E; IDENTIFIER: RN105534630; LOCATION: Salado, Bell 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 (TPDES) Permit Number WQ0014898001, Interim Effluent Limitations and Monitoring Requirements Number 2, by failing to comply with permitted effluent limitations; and 30 TAC §305.125(1) and §319.5(b) and TPDES Permit Number WQ0014898001, Interim Effluent Limitations and Monitoring Requirements Number 3, by failing to collect and analyze effluent samples at the intervals specified in the permit; PENALTY: \$12,750; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202501619

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: May 13, 2025



## Enforcement Orders

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2023-0277-MLM-E on May 13, 2025 assessing \$950 in administrative penalties with \$190 deferred. Information concerning any aspect of this order may be obtained by contacting Nicholas Lohret-Froio, 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 Sun Valley Commercial Properties, LLC, Docket No. 2023-0355-PWS-E on May 13, 2025 assessing \$1,000 in administrative penalties with \$200 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, 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 Fort Bend County Municipal Utility District No. 184, Docket No. 2023-0638-MWD-E on May 13, 2025 assessing \$4,312 in administrative penalties with \$862 deferred. Information concerning any aspect of this order may be obtained by contacting Sarah Castillo, 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 TEXAS WATER SYSTEMS, INC., Docket No. 2023-0694-PWS-E on May 13, 2025 assessing \$6,161 in administrative penalties with \$1,232 deferred. Information concerning any aspect of this order may be obtained by contacting Emerson Rinewalt, 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 Aqua Texas, Inc., Docket No. 2023-1448-PWS-E on May 13, 2025 assessing \$322 in administrative penalties with \$64 deferred. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, 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 Plantation Municipal Utility District, Docket No. 2023-1496-PWS-E on May 13, 2025 assessing \$2,025 in administrative penalties with \$405 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, 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 SR Superior LLC, Docket No. 2024-0194-WR-E on May 13, 2025 assessing \$750 in administrative penalties with \$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 Texas Department of Criminal Justice, Docket No. 2024-0896-MWD-E on May 13, 2025 assessing \$3,000 in administrative penalties with \$600 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 EnLink North Texas Gathering, LP, Docket No. 2024-1177-AIR-E on May 13, 2025 assessing \$6,501 in administrative penalties with \$1,300 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, 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 Smyrna Ready Mix Concrete, LLC dba Richardson Plant, Docket No. 2024-1205-PST-E on May 13, 2025 assessing \$4,917 in administrative penalties with \$983 deferred. Information concerning any aspect of this order may be obtained by contacting Faye Renfro, 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 BRANDON-IRENE WATER SUPPLY CORPORATION, Docket No. 2024-1233-PWS-E on May 13, 2025 assessing \$52 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Emerson Rinewalt, 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 SM Energy Company, Docket No. 2024-1251-AIR-E on May 13, 2025 assessing \$4,063 in administrative penalties with \$812 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, 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 Bailey Wehmeyer dba ANDERSON WATER COMPANY, INC., Docket No. 2024-1357-PWS-E on May 13, 2025 assessing \$140 in administrative penalties with \$28 deferred. Information concerning any aspect of this order may be obtained by contacting DeShaune Blake, 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 HOME DEPOT U.S.A., INC. dba The Home Depot, Docket No. 2024-1364-EAQ-E on May 13, 2025 assessing \$6,750 in administrative penalties with \$1,350 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, 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 KSW Holding Truckee, LL, Docket No. 2024-1375-PWS-E on May 13, 2025 assessing \$650 in administrative penalties with \$130 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, 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 SYLVESTER-McCAULLEY WATER SUPPLY CORPORATION, Docket No. 2024-1389-PWS-E on May 13, 2025 assessing \$113 in administrative penalties with \$22 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, 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 Tidwell Ralston Business, Inc. dba Checkpoint 104, Docket No. 2024-1391-PST-E on May 13, 2025 assessing \$7,032 in administrative penalties with \$1,406 deferred. Information concerning any aspect of this order may be obtained by contacting Faye Renfro, 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 Childress, Docket No. 2024-1395-PWS-E on May 13, 2025 assessing \$50 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez Ramirez, 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 Undine Texas, LLC, Docket No. 2024-1396-PWS-E on May 13, 2025 assessing \$3,055 in administrative penalties with \$611 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, 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 Llano Grande MHRV LLC, Docket No. 2024-1416-PWS-E on May 13, 2025 assessing \$1,527 in administrative penalties with \$305 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Frey, 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 1251 Enterprises Inc. dba Goodys Market, Docket No. 2024-1606-PST-E on May 13, 2025 assessing \$5,406 in administrative penalties with \$1,081 deferred. Information concerning any aspect of this order may be obtained by contacting Ramyia Wendt, 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 Sabina, Docket No. 2024-1697-PWS-E on May 13, 2025 assessing \$1,075 in administrative penalties with \$215 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, 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 Douglas 'Kent' Beck, Docket No. 2024-1842-AIR-E on May 13, 2025 assessing \$1,125 in admin-



istrative penalties with \$225 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Cox, 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 Pulte Homes of Texas, L.P., Docket No. 2024-1885-WQ-E on May 13, 2025 assessing \$563 in administrative penalties with \$112 deferred. Information concerning any aspect of this order 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.

A field citation was adopted regarding Missile Corner LLC, Docket No. 2025-0148-WQ-E on May 13, 2025 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.

A field citation was adopted regarding Cody E. Webb, Docket No. 2025-0150-WOC-E on May 13, 2025 assessing \$175 in administrative penalties. Information concerning any aspect of this citation 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.

A field citation was adopted regarding Dallas J. Bolt, Docket No. 2025-0151-WOC-E on May 13, 2025 assessing \$175 in administrative penalties. Information concerning any aspect of this citation 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.

A field citation was adopted regarding Paul M. Flores, Docket No. 2025-0152-WOC-E on May 13, 2025 assessing \$175 in administrative penalties. Information concerning any aspect of this citation 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.

A field citation was adopted regarding TM Land Co., LP, Docket No. 2025-0259-WQ-E on May 13, 2025 assessing \$875 in administrative penalties. Information concerning any aspect of this citation 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.

TRD-202501641

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 14, 2025



## Notice of an Amendment to a Certificate of Adjudication Application No. 13974

Notices Issued May 06, 2025

William C. Ansell, 1616 Driftwood Ln., Galveston, Texas 77551-1343, Applicant, seeks a temporary water use permit to divert and use not to exceed 1,500 acre-feet of water, within a three-year period, from an unnamed tributary of Hillebrandt Bayou, Neches-Trinity Coastal Basin, at a maximum diversion rate of 22.28 cfs (10,000 gpm), for wetland and agricultural 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 March 21, 2024, and partial fees were received on March 25, 2024. Additional information and fees were received September 23, September 25, and October 11, 2024. The application was declared administratively complete and filed with the Office of the Chief Clerk on October 23, 2024.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by May 20, 2025. 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 Executive Director completed the technical review of the application and prepared a draft permit. The permit, if granted, would include special conditions including, but not limited to streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ webpage at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](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 the Chief Clerk, at the address provided in the information section below, by May 21, 2025. 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 May 21, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by May 21, 2025.

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 13974 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 website 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-202501631

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 14, 2025



## Notice of an Amendment to a Certificate of Adjudication Application No. 14030

Notices Issued May 08, 2025

Blackfin Pipeline, LLC, 100 Congress Avenue, Suite 2200, Austin, Texas 78701, Applicant, seeks a temporary water use permit to divert and use not to exceed 46.03 acre-feet of water, within a period of two years, from two points on the Brazos River, Brazos River Basin for industrial purposes in Austin and Waller counties. More information on the application and how to participate in the permitting process is given below.

The application and partial fees were received on October 16, 2024. Additional information was received on December 17, 2024, and additional fees were received on January 9, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 17, 2025.

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, streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ webpage at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](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 May 23, 2025. 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 May 23, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by May 23, 2025.

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 14030 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040 o por el internet al [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202501632

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 14, 2025



## Notice of an Amendment to a Certificate of Adjudication Application No. 14031

Notices Issued May 08, 2025

Blackfin Pipeline, LLC, 100 Congress Avenue, Suite 2200, Austin, Texas 78701, Applicant, seeks a temporary water use permit to divert and use not to exceed 46.03 acre-feet of water, within a period of three years, from two points on the West Fork San Jacinto River, San Jacinto River Basin for industrial purposes in Montgomery County. More information on the application and how to participate in the permitting process is given below.

The application and partial fees were received on October 16, 2024. Additional information was received on December 17 and 18, 2024, and additional fees were received on January 9, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 17, 2025.

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, streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ webpage at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](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 May 23, 2025. 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 May 23, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by May 23, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representa-

tive), 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 14031 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040 o por el internet al [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202501633

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 14, 2025



#### Notice of an Amendment to a Certificate of Adjudication Application No. 14032

Notices Issued May 08, 2025

Blackfin Pipeline, LLC, 100 Congress Avenue, Suite 2200, Austin, Texas 78701, Applicant, seeks a temporary water use permit to divert and use not to exceed 39.9 acre-feet of water, within a period of three years, from two points on the Trinity River, Trinity River Basin for industrial purposes in Liberty County. More information on the application and how to participate in the permitting process is given below.

The application and fees were received on October 16, 2024. Additional information was received on December 17, 2024, and additional fees were received on January 9, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 17, 2025.

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 May 23, 2025. 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 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, streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ webpage

at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](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 May 23, 2025. 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 May 23, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by May 23, 2025.

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 14032 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040 o por el internet al [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202501634

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 14, 2025



#### Notice of District Petition - D-04012025-004

Notice issued May 14, 2025

TCEQ Internal Control No. D-04012025-004: McCraw Enterprises, LLC, (Petitioner) filed a petition for creation of Ambrose 360 Municipal Utility District of Grayson County (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 Administra-

tive 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 are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 364.706 acres located within Grayson 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: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, dispose of and control local storm water or other local harmful excesses of water in the District; (3) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (4) purchase construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the 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 \$128,920,000 (\$86,935,000 for water, wastewater, and drainage plus \$41,985,000 for roads).

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our website at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://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 website, 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202501638

Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: May 14, 2025



#### Notice of District Petition - D-04042025-016

Notice issued May 13, 2025

TCEQ Internal Control No. D-04042025-016: AustinMax Ventures, LLC (Petitioner) filed a petition for creation of Riata Creek Municipal Utility District No. 1 of Caldwell County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 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 are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 77.863 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: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic, and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and, (5) purchase, construct, acquire, improve, or extend inside or outside its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with 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 \$9,300,000 (\$7,800,000 for water, wastewater, and drainage plus \$1,500,000 for roads).

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our website at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://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 website, 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202501636

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 14, 2025



#### Notice of District Petition - D-04212025-035

Notice issued May 9, 2025

TCEQ Internal Control No. D-04212025-035: CLTX DEV, LLC, (Petitioner) filed a petition for creation of Montgomery County Municipal Utility District No. 264 (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, Guaranty Bank & Trust, 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 94.76 acres located within Montgomery 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: (1) purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial, or commercial purposes or provide adequate drainage for the District; (2) to collect, transport, process, dispose of and control domestic, industrial, or commercial wastes; (3) to gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the District; (3) to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside and outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the District is created; and (4) purchase, acquire, provide, operate, maintain, repair, improve, extend, and develop a roadway system for the District. 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 \$18,830,000. The financial analysis in the application was based on an estimated \$18,810,000 (\$13,850,000 for water, wastewater, and drainage plus \$4,960,000 for roads) at the time of submittal.

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our website at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://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 website, 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202501635

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 14, 2025



#### Notice of District Petition - D-04242025-044

Notice issued May 14, 2025

TCEQ Internal Control No. D-04242025-044: Woodhaven, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Montgomery County Municipal Utility District No. 245 (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, Jack Travis Burkhalter, 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 97.328 acres located within Montgomery 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: (1) purchase, construct, acquire, improve, extend, maintain and operate a waterworks and sanitary wastewater system for domestic and commercial purposes; (2) purchase, construct, acquire, improve, extend, maintain and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate and amend local storm waters or other harmful excesses of water; and, (4) purchase interest in land and purchase, construct, acquire, improve, extend, maintain and operate improvements, facilities and equipment for the purpose of providing

recreational facilities. The petition also states that the proposed District may also exercise road powers and authority pursuant to applicable law, and pursuant to applicable law, the proposed District may also establish, finance, provide, operate and maintain a fire department and/or fire-fighting services within the proposed District. 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 \$40,655,000 (\$30,810,000 for water, wastewater, and drainage plus \$9,845,000 for roads).

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our website at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://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 website, 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202501640

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 14, 2025



#### Notice of District Petition - D-05012025-006

Notice issued May 14, 2025

TCEQ Internal Control No. D-05012025-006: The Knob Landco, LP, (Petitioner) filed a petition for creation of Collins Municipal Utility District No. 2 (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 are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 398.251 acres located within Travis 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 uses; (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 District and the payment of organization expenses, 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; (5) purchase, construct, acquire, provide, operate, maintain, repair, improve, extend and develop park and recreational facilities for the inhabitants of the District; and (6) to provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is created and permitted under state law. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$116,200,000 (\$65,800,000 for water, wastewater, and drainage plus \$16,200,000 for recreation plus \$34,200,000 for roads).

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our website at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://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 website, 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 website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202501639

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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 **June 24, 2025**. 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 June 24, 2025**. 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: Dollie Jobe; DOCKET NUMBER: 2023-1165-PST-E; TCEQ ID NUMBER: RN101741254; LOCATION: 114 West 2nd Street, Kress, Swisher County; TYPE OF FACILITY: temporarily out-of-service underground storage tank (UST) system; RULE VIOLATED: 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the UST system; PENALTY: \$5,140; STAFF ATTORNEY: A'twar Wilkins, Litigation, MC 175, (512) 239-6515; REGIONAL OFFICE: Amarillo Regional Office, 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

TRD-202501621  
Gitanjali Yadav  
Deputy Director, Litigation Division  
Texas Commission on Environmental Quality  
Filed: May 13, 2025  
◆ ◆ ◆

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 overfill 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 overfill 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 **June 24, 2025**. 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 June 24, 2025**. 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: TRIANGLE BUSINESS, INC. dba Honey Stop 22; DOCKET NUMBER: 2022-0840-PST-E; TCEQ ID NUMBER: RN101876936; LOCATION: 3680 Highland Avenue, Beaumont, Jefferson County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(a) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days; TWC, §26.3475(a) and 30 TAC §334.50(b)(2), by failing to provide release detection for the pressurized piping associated with the UST system; TWC, §26.3475(c)(2) and 30 TAC §334.51(a)(6), by failing to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight; TWC, §26.3475(c)(2) and 30 TAC §334.51(a)(6), by failing to ensure that all installed spill and overfill prevention devices are maintained in good operating condition; TWC, §26.3475(c)(2) and 30 TAC §334.48(g)(1)(B), by failing to inspect the overfill prevention equipment at least once every three years; and TWC, §26.3475(c)(1) and (2) and 30 TAC §334.48(h)(1)(B), by failing to conduct the annual walkthrough inspection of the contain-

ment sumps and handheld release detection equipment; PENALTY: \$5,220; STAFF ATTORNEY: Laney Foeller, Litigation, MC 175, (512) 239-6226; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Fairway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202501620

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: May 13, 2025



### Notice of Public Meeting for an Air Quality Standard Permit for Permanent Rock and Concrete Crushers Proposed Air Quality Registration Number 175198

**APPLICATION.** North Texas Natural Select Materials LLC, 6500 Meyer Way, Suite 110, McKinney, Texas 75070-1997 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration Number 175198, which would authorize construction of a permanent rock and concrete crusher. The facility is proposed to be located at the following directions: from the intersection of Cleve Cole Road and Fannin Avenue, travel 0.42 mi north along Fannin Avenue, and the site entrance will be to the west, Denison, Grayson County, Texas 75021. *This amended notice is in response to updated representations received by the applicant, specifically, the location of the permanent rock and concrete crushing facility on the subject property.* 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=-96.549743,33.699412&level=13>. This application was submitted to the TCEQ on January 29, 2024. The executive director has determined the application was technically complete on March 22, 2024.

**PUBLIC COMMENT/PUBLIC MEETING.** You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address.

**The Public Meeting is to be held:**

**Monday, June 16, 2025 at 7:00 p.m.**

**Kidd-Key Auditorium**

**400 N. Elm Street**

**Sherman, Texas 75090**

**INFORMATION.** Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov). *Si desea información en español, puede llamar al (800) 687-4040.*

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database (CID) at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Once you have access to the CID using the link, enter the permit number at the top of this form.

The executive director shall approve or deny the application not later than 30 days after the end of the public comment period, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

**CENTRAL/REGIONAL OFFICE.** The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Dallas/Fort Worth Regional Office, located at 2309 Gravel Dr, Fort Worth, Texas 76118-6951, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

Further information may also be obtained from North Texas Natural Select Materials, LLC, 6500 Meyer Way, Suite 110, McKinney, Texas 75070-1997, or by calling Ms. Melissa Fitts, Senior Vice President, Westward Environmental, Inc. at (830) 249-8284.

Persons with disabilities who need special accommodation 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: May 9, 2025

TRD-202501637

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 14, 2025



## Texas Ethics Commission

### List of Delinquent Filers

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Dave Guilianelli at (512) 463-5800.

### Deadline: 50 day pre-election Report due September 16, 2024

#00017166 - Richard Gonzales, Hidalgo County Democratic Party (P), P.O. Box 3903, Edinburg, Texas 78540

#00024020 - Joe Evans, Jefferson County Republican Party (P), 1520 N 20th St., Nederland, Texas 77627

#00024059 - Michelle Evans, Williamson County Republican Party (P), P.O. Box 393, Round Rock, Texas 78680

TRD-202501618



J.R. Johnson  
Executive Director  
Texas Ethics Commission  
Filed: May 12, 2025

## Texas Facilities Commission

### Request for Proposals #303-6-20803 - Raymondville

The Texas Facilities Commission (TFC), on behalf of the Texas Animal Health Commission (TAHC), announces the issuance of a Request for Proposals (RFP) #303-6-20803. TFC seeks a five (5) or seven (10) year lease of approximately 5,107 square feet of space that consists of 4,107 square feet of usable office space and 1,000 square feet of warehouse space in Raymondville, Texas.

The deadline for questions is June 3, 2025 and the deadline for proposals is June 24, 2025 at 3:00 p.m. The award date is October 16, 2025. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of a RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting Heidi Gonzales at [heidi.gonzales@tfc.texas.gov](mailto:heidi.gonzales@tfc.texas.gov). A copy of the RFP may be downloaded from the Electronic State Business Daily at <https://www.txsmartbuy.gov/esbd/303-6-20803>.

TRD-202501623  
Amanda Brainard  
Acting Director, State Leasing Services  
Texas Facilities Commission  
Filed: May 13, 2025

## General Land Office

### Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of April 28, 2025 to May 9, 2025. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, May 16, 2025. The public comment period for this project will close at 5:00 p.m. on Sunday, June 15, 2025.

Federal Agency Activities:

**Applicant:** Texas Department of Transportation - Corpus Christi

**Location:** The project site is located over Oso Bay/Corpus Christi Bay, on Ocean Drive, within Corpus Christi, Nueces County, Texas.

**Project Description:** The proposed project would replace the bridge on Ocean Drive, overall length of bridge is 780 feet. The project would

include discharge of approximately 2,494 cubic yards of fill material below the plane of the High Tide Line within the open-water feature Oso Bay/Corpus Christi Bay, placement of 83 new square concrete bridge piles (24-in), concrete riprap placement at bridge abutments, and placement of 432 temporary steel piles (24-in) needed for the construction of temporary work platforms. Temporary piles and platforms will be removed in their entirety after the completion of construction. This project will result in approximately 0.02 acres of permanent impacts and 0.06 acres of temporary impacts to open water.

**Type of Application:** U.S. Coast Guard bridge permit exemption.

**CMP Project No:** 25-1201-F2

Federal License and Permit Activities:

**Applicant:** Long Mott Energy, LLC

**Location:** The project site is located adjacent to Dow's Union Carbide Corporation Seadrift Operations (SDO) approximately 8 miles north-northwest of Seadrift, Texas, approximately 23 miles southeast of Victoria, Texas, and approximately 11 miles west-southwest of Port Lavaca, in Calhoun County, Texas.

**Site center point Latitude and Longitude:** 28.528333, -96.761944

**Project Description:** The applicant proposes to construct a nuclear power station to be known as Long Mott Generating Station (LMGS). LMGS will construct four module Xe-100 advanced reactors. Each Xe-100 reactor is a high temperature gas-cooled reactor that produces up to 200 megawatts thermal (MWt) and in an electricity-only generating mode, produces up to 80-megawatts electric (MWe). LMGS will supply steam and electric power to SDO, replacing existing fossil-fuel power generation infrastructure. The total LMGS site footprint is approximately 1,537 acres and the four reactor modules will occupy 34.4 acres. The total land area includes ancillary facilities, such as transmission lines, steam delivery pipelines, site-specific stormwater drainage and management ponds, access roads, and areas used temporarily during construction.

**Type of Application:** Nuclear Regulatory Commission permit application NRC-2025-0079.

**CMP Project No:** 25-1176-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at [pialegal@glo.texas.gov](mailto:pialegal@glo.texas.gov). Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at [federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov).

TRD-202501617  
Jennifer Jones  
Chief Clerk and Deputy Land Commissioner  
General Land Office  
Filed: May 12, 2025

## Texas Health and Human Services Commission

### Public Notice - Texas State Plan for Medical Assistance Amendment Effective June 1, 2025

The Texas Health and Human Services Commission (HHSC) announces its intent to submit amendments to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendments will be effective June 1, 2025.

The purpose of the amendments is to update the fee schedules in the current state plan by adjusting fees, rates, or charges for the following services:

#### Physicians and Other Practitioners

The proposed amendments are estimated to result in an increase to annual aggregate expenditure of \$7,135 for federal fiscal year (FFY) 2025, consisting of \$4,281 in federal funds and \$2,854 in state general revenue. For FFY 2026, the estimated result is an increase to annual aggregate expenditure of \$21,647 consisting of \$12,951 in federal funds and \$8,696 in state general revenue. For FFY 2027, the estimated result is an increase to annual aggregate expenditure of \$21,934 consisting of \$13,123 in federal funds and \$8,811 in state general revenue.

Further detail on specific reimbursement rates and percentage changes will be made available on the HHSC Provider Finance website before the proposed effective date at: <https://pfd.hhs.texas.gov/rate-packets>.

#### Rate Hearings.

A rate hearing was conducted in person and online on February 14, 2025. Information about the proposed rate changes and hearing was published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 685). Additional information and the notice of hearings can be found at <http://www.sos.state.tx.us/texreg/index.shtml>.

#### Copy of Proposed Amendment.

Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Nicole Hotchkiss, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by e-mail at [Medicaid\\_Chip\\_SPA\\_Inquiries@hhsc.state.tx.us](mailto:Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us). Once submitted to the Centers for Medicare and Medicaid Services for approval, copies of the proposed amendment will be available for review at the HHSC Access and Eligibility Services for local benefit offices.

#### Written Comments.

Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

##### U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance Department

North Austin Complex

Mail Code H-400

4601 W. Guadalupe St.

Austin, Texas 78751

Phone number for package delivery: (512) 730-7401

Fax

Attention: Provider Finance at (512) 730-7475

Email

[PFDAcuteCare@hhs.texas.gov](mailto:PFDAcuteCare@hhs.texas.gov)

Preferred Communication.

For quickest response, please use e-mail or phone, if possible, for communication with HHSC related to this state plan amendment.

TRD-202501627

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: May 13, 2025

## Texas Department of Housing and Community Affairs

### Section 8 5-Year Plan

TDHCA Governing Board Approved Draft of the Section 8 Program 5-Year and 2026 Annual Public Housing Authority (PHA) Plan

A draft of the 5-Year and 2026 Annual Public Housing Authority Plan (PHA Plan) that was approved by the TDHCA Governing Board on May 8, 2025.

Public Comment Period: Starts: 8:00 a.m. Central time on Friday, May 23, 2025

Public Comment Period Ends: 5:00 p.m. Central time on Tuesday, July 8, 2025

Comments received after 5:00 p.m. Central time on Tuesday, July 8, 2025 will not be accepted. Written comments may be submitted, in hard copy or electronic formats to:

Texas Department of Housing and Community Affairs

Attn: Andre Adams, Section 8 Manager

P.O. Box 13941

Austin, Texas 78711-3941

Email: [andre.adams@tdhca.texas.gov](mailto:andre.adams@tdhca.texas.gov)

A public hearing will be held on Tuesday, July 8, 2025 beginning at 2:00 p.m. Central time and ending at 3:00 p.m. at:

Texas Department of Housing and Community Affairs

221 E 11th Street, Room 129

Austin, Texas 78701

Written comments may be submitted in hard copy or email formats within the designated public comment period. Those making public comment are encouraged to reference the specific draft rule, policy, or plan related to their comment as well as a specific reference or cite associated with each comment. Please be aware that all comments submitted to the TDHCA will be considered public information.

TRD-202501615

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Filed: May 12, 2025

## Texas Department of Housing and Community Affairs 2025 Emergency Solutions Grants (ESG) Program Notice of Funding Available

The Texas Department of Housing and Community Affairs (the Department) announces funding for the 2025 Emergency Solutions Grants (ESG) Program funded through the U.S. Department of Housing and Community Development (HUD). The funds will be made available to eligible applicants for an offer of a continuing award, or a competitive award, as further described in the NOFA. The initial amount made available under this NOFA will be published by May 30, 2025 and is subject to an Allocation Formula utilizing the methodology outlined at 10 TAC §7.33.

Applications for a competitive award may be submitted beginning the latter of the day after HUD's notification of its ESG allocation amount or May 23, 2025, in accordance with the NOFA. From time to time, additional funding may be made available under the NOFA through transfer of prior year balances, deobligated funds, and Program Income. Amendments will be published on the TDHCA website.

Information is available on the Department's web site at <https://www.tdhca.texas.gov/esg-funding>. NOFA can be found here: <https://www.tdhca.texas.gov/notices-funding-availability-nofas>. Questions regarding the NOFA may be addressed to the Rosy Falcon via email at [rosy.falcon@tdhca.texas.gov](mailto:rosy.falcon@tdhca.texas.gov).

TRD-202501614

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Filed: May 12, 2025



## Texas Department of Insurance

### Company Licensing

Application to do business in the state of Texas for KSKJ Life, a foreign life, accident, and/or health company. The home office is in Joliet, Illinois.

Application for incorporation in the state of Texas for Capstone Specialty Insurance Company, a domestic fire and/or casualty company. The home office is in Bedford, Texas.

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 Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78711.

TRD-202501629

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: May 14, 2025



## Texas Department of Licensing and Regulation

### Notice of Vacancies on Behavior Analyst Advisory Board

The Texas Department of Licensing and Regulation (Department) announces two vacancies on the Behavior Analyst Advisory (Board) established by Texas Occupations Code, Chapter 506. The Board provides advice and recommendations to the Texas Commission of Licensing and Regulation (Commission) in adopting rules, administering and enforcing the Occupations Code covering Behavior Analysts, and setting fees. The Board meets at the call of the presiding officer

of the Commission or the executive director of the Department. **This announcement is for:**

- **one licensed behavior analyst, and**

- **one representative of the public who is either a former recipient of applied behavior analysis services or the parent or guardian of a current or former recipient of applied behavior analysis services.**

The Board consists of nine members appointed by the presiding officer of the Commission, with the approval of the Commission. Members serve staggered six-year terms with the terms of three members expiring on February 1 of each odd-numbered year. A member may not serve more than two consecutive six-year terms. The Board is composed of the following members:

1. four licensed behavior analysts, at least one of whom must be certified as a Board-Certified Behavior Analyst--Doctoral or holds an equivalent certification issued by the certifying entity;
2. one licensed assistant behavior analyst;
3. one physician who has experience providing mental health or behavioral health services; and
4. three members who represent the public and who are either former recipients of applied behavior analysis services or the parent or guardian of a current or former recipient of applied behavior analysis services.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by e-mail at [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

**These are not paid positions and there is no compensation or reimbursement for serving on the Board.**

Issued in Austin Texas on May 23, 2025

TRD-202501622

Courtney Arbour

Executive Director

Texas Department of Licensing and Regulation

Filed: May 13, 2025



## Texas Lottery Commission

### Scratch Ticket Game Number 2631 "\$100,000 RICHER"

#### 1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2631 is "\$100,000 RICHER". The play style is "key number match".

#### 1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2631 shall be \$5.00 per Scratch Ticket.

#### 1.2 Definitions in Scratch Ticket Game No. 2631.

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, 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, \$25.00, \$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. 2631 - 1.2D

PLAY SYMBOL	CAPTION
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	TWFO
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\$
\$25.00	TWV\$
\$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 (2631), 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: 2631-0000001-001.

H. Pack - A Pack of the "\$100,000 RICHER" 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 "\$100,000 RICHER" Scratch Ticket Game No. 2631.

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 "\$100,000 RICHER" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-five (45) Play Symbols. 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 "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-five (45) 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-five (45) 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-five (45) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty-five (45) 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. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

D. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to three (3) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. 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 "\$100,000 RICHER" 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 "\$100,000 RICHER" 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 "\$100,000 RICHER" 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 "\$100,000 RICHER" 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 "\$100,000 RICHER" 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. 2631. The approximate number and value of prizes in the game are as follows:



Figure 2: GAME NO. 2631 - 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	20,760	341.04
\$500	3,776	1,875.00
\$1,000	472	15,000.00
\$5,000	10	708,000.00
\$100,000	4	1,770,000.00

\*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.

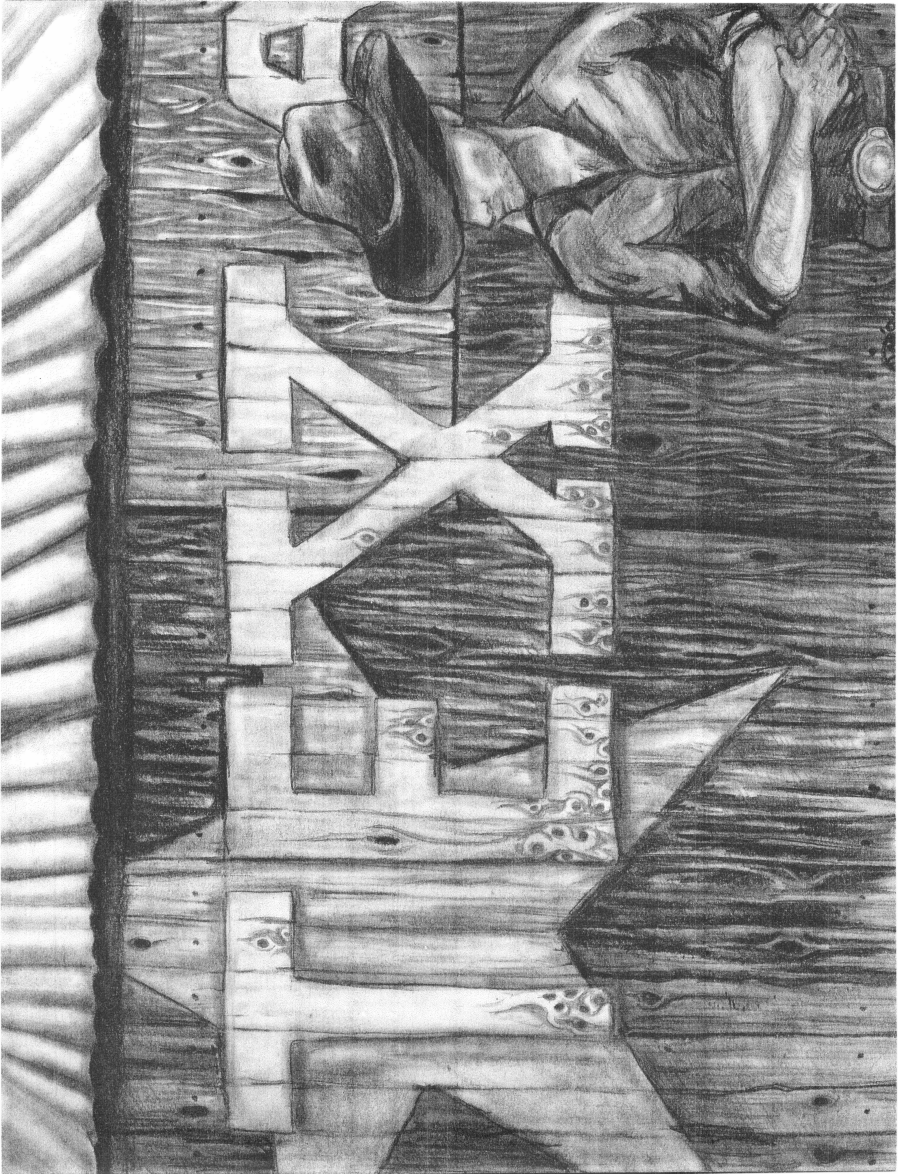
5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2631 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing 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. 2631, 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-202501601  
 Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: May 12, 2025





## How to Use the Texas Register

**Information Available:** The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

**Governor** - Appointments, executive orders, and proclamations.

**Attorney General** - summaries of requests for opinions, opinions, and open records decisions.

**Texas Ethics Commission** - summaries of requests for opinions and opinions.

**Emergency Rules** - sections adopted by state agencies on an emergency basis.

**Proposed Rules** - sections proposed for adoption.

**Withdrawn Rules** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

**Adopted Rules** - sections adopted following public comment period.

**Texas Department of Insurance Exempt Filings** - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

**Review of Agency Rules** - notices of state agency rules review.

**Tables and Graphics** - graphic material from the proposed, emergency and adopted sections.

**Transferred Rules** - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

**In Addition** - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

**How to Cite:** Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 50 (2025) is cited as follows: 50 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “50 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 50 TexReg 3.”

**How to Research:** The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

## Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

**How to Cite:** Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

**How to Update:** To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

### TITLE 1. ADMINISTRATION

#### Part 4. Office of the Secretary of State

#### Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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