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# TEXAS REGISTER

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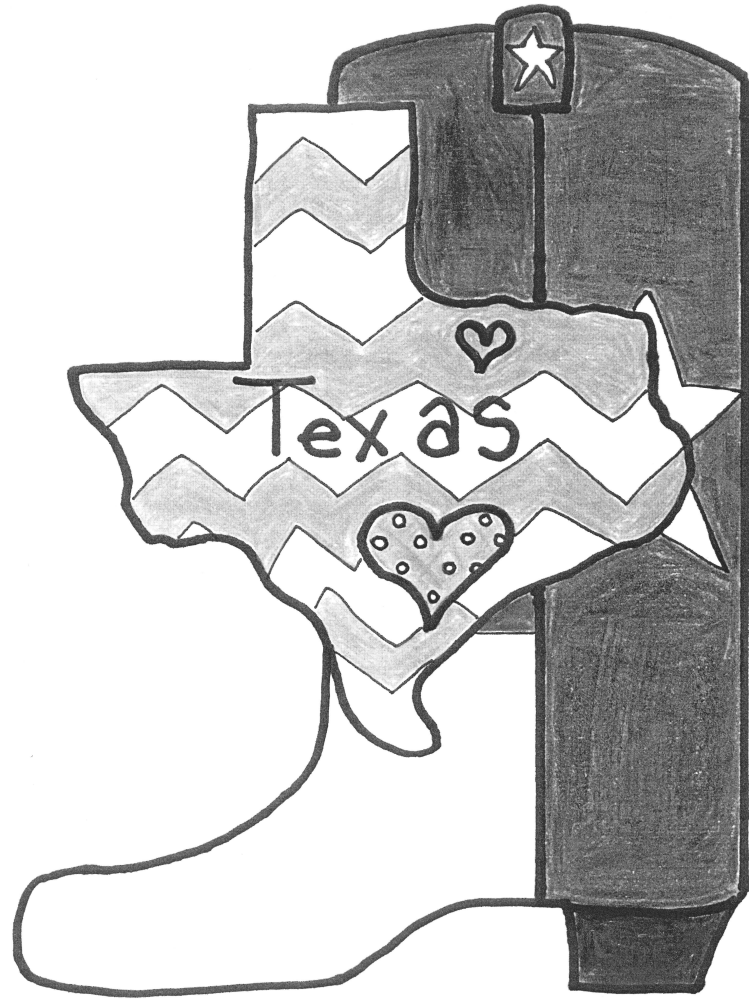
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# THE GOVERNOR

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 28, 2026

Appointed to the Texas Commission on the Arts for a term to expire August 31, 2029, Janine L. Turner of Valley View, Texas (replacing Robert M. "Bobby" Lee of Amarillo who resigned).

### Appointments for May 29, 2026

Appointed to the Sulphur River Basin Authority Board of Directors for a term to expire February 1, 2031, Robert "Reeves" Hayter of Paris, Texas (Mr. Hayter is being reappointed).

Appointed to the Sulphur River Basin Authority Board of Directors for a term to expire February 1, 2031, Shane J. Roethle of Sulphur Bluff, Texas (replacing Wallace W. "Wally" Kraft, II, D.V.M. of Paris whose term expired).

### Appointments for June 1, 2026

Appointed to the Texas Quantum Initiative Advisory Committee for a term to expire January 31, 2027, Victor A. Fishman, Ph.D. of Allen, Texas.

Appointed to the Texas Quantum Initiative Advisory Committee for a term to expire January 31, 2027, Lin Zhou, Ph.D. of Lubbock, Texas.

Appointed to the Texas Quantum Initiative Advisory Committee for a term to expire January 31, 2029, Richard R. "Ross" Coffman of Austin, Texas.

Appointed to the Texas Quantum Initiative Advisory Committee for a term to expire January 31, 2031, John Jospehakis of Dallas, Texas.

Appointed to the Texas Quantum Initiative Advisory Committee for a term to expire January 31, 2031, John J. "Jeff" Prevost, Ph.D. of San Antonio, Texas.

### Appointments for June 2, 2026

Appointed to the Council on Cardiovascular Disease and Stroke for a term to expire February 1, 2027, Jennifer M. "Jen" Scott of Fort Worth, Texas (replacing Sherron D. Franks-Meeks, Ph.D. of Odessa who resigned).

Appointed to the Council on Cardiovascular Disease and Stroke for a term to expire February 1, 2027, Lauri E. Speirs of Kennedale, Texas (replacing Maricela "Marcie" Gonzalez Wilson of Lakeway who resigned).

Appointed to the Council on Cardiovascular Disease and Stroke for a term to expire February 1, 2031, Christine M. Cox of Aurora, Texas (replacing E'Loria Simon-Campbell, Ph.D. of Houston whose term expired).

Appointed to the Council on Cardiovascular Disease and Stroke for a term to expire February 1, 2031, Brittany L. Henson of Hemphill, Texas (replacing Elie R. Balesh, M.D. of El Paso whose term expired).

Appointed to the Council on Cardiovascular Disease and Stroke for a term to expire February 1, 2031, Remedios "Remmy" Perez Morris of Round Rock, Texas (Ms. Perez is being reappointed).

### Appointments for June 3, 2026

Appointed to the Texas Industrialized Building Code Council for a term to expire February 1, 2027, Lee R. Ramsey of Aubrey, Texas (replacing Edward E. "Eddie" Martin, Jr. whose term expired).

Appointed to the Texas Industrialized Building Code Council for a term to expire February 1, 2028, Suzanne R. Arnold of Rowlett, Texas (Ms. Arnold is being reappointed).

Appointed to the Texas Industrialized Building Code Council for a term to expire February 1, 2028, Edwin O. "Scooter" Lofton, Jr. of Horse-shoe Bay, Texas (Mr. Lofton is being reappointed).

Appointed to the Texas Industrialized Building Code Council for a term to expire February 1, 2028, Alfonso A. "Alex" Morales of Houston, Texas (Mr. Morales is being reappointed).

Appointed to the Texas Industrialized Building Code Council for a term to expire February 1, 2028, Jorge A. Olivares of San Antonio, Texas (Ms. Olivares is being reappointed).

Appointed to the Texas Industrialized Building Code Council for a term to expire February 1, 2028, John D. "Johnny" Scholl, III of Claude, Texas (Mr. Scholl is being reappointed).

Appointed to the Texas Industrialized Building Code Council for a term to expire February 1, 2028, William F. "Dubb" Smith, III of Dripping Springs, Texas (Mr. Smith is being reappointed).

Greg Abbott, Governor

TRD-202602286



Proclamation 41-4286

### TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on January 29, 2026, certifying under Section 418.014 of the Texas Government Code that the spread of New World screwworm northward from Mexico toward the U.S. southern border threatens Texas' livestock industry and economy and poses an imminent threat of widespread and severe property damage for all Texas counties; and

WHEREAS, the certified conditions continue to exist and pose an ongoing and imminent threat of disaster as set forth in the prior proclamation;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a state of disaster for all Texas counties. All orders, directions, suspensions, and authorizations provided in the Proclamation of January 29, 2026, as renewed, are in full force and effect.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of May, 2026.

Greg Abbott, Governor

TRD-202602255



Proclamation 41-4287

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on April 27, 2026, as amended and renewed in subsequent proclamations, certifying that the severe storm event that began on April 24, 2026, which included heavy rainfall, flash flooding, hazardous wind gusts, large hail, and tornadoes, is causing widespread and severe property damage, injury, or loss of life in several counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Calhoun, Cameron, Lamar, Palo Pinto, Parker, Victoria, and Wise Counties.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of May, 2026.

Greg Abbott, Governor

TRD-202602256



# THE ATTORNEY GENERAL

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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>.)

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## Requests for Opinions

**RQ-0645-KP**

### Requestor:

Mr. Nathan R. Bratton

General Counsel

Civil Legal Division

Webb County

1000 Houston Street, 2nd Floor

Laredo, Texas 78040

Re: Authority and procedural requirements governing the Texas Water Development Board's administration of House Bill 500 water supply and infrastructure grants (RQ-0645-KP)

## Briefs requested by June 25, 2026

*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-202602276

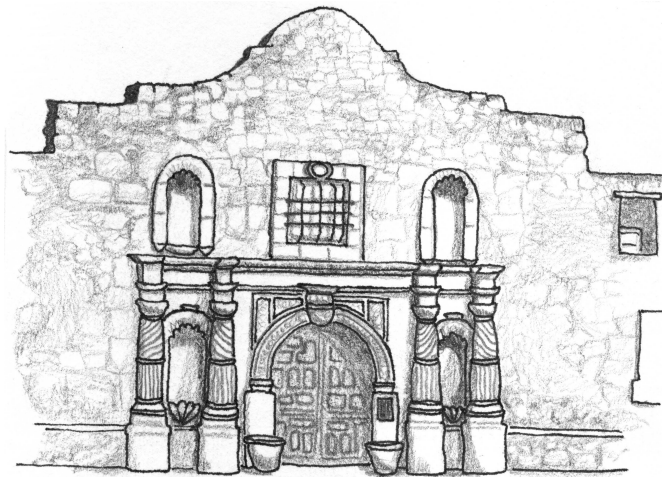
Justin Gordon

General Counsel

Office of the Attorney General

Filed: June 2, 2026





# 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 34. PUBLIC FINANCE

### PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

#### CHAPTER 20. STATEWIDE PROCUREMENT AND SUPPORT SERVICES

##### SUBCHAPTER D. SOCIO-ECONOMIC PROGRAM

#### DIVISION 2. ENVIRONMENT, ENERGY AND WATER EFFICIENCY, AND RENEWABLE ENERGY TECHNOLOGIES

##### 34 TAC §20.306

The Comptroller of Public Accounts proposes the repeal of §20.306, concerning preferences. In a separate proposal, the comptroller proposes a new §20.306, concerning preferences. The new rule will be more comprehensive, separating statutory preferences into several categories, and providing specific guidance on when and how they apply. The repeal is necessary to enable a more comprehensive rule to be adopted that provides better guidance on application.

No legislation was enacted within the last four years that provides the statutory authority for the repeal.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed repeal is in effect, the repeal: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rule's applicability; and will not positively or adversely affect this state's economy.

Mr. Reynolds also has determined that the proposed rule repeal would have no fiscal impact on the state government, units of local government, or individuals. The proposed repeal would benefit the public by facilitating the adoption of a new, comprehensive rule the comptroller intends to propose that would more clearly organize and clarify when and how statutory preferences apply in the procurement process. There would be no anticipated significant economic cost to the public. The proposed repeal would have no significant fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan

P.O. Box 13528 Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the repeal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 10:00 a.m., Central Time, on Tuesday, June 23, 2026. To access the online public meeting by web browser, please enter the following URL into your browser: <https://txcpa.webex.com/txcpa/j.php?MTID=m40f87cd9e32600c619b8457e9a1f4fd5>. To join the meeting by computer or cell phone using the Webex app, use the access code 2493 365 0910 and password SPDRULES. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at Gerard.MacCrossan@cpa.texas.gov or by calling (512) 463-4468 by June 22, 2026.

The repeal is proposed under Government Code, §2155.0012, and §2158.0012 which authorize the comptroller to adopt rules to efficiently and effectively administer Government Code, Chapter 2155, and Chapter 2158; and under Health and Safety Code, §361.991(e), and §361.965 (e) which authorize the comptroller to adopt rules to implement Health and Safety Code, §361.991, and §361.965.

This repeal implements Government Code, §§2155.0012, and 2158.0012.

##### *§20.306. Preferences.*

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 28, 2026.

TRD-202602231

Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

Earliest possible date of adoption: July 12, 2026

For further information, please call: (512) 475-2220

◆ ◆ ◆  
DIVISION 2. ECONOMIC AND ENVIRONMENTAL PROCUREMENT PREFERENCES [ENVIRONMENT, ENERGY AND WATER EFFICIENCY, AND RENEWABLE ENERGY TECHNOLOGIES]

34 TAC §20.306, §20.307

The Comptroller of Public Accounts proposes a new §20.306, concerning preferences; and amendments to §20.307, concerning state agency procurements of recycled, remanufactured or environmentally sensitive commodities or services. The new §20.306, concerning preferences, will replace the current §20.306, concerning preferences, which the comptroller will propose for repeal in a separate proposal. In addition, the comptroller proposes to amend the title of 34 TAC Chapter 20, Subchapter D, Division 2, to "Economic and Environmental Procurement Preferences."

No legislation was enacted within the last four years that provides the statutory authority for the new section or for the amendments.

The comptroller amends the title of Division 2 to better represent its content. Division 2 includes geographical preferences, service-disabled veteran preferences, and others that are better described by the revised title.

New §20.306 replaces the current §20.306, concerning procurement preferences. The comptroller will simultaneously repeal the current version of §20.306, in a separate rulemaking. Both versions list preferences that are enacted in statute. Therefore, the substance of the proposed version is largely consistent with the current version.

New §20.306 clarifies the procurement preference rules. The section is structured to improve its style with the purpose of clarifying when and how statutory purchasing preferences should apply in the procurement process. The reorganization clarifies in which step of the procurement process agencies should account for a preference and how it will impact the procurement. The new section divides the preferences into categories which agencies shall take into consideration at different phases of the procurement lifecycle. It also provides a clear hierarchy among the preferences and provides that when planning to procure or purchase goods or services, state agencies shall consider the statutory preferences listed in the rule.

Paragraph (1) identifies specification preferences which shall be considered during needs assessment and specifications development. The specification preferences apply to: televisions; food for consumption in a public cafeteria; recycled, remanufactured, or environmentally sensitive products; paper; and American vehicles.

Paragraph (2) identifies pricing preferences which shall be considered during evaluation and best value determination. The pricing preferences apply to: rubberized asphalt paving material; services to be performed, in whole or in part, in a designated nonattainment area or an affected county; and items subject to reciprocal preferences among states, unless the contract will involve federal funds.

Paragraph (3) establishes the tie-bid preferences which shall be used to resolve ties between responses of equal cost and quality. The tie-bid preferences apply to: agricultural products; vegetation for landscaping purposes; motor oil and other automotive lubricants; computer equipment; creation or production of a commercial for an advertising campaign; products, workshops, organizations, or corporations whose primary purpose is training and employing persons with disabilities; goods and services produced in economically depressed or blighted areas; goods produced at a facility located on property for which the owner has received a certificate of completion under Health and Safety Code, §361.609; goods produced or offered by a Texas bidder, with first

preference given to a service-disabled veteran; and goods produced and grown in other states of United States.

The comptroller amends the title of §20.307 to "Recycled, Remanufactured and Environmentally Sensitive Commodities and Services."

The amendments to §20.307 update the designated environmentally sensitive items listed in the rule which agencies should prefer in a procurement. In compliance with Government Code, §2155.448, the comptroller revises the list of identified items, the purchasing goal, and the requirement for an agency to justify procurement of an identified item with specifications that do not meet the definition of recycled, remanufactured, or environmentally sensitive commodity or service.

The amendments update the list of designated recycled, remanufactured, and environmentally sensitive commodities to eliminate outdated goods that are no longer an item with market significance and to include items that are relatively significant in state purchasing. It also establishes environmentally sensitive standards that are commonly used in the marketplace, such as FSC-certified, in order to make it easier for agencies and vendors to comply. The amendments further provide clarity on the purchasing goals and on how a state agency should document its file. The amendments also allow a person designated by the state agency head executive to sign for the justification, contributing to the implementation and efficacy of Government Code, §2155.448.

Subsection (a) provides the items that the comptroller has identified as recycled, remanufactured, and environmentally sensitive commodities or services and for which statewide purchasing goals apply: re-refined motor oils and lubricants, paper products including copy paper, paper towels, toilet paper, paper packaging, coffee filters, air conditioning filters, recycled steel, and Energy Star labeled products for selected categories, to the extent the label is available.

The comptroller identified products for statewide purchasing goals by reviewing statutory preferences and seeking out market-recognized certifications. The categories were selected from among the goods Statewide Procurement Division has authority to procure.

Subsection (b) identifies the statewide purchasing goals state agencies should comply with.

A state agency shall purchase the commodities and services designated in subsection (a) to the greatest extent possible. The purpose of the goal is to convey the comptroller's guidance to maximize the purchasing of recycled, remanufactured and environmentally sensitive commodities while enabling agencies to consider their needs.

Subsection (c) establishes the requirements for a state agency to document its procurement file when purchasing a commodity or service designated in subsection (a) that does not meet the definition of a recycled, remanufactured or environmentally sensitive item.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed amendments and new rule are in effect, the rules: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rules'

applicability; and will not positively or adversely affect this state's economy.

Mr. Reynolds also has determined that the proposed amendments and new rule would have no fiscal impact on the state government, units of local government, or individuals. The proposed amendments and new rule would benefit the public by modernizing and clarifying the state's purchasing preference requirements, making it easier for agencies and vendors to comply with statutory preferences for recycled, remanufactured, and environmentally sensitive commodities in the procurement process. There would be no anticipated significant economic cost to the public. The proposed amendments and new rule would have no significant fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan, P.O. Box 13528, Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 10:00 a.m., Central Time, on Tuesday, June 23, 2026. To access the online public meeting by web browser, please enter the following URL into your browser: <https://txcpa.webex.com/txcpa/j.php?MTID=m40f87cd9e32600c619b8457e9a1f4fd5>. To join the meeting by computer or cell phone using the Webex app, use the access code 2493 365 0910 and password SPDRULES. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at Gerard.MacCrossan@cpa.texas.gov or by calling (512) 463-4468 by June 22, 2026.

The amendments and new section are proposed pursuant to Government Code, §§2155.0012, 2156.0012, and 2158.0012 which authorize the comptroller to adopt rules to efficiently and effectively administer Government Code, Chapter 2155, Chapter 2156, and Chapter 2158; and pursuant to §2155.132(d), which authorizes the comptroller to prescribe procedures for delegated purchases by rule; and pursuant to Health and Safety Code, §361.991(e), and §361.965(e) which authorize the comptroller to adopt rules to implement Health and Safety Code, §§361.991 and 361.965. The comptroller's authority to provide procedures for delegated purchases in Government Code, §2155.132(d) allows it to specify how and when agencies apply reciprocal purchasing preferences under Government Code, Chapter 2252, Subchapter A. Furthermore, the comptroller has implied authority to implement Government Code, Chapter 2252, Subchapter A in Government Code, §2252.003, which designates the comptroller as the agency responsible for publication of other states' laws on contracts, action necessary to implement Government Code, Chapter 2252, Subchapter A.

The new section and amendments implement Government Code, §§2151.004, 2155.0011, 2156.0011, and 2158.0011 which outline the general purchasing responsibility of the comptroller.

§20.306. Preferences.

When developing its procurement plan, conducting its needs assessment, or purchasing goods or services, a state agency shall consider the following statutory procurement preferences.

(1) Specification Preferences. During needs assessment and specifications development, a state agency shall use the following specifications, or document why the specification does not meet the agency's needs.

(A) When procuring televisions, a state agency shall specify a television manufacturer that complies with the recovery plan collection and recycling standards as determined by Health & Safety Code, §361.991, and 30 TAC Chapter 328, Subchapter J.

(B) When procuring food for consumption in a public cafeteria, a state agency shall specify foods of higher nutritional value without trans fatty acids, as provided in Government Code, §2155.452.

(C) When recycled, remanufactured, or environmentally sensitive products, as designated in §20.307 of this title (relating to Recycled, Remanufactured and Environmentally Sensitive Commodities and Services), may meet an agency's need, the agency shall specify such products, unless it determines that the average price of such products exceeds the average price of comparable non-recycled products by more than 10%, as provided in Government Code, §2155.445.

(D) When procuring paper, a state agency shall specify paper containing the highest proportion of recycled fibers that it determines is available through normal commercial sources; and does not exceed the average price of comparable nonrecycled paper by more than 10%, as provided in Government Code, §2155.446.

(E) When procuring passenger vehicles or other ground transportation vehicles for general use, a state agency shall specify fuel-efficient vehicles assembled in the United States unless such requirement would have a significant detrimental effect on the vehicle use, as provided in Government Code, §2158.0031.

(2) Pricing preferences. During procurement evaluation, state agencies shall apply the following statutory preferences when determining best value.

(A) When procuring rubberized asphalt paving material, a state agency shall select material made from scrap tires by a facility in this state if it does not exceed the bid cost of alternative paving materials by more than 15%, in compliance with Government Code, §2155.443.

(B) When procuring services to be performed, in whole or in part, in a designated nonattainment area or an affected county, as those terms are defined by Health and Safety Code, §386.001, a state agency shall select a vendor that meets air quality standards if it does not exceed by 105% the cost of a vendor that does not meet or exceed air quality standards, in accordance with Government Code, §2155.451.

(C) When a state agency is evaluating bids by one or more resident bidders, defined as a bidder with its principal place of business in this state, against one or more nonresident bidders, state agencies shall apply a reciprocal preference as stated in Government Code, §2252.002, unless the contract will involve federal funds.

(3) Tie-bid preferences. During procurement evaluation, after applying pricing preferences in paragraph (2) of this subsection, state agencies shall resolve ties between responses of equal cost and quality by applying the following statutory preferences.

(A) When procuring agricultural products, as determined under Government Code, §2155.444, a state agency shall:

(i) give first preference to products grown in this state;

(ii) give second preference to products offered by Texas bidders, as defined in Government Code, §2155.444(c)(2); and

(iii) give preference to products produced or grown in other states of the United States over foreign products.

(B) When procuring vegetation for landscaping purposes, a state agency shall give preference to vegetation native to the region, in compliance with Government Code, §2155.444.

(C) When procuring motor oil and other automotive lubricants, a state agency shall give preference to products that contain at least 25% recycled oil, in accordance with Government Code, §2155.447.

(D) When procuring computer equipment, a state agency shall give preference to equipment made by a manufacturer that has a program to recycle the computer equipment of other manufacturers in accordance with Health and Safety Code, §361.965(d), in accordance with 1 TAC Chapter 217.

(E) When procuring the creation or production of a commercial for an advertising campaign, a state agency shall give preference to a Texas bidder, as determined in Government Code, §2155.444.

(F) A state agency shall give preference to products of workshops, organizations, or corporations whose primary purpose is training and employing persons with mental or physical disabilities, as specified in Government Code, §2155.441.

(G) A state agency shall give preference to goods and services produced in economically depressed or blighted areas as defined in Government Code, §2155.449.

(H) A state agency shall give preference to goods produced at a facility located on property for which the owner has received a certificate of completion under Health and Safety Code, §361.609 as determined by Government Code, §2155.450.

(I) In accordance with Government Code, §2155.444, a state agency shall:

(i) when a Texas bidder, as defined in Government Code, 2155.444(c)(2), is a responsive bidder:

(I) give first preference to goods produced or offered by, or services offered by, a Texas bidder that is owned by a service-disabled veteran who is a Texas resident;

(II) give second preference to goods produced or offered by, or services offered by, a Texas bidder; and

(ii) give preference to goods produced or grown in other states of the United States over foreign products.

§20.307. [State Agency Procurements of] Recycled, Remanufactured and [ø] Environmentally Sensitive Commodities and [ø] Services.

(a) Designated items. Pursuant to Government Code, §2155.448, the comptroller hereby designates the [The comptroller may designate as "First Choice" certain] recycled, remanufactured, and [ø] environmentally sensitive commodities and [ø] services to which the statewide purchasing goals in subsection (b) of this section apply.[-]

[(b)] [First Choice items are designated recycled, remanufactured, and environmentally sensitive commodities or services that state

agencies shall give a preference for when purchasing. These items include, but are not limited to:]

(1) re-refined motor oils and lubricants;

(2) paper products including copy paper, paper towels, toilet paper, paper packaging, coffee filters, air conditioning filters using a listed manufacturing process which shall be prioritized in the following order:

(A) post-consumer recycled paper;

(B) recovered recycled paper;

(C) Forestry Stewardship Council (FSC)-certified paper; and

(D) Sustainable Forestry Initiative (SFI).

(3) [(2)] recycled steel; and [content toilet paper;]

[(3) recycled content toilet seat covers and paper towels;]

[(4) recycled content printing, computer and copier paper, and business envelopes;]

[(5) recycled content plastic trash bags;]

[(6) recycled content plastic covered binders;]

[(7) recycled content recycling containers; and]

(4) [(8)] Energy Star labeled; [photocopiers.]

(A) appliances;

(B) commercial food service equipment;

(C) light bulbs and fixtures; and,

(D) electronics and office equipment including monitors, printers and other peripherals purchased to operate systems such as HVAC controls, garage lifts and equipment, mail systems, and lighting controls.

(b) Statewide purchasing goals. A state agency shall purchase the commodities and services designated in subsection (a) of this section to the greatest extent possible.

[(e) Commodities or services that are designated as First Choice items will be reflected in the State Procurement Manual. The State Procurement Manual will be revised as new commodities or services are designated as First Choice items.]

(c) [(d)] A state agency that intends to purchase a commodity or service that accomplishes the same purpose as a commodity or service designated in subsection (a) of this section [identified in Government Code, §2155.448(a)] that does not meet the definition of a recycled, remanufactured, or environmentally sensitive commodity or service [product or that is not remanufactured or environmentally sensitive] shall include with the procurement file a written justification signed by the executive head of the state agency or designee stating that the designated commodity or service does not meet its needs [the reasons for the determination that the commodity or service identified by the comptroller will not meet the requirements of the state agency].

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 28, 2026.  
TRD-202602232



## SUBCHAPTER E. SPECIAL CATEGORIES OF CONTRACTING

### DIVISION 3. STATE SUPPORT SERVICES - VEHICLE FLEET MANAGEMENT

#### 34 TAC §§20.431 - 20.437

The Comptroller of Public Accounts proposes amendments to §20.431, concerning definitions; §20.432, concerning office of vehicle fleet management; §20.434, concerning assignment and use of pooled vehicles; §20.435, concerning vehicle fleet management system; §20.436, concerning assistance to state agencies and school districts; and §20.437, concerning waiver of vehicles to meet required fleet percentages. The Comptroller of Public Accounts proposes a new §20.433, concerning state vehicle fleet management plan. The comptroller separately proposes to repeal the current §20.433, concerning state vehicle fleet management plan.

No legislation was enacted within the last four years that provides the statutory authority for the amendments. The amendments implement Senate Bill 1364, 89th Legislature, 2025, effective September 1, 2025.

The comptroller renames Title 34, Chapter 20, Subchapter E, Division 3. The new name, Vehicle Fleet Management, briefly and clearly identifies the subject matter of Division 3.

Throughout these amendments, the comptroller removes references to the Council on Competitive Government. The Council on Competitive Government has been abolished.

The comptroller amends §20.431 to remove definitions that are no longer needed. The terms "assigned vehicle," "capitalized value," "direct labor," "disposal date," "downtime," "field employee," "fleet officer," "gross vehicle weight," "indirect labor," "OVFM," "pooled vehicle," "state agency," "state employee," "transfer date," "vehicle fleet management system," and "vehicle inventory" either are not used in the revised rules, are defined elsewhere in the comptroller's rules, or do not require a definition.

The definitions in amended §20.431 apply to Chapter 20, Division 3 only. Definitions that apply to all of Chapter 20 are in §20.25 of this title.

The amended definition of "alternative fuel" in §20.431 includes biodiesel. Biodiesel is considered an alternative fuel under Government Code, §2158.004.

The comptroller amends §20.432 to simplify and update the description of the Office of Vehicle Fleet Management. The comptroller deletes subsection (b), which described the State Vehicle Fleet Management Plan, because the plan is thoroughly described in Government Code, §2171.104. The comptroller deletes subsection (c), which described vehicle maintenance services offered by the comptroller. Deleting subsection (c) will not prevent the comptroller from offering such services, because the authority for such services already exists in Government

Code, §2171.102. However, the comptroller does not currently perform vehicle maintenance services for other state agencies. The comptroller deletes subsection (d), which described the Vehicle Fleet Management System. The Vehicle Fleet Management System is fully described in §20.435. The comptroller deletes subsection (e), which describes a fleet maintenance conference sponsored by the comptroller. This elaboration of the comptroller's authority to educate and assist state agencies with fleet management no longer serves a purpose.

The comptroller proposes new §20.433 to simplify and update the description of the State Vehicle Fleet Management Plan. Because the State Fleet Vehicle Management Plan is a standalone document that is regularly updated and made available to the public, there is no need to describe the plan in comptroller rules. The comptroller separately proposes to repeal the current version of §20.433, because the extensive details it includes do not serve a purpose.

The comptroller amends §20.434, including its title, to remove references to the state agency motor pool. The comptroller does not operate a vehicle pool for use by other agencies and does not intend to do so in the future. The amended rule describes how the comptroller assigns vehicles to its own employees. Because comptroller policies regarding vehicle checkout and rotation procedures do not serve a purpose within the rule, they are deleted. Going forward, the comptroller will maintain such policies internally.

The comptroller amends §20.435 to remove unnecessary details regarding the Vehicle Fleet Management System. The amended rule provides that the comptroller will instruct agencies what information to submit to the system, when, and how. It requires each agency to designate an employee to be responsible for submitting the information. In order to allow the comptroller to adjust its instructions to agencies without additional rulemaking, the comptroller removes such details from the rule.

The comptroller amends §20.436 to more accurately reflect the scope and intent of the comptroller's assistance to state agencies and school districts regarding use of alternative fuels. The amended rule provides that the comptroller may provide assistance and informational materials regarding alternative fuels and conversion of vehicles to run on such fuels. Because the comptroller does not regularly sponsor fleet management conferences, identify vehicles for alternative fuel conversion, locate facilities to convert vehicles, or provide information to the Texas Commission on Environmental Quality, the rule no longer mentions those activities. Instead, the amended rule provides more generally that the comptroller may work with state agency fleet operators, vehicle manufacturers, vehicle converters, fuel distributors, and other entities.

The comptroller amends §20.437 to better align with Government Code, §2158.004. Subsection (a) states the current goal under §2158.004 for use of alternative fuels in most state agency fleets. Subsection (b) provides a simplified method to request a waiver of the goal from the comptroller, and gives the comptroller flexibility to request any information and consider any facts in deciding whether to grant the waiver. The comptroller deletes unnecessary details regarding the waiver process in subsection (b) and subsections (c)-(f). The comptroller deletes subsection (g) due to changes in law enacted in Senate Bill 1364, 89th Legislature, 2025, effective September 1, 2025. Because Senate Bill 1364 repealed Government Code §2158.003, subsection (g) no longer serves a continuing purpose.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed amendments, new rule, and rule repeal are in effect, the proposed amendments, new rule, and rule repeal will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy.

Mr. Reynolds also has determined that the proposed amendments, new rule, and rule repeal would have no significant fiscal impact on the state government, units of local government, or individuals.

The proposed amendments, new rule, and rule repeal would benefit the public by improving the clarity and implementation of the sections by removing provisions that are no longer accurate, necessary, or relevant to the current agency operations and better align the sections with the governing statute. There would be no anticipated economic cost to the public. The proposed amendments, new rule, and rule repeal would have no significant fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan, P.O. Box 13528, Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 10:00 a.m., Central Time, on June 23rd, 2026. To access the online public meeting by web browser, please enter the following URL into your browser: <https://txcpa.webex.com/txcpa/j.php?MTID=m40f87cd9e32600c619b8457e9a1f4fd5>. To join the meeting by computer or cell phone using the Webex app, use the access code 2493 365 0910 and password SP-DRules. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at Gerard.MacCrossan@cpa.texas.gov or by calling (512) 463-4468 by June 22, 2026.

These amendments are proposed under Government Code, §2158.0012, which authorizes the comptroller to adopt rules to efficiently and effectively administer Chapter 2158, and Government Code, § 2171.002, which authorizes the comptroller to adopt rules to implement Chapter 2171.

These amendments implement Government Code, Chapter 2158 and Chapter 2171.

#### §20.431. Definitions.

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

(1) Alternative fuel--Compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, methanol (or M85), [or] ethanol (or E85), or biodiesel.

(2) Alternative fuel vehicle--A motor vehicle capable of using alternative fuel in the original equipment manufactured engine, or in a converted traditional gasoline or diesel engine.

[(3) Assigned vehicle--A state vehicle normally driven by the same employee or small specific group of employees.]

[(4) Capitalized value--The original cost of a vehicle, plus later adjustments for major additions or improvements.]

[(5) Direct labor--The cost of labor associated with repairing or servicing vehicles, whether performed by a contractor or state employee.]

[(6) Disposal date--The date on which a state vehicle is no longer included in a state agency's property inventory.]

[(7) Downtime--The total number of working hours a state vehicle, otherwise eligible for assignment, is out of service for repair or maintenance.]

[(8) Field employee--A state employee whose regular duties require work in locations other than agency headquarters or regional offices and who regularly require a vehicle for ongoing daily duties.]

[(9) Fleet officer--The individual designated by each state agency who is responsible for the timely and accurate submission of all required information utilized by the vehicle fleet management system.]

[(10) Gross vehicle weight (GVW)--The greatest weight of vehicle and load which the manufacturer recommends that a vehicle accommodate. The GVW includes the total weight of chassis, cab, body, special equipment, oil, water, gasoline, driver, and the maximum payload.]

[(11) Indirect labor--The labor cost of vehicle fleet related employees whose time cannot be identified with repairing or servicing individual vehicles.]

[(12) OVFM--The comptroller's office of vehicle fleet management.]

[(13) Pooled vehicle--A vehicle normally garaged in a central location for use by any authorized employee of the state agency.]

(3) [(14)] Special purpose vehicle (SPV)--A motor vehicle commercially designed to be used primarily for purposes other than to provide transportation service for personnel, supplies, or equipment.

[(15) State agency--]

[(A) any department, commission, board, office, council, or other agency in the executive branch of state government created by the constitution or by a statute of this state;]

[(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of civil appeals, or the Texas Judicial Council; and]

[(C) an institution of higher education as defined in Education Code, §61.003.]

[(16) State employee--A person employed by a state agency; or an elected or appointed state official.]

(4) [(17)] State vehicle--Any state-owned vehicle which is propelled by a self-contained engine and is licensed to operate on public highways.

[(18) Transfer date--The date a vehicle is transferred from one state agency to another.]

[(19) Vehicle Fleet Management System--A computerized data retrieval system to assist each state agency in the management of its vehicle fleet.]

[(20) Vehicle inventory--A list of state agency vehicles by type and class which is utilized to determine their average cost of operation.]

§20.432. *Office of Vehicle Fleet Management.*

[(a)] Through the Office of Vehicle Fleet Management, the comptroller administers [the state vehicle fleet management program which consists of] the State Vehicle Fleet Management Plan and [a computerized] Vehicle Fleet Management System.

[(b)] The comptroller will implement and monitor, at the direction of the Council on Competitive Government (CCG), the State Vehicle Fleet Management Plan, approved and adopted by CCG. A current Plan is available for viewing at the comptroller's Website. The Plan delineates the responsibilities of each state agency, institution of higher education and OVFM to develop, implement, maintain, and monitor current vehicle fleet data as required by the Plan.]

[(c)] The comptroller may, for a fee, offer vehicle fleet maintenance services to all state agencies in Travis County on a full cost recovery basis. The services include preventive maintenance and routine mechanical repair work. The comptroller may negotiate contracts or service arrangements for major overhauls and extensive mechanical work.]

[(d)] The computerized Vehicle Fleet Management System is a database that contains information on vehicle inventories, maintenance and repair history, mileage, fuel usage, and expenses incurred for all state agencies.]

[(e)] The comptroller may sponsor an annual fleet management conference to consider:]

[(1)] adjustments to the Vehicle Fleet Management System;]

[(2)] current fleet management issues; and]

[(3)] the improvement of fleet management expertise among state agencies.]

§20.433. *State Vehicle Fleet Management Plan.*

The State Vehicle Fleet Management Plan describes the responsibilities of a state agency at each phase of the fleet vehicle life cycle. It also describes the requirements to submit information to the Vehicle Fleet Management System.

§20.434. *Assignment [and Use] of State [Pooled] Vehicles.*

(a) Comptroller [Each vehicle in the comptroller's vehicle fleet pool, with the exception of] vehicles may be assigned to field employees and comptroller[, is assigned to the state agency motor pool and is available for checkout as needed. Some vehicles, because of mission critical status, may be permanently assigned to sub-pools within divisions and available only to employees within those] divisions. The comptroller may operate a motor pool of vehicles available for checkout to employees driving on agency business.

[(b)] Comptroller employees must present a valid Texas driver's license each time a pooled vehicle is checked out.]

[(c)] Pooled vehicle assignments will be made by designated comptroller personnel to ensure that all comptroller vehicles are used and rotated to balance mileage and time usage among all pooled vehicles.]

(b) [(d)] Pooled vehicles may only be assigned on a regular or daily basis to individual administrative or executive employees if

there is[, require] written documentation that the assignment is critical to comptroller's needs and mission of the agency. [Documentation for all assigned comptroller vehicles will be kept on file with designated comptroller personnel.]

§20.435. *Vehicle Fleet Management System.*

(a) The Vehicle Fleet Management System is the [responsibility of the Office of Vehicle Fleet Management. The comptroller maintains the main repository and] database for state agency fleets [all vehicle information submitted by each state agency in accordance with this subsection]. The comptroller shall instruct agencies what fleet vehicle information they must submit, how, and when. [is responsible for developing the form, format, and composition of all data submitted electronically or otherwise to the vehicle fleet management system to assure system continuity.]

(b) Each state agency shall designate a fleet officer who is responsible for [establishing, maintaining, and] submitting fleet vehicle information to the comptroller [on a monthly basis accurate vehicle information in the form and format established by the comptroller].

[(1)] Information to be recorded in each agency's fleet management system for submission to the comptroller's repository and database includes, but is not limited to:]

[(A)] acquisition date, vehicle make, model, type, class, year, gross vehicle weight rating, exempt license plate number, manufacturer, vehicle identification number, whether a special purpose vehicle, and whether a pool or assigned vehicle;]

[(B)] acquisition cost, capitalized value, repair and maintenance expenses, direct and indirect labor expense, replacement policy, current mileage, vehicle disposal date, and disposal price or salvage value;]

[(C)] type, and quantity of all fuels and lubricants used, including their cost and type, vehicle lifetime odometer reading, and miles traveled per month;]

[(D)] insurance and accident related expense;]

[(E)] downtime, transfer date, disposal date, and any other information necessary to compute the average cost of operation, per month, of the various classes and types of vehicles; and]

[(F)] vehicle location by city and county.]

[(2)] The Vehicle Fleet Management System maintained by the comptroller constitutes the primary instrument used to provide fleet management assistance. Fleet management reports detailing operating trends, cost analysis, and special exception reports listing agencies with unusually high operating expenses will be generated and made available to agency fleet officers.]

§20.436. *Assistance to State Agencies and School Districts.*

(a) The Office of Vehicle Fleet Management may assist with use of [of the comptroller facilitates, encourages, and expedites] alternative fuels [use] by state agencies and school districts.

(b) The Office of Vehicle Fleet Management may provide [of the comptroller provides] informational materials regarding alternative fuels[, presents state of the art data at fleet management conferences, provides state vehicle operational data, locates facilities to convert state vehicles to alternative fuels, helps identify vehicles that are appropriate for conversion,] and [provides] technical assistance related to vehicle conversion.

(c) To assist with vehicle conversion, the Office of Vehicle Fleet Management may work [of the comptroller works] with state agency fleet operators, vehicle manufacturers and converters, fuel distributors, and [any] other [necessary] entities.

{(d) The Office of Vehicle Fleet Management provides information to the Texas Commission on Environmental Quality for its determination of air quality benefits associated with the use of alternative fuels.}

*§20.437. Alternative Fuels Requirement [Waiver of Vehicles to Meet Required Fleet Percentages].*

(a) Under Government Code, §2158.004(a), any [Any] state agency operating a fleet of more than 15 motor vehicles, excluding law enforcement and emergency vehicles, shall have [a fleet percentage of] alternative fuel vehicles make up at least 50% [equal to or greater than 30%] of its [the] total fleet [number of such vehicles operated by September 1, 1994, and a percent equal to or greater than 50% by September 1, 1996].

(b) Under Government Code, §2158.004(b), a [A] state agency may request [desiring] a waiver of Government Code, §2158.004(a) from the comptroller. Agencies may submit such requests using the contact information for the Office of Vehicle Fleet Management on the comptroller's website. Agencies shall provide any information requested by the comptroller to substantiate the basis for a waiver. [from subsection (a) of this section shall submit a certification to the Office of Vehicle Fleet Management of the comptroller that meets one or more of the following conditions:]

{(1) the vehicles will be operating primarily in an area in which neither the agency nor a supplier has or can reasonably be expected to establish a central refueling station for alternative fuels;}

{(2) the agency is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using an alternative fuel at a projected cost that is reasonably expected to result in no greater net costs than the continued use of traditional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied; or}

{(3) the agency is unable to acquire or be provided any alternative fuel vehicles or equipment necessary for such vehicles.}

{(e) The subsection (b) of this section certification must be sent to the Office of Vehicle Fleet Management of the comptroller and must be accompanied by the information described in either subsection (d) or (e) of this section.}

{(d) A subsection (b)(1) of this section certification shall also contain the:}

{(1) total number of vehicles in the fleet subject to these rules;}

{(2) total number of vehicles currently operating on an approved alternative fuel;}

{(3) percentage of the fleet subject to these rules that is impacted by the requested waiver;}

{(4) vehicle license plate number of each vehicle to be waived;}

{(5) city or town nearest to where each vehicle identified in paragraph (4) of this subsection is normally garaged;}

{(6) name of any alternative fuels vendor or supplier with a stationary supply of fuel within a 10-mile radius, or mobile fuel suppliers within a 30-mile radius of where each vehicle identified in paragraph (4) of this subsection is normally garaged; and}

{(7) correspondence or other documentation relevant to the request for waiver or reduction.}

{(e) A subsection (b)(2) of this section certification must be accompanied and supported by a state agency prepared cost benefit analysis for each alternative fuel which includes the following:}

{(1) total initial cost of providing the entire alternative fuel facility, or a portion thereof, including, but not limited to, the following (if the equipment is provided at no initial cost to the agency and the fuel vendor plans to recoup the initial cost through increased fuel costs, then only those items furnished by the agency such as land shall be included in the total initial cost):}

{(A) cost of land at current market value, on which to install any compressor station, tanks, and refueling facilities;}

{(B) cost of compressor and related facilities, including cost of providing operating power, if not already available at the site, any engineering work for site preparation;}

{(C) cost of refueling and related facilities, including fast and slow refueling stations, refueling tanks;}

{(D) cost of providing alternative fuel to the site such as gas pipeline;}

{(E) cost of engine conversion kits and fuel cylinders and/or tanks, including installation costs;}

{(F) cost of initial training and certification of mechanics, and training of drivers to operate alternative fuel vehicles, if required;}

{(G) cost of future major overhauls of the compressor system according to the compressor manufacturer's recommended major overhaul schedule (see paragraph (7) of this subsection);}

{(H) cost of future major overhauls or replacement of the refueling stations if the expected life is less than 30 years;}

{(I) costs of future replacement of fuel conversion kits (see paragraph (7) of this subsection); and}

{(J) any other costs or expenditures necessary to provide a complete, turnkey facility;}

{(2) total annual mileage expected for the vehicle fleet or for those vehicles covered by the cost study;}

{(3) total annual fuel savings calculated from the difference between the fuel costs using gasoline/diesel and using alternative fuel for the total annual mileage in paragraph (2) of this subsection;}

{(4) an estimate of any additional savings such as reduced maintenance costs (e.g., extended oil change intervals, longer spark plug life, and other savings in maintenance);}

{(5) an estimate of the total annual operating costs, including, but not limited to, the following:}

{(A) compressor and refueling station maintenance, not replacement cost or cost of major overhaul (see paragraph (1) of this subsection);}

{(B) cost of labor for removing, testing, and reinstalling alternative fuel cylinders/tanks for inspection and testing;}

{(C) cost of maintenance and repair of engine conversion kits;}

{(D) cost of testing fuel cylinders/tanks;}

{(E) cost of training additional mechanics and labor cost differential, if any, for mechanics and other personnel servicing alternative fuel equipment;}

{(F) cost of electrical power to operate the compressors and refueling stations; and}

{(G) other annual costs uniquely associated with the operation of the alternative fuel program;}

{(6) [determine the total annual savings from the difference between the total savings (sum of paragraphs (3) and (4) of this subsection); and the total annual operating costs; paragraph (5) of this subsection;]}

{(7) estimate the expected life of the various components of the system. If accurate lifetimes are not available, the following shall be used:}

{(A) conversion kits = 15 years (if removed from old and reinstalled on new vehicles; if not reinstalled, use six years for conversion kits for automobiles and small buses, and 10 years for light and medium-duty trucks and large buses);}

{(B) fuel cylinders/tanks = 30 years (or less if lifetimes are not 30 years); and}

{(C) compressors = 30 years (or replacement at the time recommended by the compressor manufacturer for the third major overhaul. If not known or not listed by the manufacturer, use 10 years);}

{(8) determine the capitalized costs of the various components in subsection (e) of this section and then calculate the payback period by using the total capitalized costs; total annual savings; paragraph (6) of this subsection; and 10% cost of money (or the actual interest rate applicable at the time the calculation is made) in standard life cycle cost benefit analysis formulae; and}

{(9) the comptroller may assist state agencies and school districts in making these calculations.}

{(f) The director will review the request for waiver or reduction of the requirements of subsection (a) of this section and issue a written waiver or reduction to the state agency or school district. A waiver or reduction may be issued under this section for a period of up to two years, at the discretion of the director. A waiver will be granted on a certification under subsection (b)(2) of this section if the total capitalized cost, P, max. is more than 9.43 times the total annual savings, A, for an expected compressor or system lifetime of 30 years. If the compressor lifetime is less than 30 years, or if a compressor is not used, and the component in subsection (e)(1) of this section with the longest expected lifetime is less than 30 years, a waiver will be granted if the total capitalized costs are more than the following values (if other than 10% interest is used, adjust accordingly).}

[Figure: 34 TAC § 20.437(f)]

{(g) The comptroller keeps these waivers for up to two years for use in waiving the purchasing restrictions for state agencies in §20.235 of this title (relating to Purchase of Motor Vehicles).}

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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TRD-202602216

Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

Earliest possible date of adoption: July 12, 2026

For further information, please call: (512) 475-2220

◆ ◆ ◆  
**34 TAC §§20.433, 20.438, 20.439**

The Comptroller of Public Accounts proposes the repeal of §20.433, concerning state vehicle fleet management plan, §20.438, concerning effect of waiver, and §20.439, concerning alternative fuel usage. No legislation was enacted within the last four years that provides the statutory authority for the repeals.

The comptroller repeals §20.433 because it contains unnecessary and obsolete details about the State Vehicle Management Plan. The comptroller no longer prepares the plan under the direction of the Council on Competitive Government, which has been abolished. Instead, the plan is produced under the comptroller's statutory authority, Government Code, §2171.104. Because the plan is publicly available, a rule describing it in detail serves no purpose. In a separate rulemaking, the comptroller proposes to adopt a more succinct and accurate rule about the State Vehicle Management Plan.

The comptroller repeals §20.438 because of changes in law enacted in Senate Bill 1364, 89th Legislature, 2025, effective September 1, 2025. Under §20.438, a waiver issued under §20.437 of this title was a sufficient basis to waive vehicle purchasing restrictions under Government Code, §2158.003. Because Senate Bill 1364 repealed Government Code, §2158.003, §20.438 does not serve a continuing purpose. (The comptroller also intends to repeal §20.235 of this title, which implemented Government Code, §2158.003.)

The comptroller repeals §20.439 so that it can address the use of alternative fuels through less prescriptive means. Eliminating the reporting requirements under this rule will free up state resources for other productive uses.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed rules repeal is in effect, the repeal: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy.

Mr. Reynolds also has determined that the proposed rules repeal would have no fiscal impact on the state government, units of local government, or individuals. The proposed rules repeal would benefit the public by removing provisions that are no longer accurate, necessary, or relevant to current agency operations. There would be no anticipated economic cost to the public. The proposed rules repeal would have no significant fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan, P.O. Box 13528, Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 10:00 a.m., Central Time, on June 23rd, 2026. To access the online public meeting by web browser, please enter the follow-

ing URL into your browser: <https://txcpa.webex.com/txcpa/j.php?MTID=m40f87cd9e32600c619b8457e9a1f4fd5>. To join the meeting by computer or cell phone using the Webex app, use the access code 2493 365 0910 and password SP-DRules. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at [Gerard.MacCrossan@cpa.texas.gov](mailto:Gerard.MacCrossan@cpa.texas.gov) or by calling (512) 463-4468 by June 22, 2026.

These repeals are proposed under Government Code, §2158.0012, which authorizes the comptroller to adopt rules to efficiently and effectively administer Chapter 2158, and Government Code, §2171.002, which authorizes the comptroller to adopt rules to implement Chapter 2171.

These repeals implement Government Code, Chapter 2158 and Chapter 2171.

§20.433. *State Vehicle Fleet Management Plan.*

§20.438. *Effect of Waiver.*

§20.439. *Alternative Fuel Usage.*

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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Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

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## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 9. TEXAS COMMISSION ON JAIL STANDARDS

#### CHAPTER 251. GENERAL

##### 37 TAC §251.6

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §251.6 Complaints related to inmate complaints in county jail. The proposed rule adds language to 37 TAC §251.6 Complaints requiring that county jails provide an inmate handbook to the Guardian of an inmate under guardianship. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (ID-DAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, 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. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, 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 improved jail operations for those affected by a guardianship. 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.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

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](mailto: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.

§251.6. *Complaints.*

(a) General. A complaint received by the commission concerning facilities under the commission's purview or the commission and/or its procedures or functions shall be investigated and resolved according to commission internal policies and procedures. All inspection reports, plan reviews and bills for services issued by the commission shall provide instructions for directing complaints to the commission regarding commission functions and procedures.

(b) Filing a Complaint. An individual who has a complaint about a facility under the commission's purview or the commission may file a complaint in any written format or use the commission's prescribed complaint form. The complaint form is available on the agency website and may be submitted electronically or may be obtained by contacting the commission through the agency website, telephone, fax, email, or written request.

(c) Jails shall include information regarding the procedure for filing a complaint, its investigation, and its resolution in the approved inmate handbook and shall display and maintain the information prominently throughout the jail in common areas and other areas frequented by jail inmates. Upon receipt of the Order Appointing Guardian, a Guardian shall be given an inmate handbook. The jail staff shall document in the inmate file the acceptance or refusal of the handbook by the Guardian.

(d) Public Disclosure. A complaint against a facility under the commission's purview or the commission will only be made available for public disclosure in accordance with Government Code Chapter 552.

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 26, 2026.



## CHAPTER 253. DEFINITIONS

### 37 TAC §253.1

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §253.1 Definitions related to minimum jail standards. The proposed rule adds language to 37 TAC §253.1 that defines terms related to guardianship. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, 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. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, 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 improved jail operations for those affected by a guardianship. 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.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

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.

#### §253.1. Definitions.

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

(1) **Administrative Separation**--The assignment of an inmate to a special housing unit, usually a separation or single cell, when staff determines that such close custody is needed for the safety of inmates or staff, for the security of the facility, or to promote order in the facility.

(2) **Allied Health Personnel**--Licensed health professionals that are involved with the delivery of health-related services pertaining to the identification, evaluation, and prevention of diseases and disorders; dietary and nutrition services; and rehabilitation and health systems management.

(3) **Capacity**--The number of inmates a facility is authorized by the commission to house, excluding holding, detoxification, and violent cells.

(4) **Commission**--Texas Commission on Jail Standards.

(5) **Control Area**--The area inside the security perimeter to which inmates have only controlled access.

(6) **Control Room**--A secured, enclosed room which contains facility door controls, intercom panels and/or fire alarm panels.

(7) **Correctional Facility**--A facility operated by a county, a municipality, or a private vendor for the confinement of a person arrested for, charged with, or convicted of a criminal offense. May be referred to as "facility".

(8) **County Jail**--A facility operated by or for a county for the confinement of persons accused or convicted of an offense. May be referred to as a "jail" or "facility".

(9) **Day Room**--A space within or adjacent to single cells, multiple occupancy cells, and dormitories specifically for inmate day time activities.

(10) **Detoxification Cell**--A cell designed for the temporary holding of intoxicated persons.

(11) **Direct Supervision**--An inmate supervision management style in which a jailer(s) are stationed inside a housing unit 24 hours per day.

(12) **Disabled**--Persons who have a physical or mental impairment that substantially limits 1 or more of the major life activities of such individuals.

(13) **Dormitory**--A cell designed to accommodate 9 to 48 inmates.

(14) **"Guardianship Database Query" (GDQ)**--a database maintained by the Office of Court Administration, accessed via TLETS terminal, used to confirm the guardianship status Guardian upon receipt of verified guardianship documentation.

(15) **Guardian** is defined by 1002.012 of the Texas Estates Code as a guardian under Subchapter D, Chapter 1101; a successor guardian; or a temporary guardian. Except as expressly provided otherwise, "guardian" includes: the guardian of the estate of an incapacitated person; and the guardian of the person of an incapacitated person.

(16) **"Ward"** means a person for whom a guardian has been appointed. (Texas Estates Code 1002.030)

(17) **"Letters of Guardianship"** means a certificate issued under 1106.001(a) of the Texas Estates Code.

(18) **[(14)] Existing Facility**--A maximum security, lockup, or minimum security facility that was being operated as such on December 23, 1976.

(19) [(15)] Jailer Station--A designated space from which a jailer performs his/her functions.

(20) [(16)] High Risk--High-risk cells consist of areas where observation of 30 minutes or less is required.

(21) [(17)] Holding Cell--A cell designed for the temporary holding of inmates not to exceed 48 hours.

(22) [(18)] Inmate Housing Area--Cells and day rooms where inmates are assigned.

(23) [(19)] Inmate Occupied Area--Any area in the facility normally occupied by inmates.

(24) [(20)] Jailer--A person appointed or employed as a county jailer, under the provisions of Local Government Code §85.005; Government Code §511.0092; Occupations Code §1701.001(2).

(25) [(21)] May--Permissive or optional.

(26) [(22)] Multiple Occupancy Cell--A cell designed to accommodate two to eight inmates.

(27) [(23)] Owner--A county commissioner's court, municipality, or private vendor who holds title to a facility.

(28) [(24)] Safety Vestibule--An enclosed space, served by at least two doors, that serves as a passageway between two areas.

(29) [(25)] Sally Port--A secured space inside or abutting a facility for vehicles to deliver or pick up inmates or goods.

(30) [(26)] Security Perimeter--The outer limits of the facility where construction prevents egress by inmates or ingress by unauthorized persons or contraband.

(31) [(27)] Separation Cell--A special purpose cell designed to accommodate 1 inmate. The cell minimally contains 1 bunk, mirror, toilet, lavatory, shower, table, and seat. This cell is used to house inmates requiring protection or whose behavior requires close supervision.

(32) [(28)] Shall--Mandatory and required for compliance.

(33) [(29)] Sheriff/Operator--County sheriff, jail administrator, or a person authorized to act with their authority.

(34) [(30)] Should--Recommended but not required for compliance.

(35) [(31)] Single Cell--A cell designed to accommodate 1 inmate. The cell minimally contains 1 bunk, toilet, lavatory, table and seat.

(36) [(32)] Small Jail--A facility with a capacity of less than 50 inmates.

(37) [(33)] Special Purpose Cell--Detoxification cell, holding cell, separation cell, violent cell, negative pressure cell and medical cells. These cells are not required to be provided with day rooms or safety vestibules.

(38) [(34)] System--A combination of all facilities creating a functional unit.

(39) [(35)] Violent Cell--A single occupancy padded cell for the temporary holding of inmates harmful to themselves and or others.

(40) [(36)] Ward--An infirmary area holding a number of inmates.

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 26, 2026.

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Ricky Armstrong

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



## CHAPTER 259. NEW CONSTRUCTION RULES

### SUBCHAPTER B. NEW MAXIMUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

#### 37 TAC §259.132

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §259.132 Exercise Areas regarding construction standards in county jails. The proposed rule adds language to 37 TAC §259.132 Exercise Areas to be clearer. This language is proposed following a recommendation by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, 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. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, 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 ensured compliance with new construction standards. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There are no additional costs incurred by those regulated by this rule because this rule is already in effect in other parts of TAC.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

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.

§259.132. *Exercise Areas.*

One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas shall be available for use during inclement weather, and they should be covered with a security enclosure. Where outdoor exercise areas are not provided, facility design shall ensure access to sunlight. A toilet and drinking fountain shall be readily available. Exercise areas shall meet minimum size requirements: facilities under 100 inmates, 800 square feet; larger facilities, 15 square feet per inmate, but not less than 1,000 square feet per area; multiple-inmate segregation areas, 15 square feet per inmate, but not less than 500 square feet per area; and single-inmate segregation areas, 200 square feet. Each direct supervision housing area shall have an exercise area nearby, which should be adjacent to the housing area. [One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas shall be provided for exercise during inclement weather. Outdoor exercise areas should be covered with a security enclosure. Where outdoor exercise areas are not provided, facility design shall provide for access to sunlight. A toilet and drinking fountain shall be readily available. Exercise areas for facilities of less than 100 inmates based on design capacity shall not be less than 800 square feet. Exercise areas for larger facilities shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1000 square feet for each exercise area. Exercise areas serving multiple inmates housed in segregation shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 500 square feet for each exercise area. Individual recreation areas serving a single inmate in segregation shall provide no less than 200 square feet for each exercise area. Each direct supervision housing area shall have an exercise area within close proximity, which should be adjacent to the housing area.]

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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Ricky Armstrong  
Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



## CHAPTER 265. ADMISSION

### 37 TAC §265.4

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §265.4 Inmate Files related to information retained in inmate files at county jails. The proposed rule adds language to 37 Texas Administrative Code §265.4 that requires certain actions and documents to be retained during intake for those affected by a guardianship. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then

evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, 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. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, 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 improved jail operations for those affected by a guardianship. 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.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rule's applicability. The rule does not affect the state's economy.

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.

§265.4. *Inmate Files.*

(a) Upon intake, a file on each inmate shall be established. The file shall include:

(1) for inmates who have been appointed a Guardian, the following information:

(A) the information contained in the Guardianship Database Query (GDQ) return, under Texas Government Code 155.153;

(B) documentation showing that the court with jurisdiction over the guardianship has been notified pursuant to Texas Code of Criminal Procedure 15.171(b);

(C) documentation showing that the Guardian has been notified of the incarceration; and

(D) the Order Appointing Guardian along with current letters of guardianship or documentation that the Order and current letters have been requested from the court with jurisdiction of the guardianship.

(2) [(4)] name of inmate with aliases;

(3) [(2)] description;

- (4) [(3)] gender;
- (5) [(4)] marital status;
- (6) [(5)] address;
- (7) [(6)] date of birth;
- (8) [(7)] offense charged;
- (9) [(8)] date of commitment;
- (10) [(9)] previous criminal record;
- (11) [(10)] record of injuries;
- (12) [(11)] inmate property inventory;
- (13) [(12)] disabilities warranting special accessibility consideration;
- (14) [(13)] name, address, and phone number of person to be contacted in event of emergency;
- (15) [(14)] the name of the delivering officer, and the arresting agency;
- (16) [(15)] documents that purport to legally authorize the inmate's commitment; [-]
- (17) documentation showing whether the Guardian refuses or accepts the inmate handbook.

(b) Upon intake, a medical record shall be established and shall be kept separate.

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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 Ricky Armstrong  
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### 37 TAC §265.5

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §265.5 Health Tags related to medical and health documentation at county jails. The proposed rule adds language to 37 TAC §265.5 that requires certain documentation regarding health tags and inmates affected by guardianship. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, 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. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, 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 improved jail operations for those affected by a guardianship. 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.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

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.

#### §265.5. Health Tags.

"Health tags" which may identify the inmate as having special medical or mental health needs, or a Guardian, shall be noted in the inmate's medical record and brought to the attention of health personnel and/or the supervisor on duty in writing.

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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 Ricky Armstrong  
 Executive Director  
 Texas Commission on Jail Standards  
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 For further information, please call: (512) 850-9668



### 37 TAC §265.7

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §265.7 Telephone Use related to the use of telephones in county jail by inmates affected by guardianship. The proposed rule adds language to 37 TAC §265.7 that requires the county jail to attempt to facilitate communication between a ward and their guardian. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, Executive Director, has determined that there will be no fiscal implications for state or local government as a re-

sult of enforcing this rule for the first five-year period. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, 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 improved jail operations for those affected by a guardianship. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There will not be an effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

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.

*§265.7. Telephone Use.*

A telephone shall be available for inmates' use within the processing area. The facility shall allow reasonable access to a written or electronic contact list that is in the inmate's communication with the Guardian.

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 26, 2026.

TRD-202602170

Ricky Armstrong  
Executive Director

Texas Commission on Jail Standards

Earliest possible date of adoption: July 12, 2026

For further information, please call: (512) 850-9668



## CHAPTER 267. RELEASE

### 37 TAC §267.7

The Texas Commission on Jail Standards (TCJS) proposes a new rule, §267.7 Release of Ward related to the release of someone under guardianship from a county jail. The proposed rule adds language to 37 TAC Chapter 267 as §267.7, that specifies

the steps required to take when releasing a ward of a guardian from county jail. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this new rule, for public comment, to the Commission.

Ricky Armstrong, 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. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, 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 new rule will be improved jail operations for those affected by a guardianship. 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 new rule.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

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 new 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.

*§267.7. Release of Ward.*

(a) For inmates who have a guardian of the person, whose court order gives the Guardian of the person the power to determine residence, and/or to physical possession of the ward, the jail staff shall make reasonable efforts to coordinate the release with the Guardian. The inmate shall be released into the custody of the Guardian or to a person or facility authorized by the Guardian. The releasing officer shall document and maintain a record of the individual or facility assuming custody of the inmate.

(b) If jail staff are unable to contact a guardian of the person with the power described above, after three documented attempts, or if the Guardian refuses to take custody of the inmate, jail staff shall notify the court with jurisdiction over the guardianship of the inability to coordinate the inmate's release to the Guardian.

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 273. HEALTH SERVICES

### 37 TAC §273.2

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §273.2 Health Services Plan related to inmates under guardianship. The proposed rule adds language to 37 TAC §273.2 requiring a county jail to include provisions in their health services plan for inmates with a guardian with medical decision-making authority. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, 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. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, 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 improved jail operations for those affected by a guardianship. 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.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rules applicability. The rule does not affect the state's economy.

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.

§273.2. *Health Services Plan.*

Each facility shall have and implement a written plan, approved by the Commission, for inmate medical, mental, and dental services. The plan shall:

- (1) provide procedures for regularly scheduled sick calls;
- (2) provide procedures for referral for medical, mental, and dental services;
- (3) provide procedures for efficient and prompt care for acute and emergency situations;
- (4) provide procedures for long-term, convalescent, and care necessary for disabled inmates;
- (5) provide procedures for medical, to include obstetrical and gynecological care, mental, nutritional requirements, special housing and appropriate work assignments and the documented use of restraints during labor, delivery and recovery for known pregnant inmates. A sheriff/operator shall notify the commission of any changes in policies and procedures in the provision of health care to pregnant prisoners. A sheriff/operator shall notify the commission of any changes in policies and procedures in the placement of a pregnant prisoner in administrative separation. As soon as practicable after receiving a report of a miscarriage or physical or sexual assault of a pregnant inmate while in the custody of a county jail, the sheriff shall ensure that an obstetrician or gynecologist and a mental health professional promptly:
  - (A) review the health care services provided to the prisoner; and
  - (B) order additional health care services, including obstetrical and gynecological services and mental health services, as appropriate.
- (6) provide procedures for the control, distribution, secured storage, inventory, and disposal of prescriptions, syringes, needles, and hazardous waste containers;
- (7) provide procedures for the distribution of prescriptions in accordance with written instructions from a physician by an appropriate person designated by the sheriff/operator;
- (8) provide procedures for the control, distribution, and secured storage of over-the-counter medications;
- (9) provide procedures for the rights of inmates to refuse health care in accordance with informed consent standards for certain treatments and procedures (in the case of minors, the informed consent of a parent, guardian, or legal custodian, when required, shall be sufficient);
- (10) provide procedures for all examinations, treatments, and other procedures to be performed in a reasonable and dignified manner and place;
- (11) provide that adequate first aid equipment and patient evacuation equipment be on hand at all times;
- (12) provide procedures that shall require that a qualified medical professional shall review as soon as possible any prescription medication an inmate is taking when the inmate is taken into custody. These procedures shall include providing each prescription medication that a qualified medical professional or mental health professional determines is necessary for the care, treatment, or stabilization of an inmate with mental illness;
- (13) provide procedures that shall give inmates the ability to access a mental health professional at the jail or through a telemental health service 24 hours a day and approved by the Commission by August 31, 2020. If a mental health professional is not present at the county jail at the time or available by telemental health services, then

require the jail to provide the inmate access to, at a minimum, a qualified mental health professional (as defined by 25 TAC §412.303(48)) within a reasonable time;

(14) provide procedures that shall give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional and approved by the Commission by August 31, 2020; [and]

(15) provide procedures to train staff to identify when a pregnant inmate is in labor and provide access to appropriate care. Inmates shall be promptly transported to a local hospital when they state that they are in labor or are determined by a person at the level of emergency medical technician or above to be in labor and; [-]

(16) provide procedures for a guardian of the person, who has medical decision-making authority, to have access to the Ward's jail medical records and to make medical decisions for the Ward.

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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Ricky Armstrong

Executive Director

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668



### 37 TAC §273.9

The Texas Commission on Jail Standards (TCJS) proposes a new rule, §273.9 Guardianship related to jail operations regarding an inmate under guardianship. The proposed rule adds language to 37 Texas Administrative Code 273 as §273.9 specifying steps a county jail must take regarding guardianships. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (ID-DAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, 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. There are no estimated additional costs for state and local government, no estimated loss or increase in revenue to the state or local governments and enforcing or administering this rule has no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, 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 improved jail operations for those affected by a guardianship. 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.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect the rule will not create or eliminate a government program, create or eliminate existing employee positions, and does not increase or decrease future legislative appropriations to the agency. The rule does not increase or decrease fees paid to the agency. This rule would expand current regulation. The rule does not increase or decrease the number of individuals subject to the rule's applicability. The rule does not affect the state's economy.

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 new 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 does not affect other rules or statutes.

#### §273.9. Guardianship.

Order appointing Guardian shall be obtained for review of what powers and authority the Guardian obtains and what, if any, rights are retained by the Ward. Said Orders shall be obtained by the jail staff from the Court with jurisdiction over the guardianship or from the Guardian.

(1) Guardian Notification and Consent - for an inmate who has a guardian of the person with legal authority to make medical decisions for the inmate the medical provider shall:

(A) Notify and see consent from a Guardian who has the authority to make medical decisions for the Ward, for all medical decisions other than emergency care pursuant to Texas Health and Safety Code Section 773.008;

(B) Contact the Guardian and request medical history;  
and

(C) Document in the medical record all decisions regarding medical treatment, consent, refusal and Guardian communication regarding the same.

(2) Access to Medical Records - Guardian of the person with the power to review or take possession of medical records shall have access to the inmate's medical records.

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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Ricky Armstrong

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## CHAPTER 281. FOOD SERVICE

### 37 TAC §281.5

The Texas Commission on Jail Standards (TCJS) proposes an amendment to §281.5 Staff Supervision regarding the requirement that food be prepared under the supervision of a food pro-

tection manager in county jails. The proposed rule adds language to 37 TAC §281.5 Staff Supervision that matches 25 TAC §228.31 Certified Food Protection Manager and Food Handler Requirements. This language is proposed following a recommendation by the TCJS Intellectual or Developmental Disability Advisory Committee (IDDAC), which was then evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Ricky Armstrong, 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. There is no expected impact on costs or revenue to state and local governments, and there is no foreseeable implications relating to costs or revenues of state or local government.

Ricky Armstrong, 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 ensured compliance with retail food establishment administrative rules. There will not be an effect on small businesses, microbusinesses, rural communities or persons. There are no additional costs incurred by those regulated by this rule because this rule is already in effect in other parts of TAC.

Ricky Armstrong, Executive Director, has determined that for each year of the first five-years the rule is in effect will not create or eliminate a government program or existing employee positions. The rule will not increase or decrease the future legislative appropriations for the agency, or fees paid to the agency. The rule updates TAC to match other rules. The rule does not increase or decrease the number of individuals subject to the rule. The rule does not affect the state's economy.

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.

#### *§281.5. Staff Supervision.*

Food shall be prepared under the supervision of a staff member or contract employee who possesses a food protection manager during all hours of operations in accordance with 25 Texas Administrative Code (TAC) §228.31(b) [handler license in accordance with 25 Texas Administrative Code (TAC) §228.31(d)] with a copy available for review. All food employees, except for the certified food protection manager, shall successfully complete an accredited food handler training course within 30 days of employment in accordance with 25 TAC §228.31(c). Food shall be served under the immediate supervision of a staff member. Care shall be taken that hot foods are served reasonably warm and that cold foods are served reasonably cold.

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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Texas Commission on Jail Standards  
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## PART 15. TEXAS FORENSIC SCIENCE COMMISSION

### CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM

#### **37 TAC §651.207**

The Texas Forensic Science Commission (Commission) proposes an amendment to §651.207, Forensic Analyst and Forensic Technician Licensing Requirements, Including Initial License Term and Fee, Minimum Education and Coursework, General Forensic Examination, Proficiency Monitoring, and Mandatory Legal and Professional Responsibility Training, to reduce the amount of work experience required for a firearms/toolmarks analyst or technician to obtain a waiver of certain minimum education or specific coursework requirements for licensure. This amendment reflects feedback from firearms/toolmarks forensic practitioners and laboratory managers in Texas, who indicate that three years of relevant training and experience is sufficient to address any gaps in formal education or coursework and to ensure that applicants possess the necessary knowledge to qualify for licensure as a firearms/toolmarks analyst or technician.

Reasoned Justification for Rule. This amendment is necessary to ensure that the Commission's licensing requirements accurately reflect current training practices and workforce realities within the firearms/toolmarks discipline. The Commission received feedback from firearms/toolmarks forensic practitioners and laboratory managers indicating that three years of relevant training and experience in an accredited laboratory is sufficient to address any gaps in formal education or specific coursework and to ensure competency in the discipline. These stakeholders explained that firearms/toolmarks training programs are comprehensive, highly specialized, and closely supervised, enabling individuals to acquire the necessary knowledge and skills within a three-year period. Reducing the required years of experience in this limited context maintains public safety and professional standards while promoting consistency, fairness, and efficiency in the licensing process. The proposed amendment allows the Commission to continue ensuring that licensed firearms/toolmarks analysts and technicians are qualified and competent, while recognizing equivalent, discipline-specific experience that adequately substitutes for formal education and specific college courses.

Fiscal Note. Leigh M. Tomlin, Associate General Counsel of the Commission, has determined that for each year of the first five years the proposed amendments are in effect, there will be no fiscal impact on state or local governments, as a result of the administration of the proposal.

Local Employment Impact Statement. Pursuant to Texas Government Code §2001.022, the proposed amendments have minimal to no effect on local economy.

Public Benefit. Ms. Tomlin has also determined that for each year of the first five years the amendments are in effect, the anticipated public benefit is assurance that the Commission's licensing requirements accurately reflect current training practices and workforce realities within the firearms/toolmarks discipline.

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 amendments. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

Takings Impact Assessment. Ms. Tomlin has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

Government Growth Impact Statement. Ms. Tomlin has determined that for the first five-year period, implementation of the proposed amendments will not have a government growth impact as described in Title 34, Part 1, Texas Administrative Code §11.1. Pursuant to the analysis required by Government Code §2001.221(b) the proposed amendments: (1) do not create a government program; (2) do not create new employee positions; (3) do not increase or decrease future legislative appropriations to OCA or the Commission; (4) do not require a fee; (5) do not create a new regulation; (6) do not expand, limit, or repeal an existing regulation; (7) do not increase or decrease the number of individuals subject to regulation; and (8) have minimal to no effect on the State's economy.

Environmental Rule Analysis. The Commission has determined that the proposed amendments are not brought with specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Commission asserts that the proposed amendments are not a "major environmental rule," as defined in Government Code §2001.0225. As a result, the Commission asserts the preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

Request for Public Comment. The Commission invites comments on the proposal from any member of the public. Please submit comments to Leigh M. Tomlin, 1701 North Congress Avenue, Suite 6-107, Austin, Texas 78701 or leigh@fsc.texas.gov. Comments must be received by July 13, 2026 to be considered by the Commission.

Statutory Authority. The rules are proposed under the Commission's general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 §3-a and its authority to establish the qualifications for a forensic analyst license under §4-a(d).

Cross reference to statute. The proposal affects Texas Administrative Code §651.207.

*§651.207. Forensic Analyst and Forensic Technician Licensing Requirements, Including Initial License Term and Fee, Minimum Education and Coursework, General Forensic Examination, Proficiency Monitoring, and Mandatory Legal and Professional Responsibility Training.*

(a) Issuance. The Commission may issue an individual's Forensic Analyst or Forensic Technician License under this section.

(b) License Term. A Forensic Analyst or Forensic Technician license holder must renew the license holder's license after the initial date of issuance, every two years on the day before the issuance of the initial license with the exception of §651.208(b) of this subchapter (relating to Renewal Term).

(c) Application. Before being issued a Forensic Analyst or Forensic Technician License, an applicant must:

(1) demonstrate that he or she meets the definition of Forensic Analyst or Forensic Technician set forth in this subchapter;

(2) complete and submit to the Commission a current Forensic Analyst or Forensic Technician License Application form;

(3) pay the required fee(s) as applicable:

(A) Initial Application fee of \$220 for Analysts and \$150 for Technicians/Screeners;

(B) Biennial renewal fee of \$200 for Analyst and \$130 for Technicians/Screeners;

(C) Pro-rated Fees for Certain License Renewals. This subsection applies to licensees initially licensed before January 1, 2024, who are renewing on or before December 31, 2026. Application fee of \$220 for Analysts and \$150 for Technicians for the twenty-four months of the Initial License Term. If the Analyst or Technician's renewed license term under §651.208(b) of this subchapter exceeds twenty-four months, the Analyst or Technician shall pay an additional prorated amount of \$8.33 per month (for Analysts) and \$5.42 per month (for Technicians) for each month exceeding two years. If the Analyst or Technician's Initial License Term under §651.208(b) of this subchapter is less than twenty-four months, the Analyst or Technician shall pay a prorated amount of \$8.33 per month (for Analysts) and \$5.42 per month (for Technicians) for each month in the Initial License Term;

(D) Provisional License fee of \$110 for Analysts and \$75 for Technicians; An applicant who is granted a provisional license and has paid the required fee will not be required to pay an additional initial application fee if the provisional status is removed within one year of the date the provisional license is granted;

(E) License Reinstatement fee of \$220;

(F) De Minimis License fee of \$200 per ten (10) licenses;

(G) Uncommon Forensic Analysis License fee of \$200 per ten (10) licenses; and/or

(H) Special Exam Fee of \$50 for General Forensic Analyst Licensing Exam, required only if testing beyond the three initial attempts or voluntarily taking the exam under the Unaccredited Forensic Discipline Exception described in subsection (g)(5)(C) of this section;

(4) provide accurate and current address and employment information to the Commission and update the Commission within five (5) business days of any change in address or change of employment. Licensees are required to provide a home address, email address, and employer name and address on an application for a license. If a forensic analyst or forensic technician departs employment, experiences a gap in employment, is no longer actively performing casework, or temporarily assumes non-forensic analysis, administrative duties from an accredited laboratory, or has ninety (90) days or less to reinstate an expired license pursuant to §651.209(a) of this subchapter (relating to Forensic Analyst and Forensic Technician License Expiration), the li-

licensee's status is deemed inactive and will be designated as inactive in the Commission's online database of licensees, until such time that the licensee notifies the Commission of their employment by an accredited laboratory as a forensic analyst or forensic technician, or has a change in job duties requiring the licensee to resume active casework; and

(5) provide documentation that he or she has satisfied all applicable requirements set forth under this section.

(d) Minimum Education Requirements.

(1) Seized Drugs Analyst. An applicant for a Forensic Analyst License in seized drugs must have a baccalaureate or advanced degree in chemical, physical, biological science, chemical engineering or forensic science from an accredited university.

(2) Seized Drugs Technician. An applicant for a Forensic Analyst License limited to the seized drug technician category must have a minimum of an associate's degree or equivalent.

(3) Toxicology (Toxicology Analyst (Alcohol Only, Non-interpretive), Toxicology Analyst (General, Non-interpretive), Toxicology Analyst (Interpretive)). An applicant for a Forensic Analyst License in toxicology must have a baccalaureate or advanced degree in a chemical, physical, biological science, chemical engineering or forensic science from an accredited university.

(4) Toxicology Technician. An applicant for a Forensic Analyst License limited to the toxicology technician category must have a minimum of an associate's degree or equivalent.

(5) Forensic Biology (DNA Analyst, Forensic Biology Screener, Nucleic Acids other than Human DNA Analyst, Forensic Biology Technician). An applicant for any category of forensic biology license must have a baccalaureate or advanced degree in a chemical, physical, biological science or forensic science from an accredited university.

(6) Firearm/Toolmark Analyst. An applicant for a Forensic Analyst License in firearm/toolmark analysis must have a baccalaureate or advanced degree in a chemical, physical, biological science, engineering or forensic science from an accredited university.

(7) Firearm/Toolmark Technician. An applicant for a Forensic Analyst License limited to firearm/toolmark technician must have a minimum of a high school diploma or equivalent degree.

(8) Materials (Trace) Analyst. An applicant for a Forensic Analyst License in materials (trace) must have a baccalaureate or advanced degree in a chemical, physical, biological science, chemical engineering or forensic science from an accredited university. A Materials (Trace) Analyst performing only impression evidence analyses must have a minimum of a high school diploma or equivalent degree.

(9) Materials (Trace) Technician. An applicant for a Forensic Analyst License limited to materials (trace) technician must have a minimum of a high school diploma or equivalent degree.

(10) Foreign/Non-U.S. degrees. The Commission shall recognize equivalent foreign, non-U.S. baccalaureate or advanced degrees. The Commission reserves the right to charge licensees a reasonable fee for credential evaluation services to assess how a particular foreign degree compares to a similar degree in the United States. The Commission may accept a previously obtained credential evaluation report from an applicant or licensee in fulfillment of the degree comparison assessment.

(11) If an applicant does not meet the minimum education qualifications outlined in this section, the procedure in subsection (f) or (j) of this section applies.

(e) Specific Coursework Requirements.

(1) Seized Drugs Analyst. An applicant for a Forensic Analyst License in seized drugs must have a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university. In addition to the chemistry coursework, an applicant must also have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission.

(2) Toxicology. An applicant for a Forensic Analyst License in toxicology must fulfill required courses as appropriate to the analyst's role and training program as described in the categories below:

(A) Toxicology Analyst (Alcohol Only, Non-interpretive). A toxicology analyst who conducts, directs or reviews the alcohol analysis of forensic toxicology samples, evaluates data, reaches conclusions and may sign a report for court or investigative purposes, but does not provide interpretive opinions regarding human performance must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university.

(B) Toxicology Analyst (General, Non-interpretive). A toxicology analyst who conducts, directs or reviews the analysis of forensic toxicology samples, evaluates data, reaches conclusions and may sign a report for court or investigative purposes, but does not provide interpretive opinions regarding human performance, must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework that includes organic chemistry and two three-semester credit hour (or equivalent) college-level courses in analytical chemistry and/or interpretive science courses that may include Analytical Chemistry, Chemical Informatics, Instrumental Analysis, Mass Spectrometry, Quantitative Analysis, Separation Science, Spectroscopic Analysis, Biochemistry, Drug Metabolism, Forensic Toxicology, Medicinal Chemistry, Pharmacology, Physiology, or Toxicology.

(C) Toxicology Analyst (Interpretive). A toxicology analyst who conducts, directs or reviews the analysis of forensic toxicology samples, evaluates data, reaches conclusions, signs reports, and/or provides interpretive opinions regarding human performance related to the results of toxicological tests (alcohol and general) for court or investigative purposes must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework that includes organic chemistry, one three-semester credit hour (or equivalent) course in college-level analytical chemistry (Analytical Chemistry, Chemical Informatics, Instrumental Analysis, Mass Spectrometry, Quantitative Analysis, Separation Science or Spectroscopic Analysis) and one three-semester credit hour (or equivalent) college-level courses in interpretive science. (Biochemistry, Drug Metabolism, Forensic Toxicology, Medicinal Chemistry, Pharmacology, Physiology, or Toxicology).

(D) An applicant for a toxicology license for any of the categories outlined in subparagraphs (A) - (C) of this paragraph must have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission.

(3) DNA Analyst. An applicant for a Forensic Analyst License in DNA analysis must demonstrate he/she has fulfilled the specific coursework requirements of the Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing Laboratories effective at the time of the individual's application. An applicant must also have a three-semester credit hour (or equivalent) college-level sta-

tistics course from an accredited university or a program approved by the Commission.

(4) Firearm/Toolmark Analyst. An applicant must have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission. No other specific college-level coursework is required.

(5) Materials (Trace) Analyst. An applicant for a Forensic Analyst License in materials (trace) for one or more of the chemical analysis categories of analysis (chemical determination, physical/chemical comparison, gunshot residue analysis, and fire debris and explosives analysis) must have a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university. In addition to chemistry coursework for the chemical analysis categories, all materials (trace) license applicants must also have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission. An applicant for a Forensic Analyst License in materials (trace) limited to impression evidence is not required to fulfill any specific college-level coursework requirements other than the statistics requirement.

(6) Exemptions from specific coursework requirements. The following categories of licenses are exempted from coursework requirements:

(A) An applicant for the technician license category of any forensic discipline set forth in this subchapter is not required to fulfill any specific college-level coursework requirements.

(B) An applicant for a Forensic Analyst License limited to forensic biology screening, nucleic acids other than human DNA and/or Forensic Biology Technician is not required to fulfill the Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing or any other specific college-level coursework requirements.

(f) Requirements Specific to Forensic Science Degree Programs. For a forensic science degree to meet the Minimum Education Requirements set forth in this section, the forensic science degree program must be either accredited by the Forensic Science Education Programs Accreditation Commission (FEPAC) or if not accredited by FEPAC, it must meet the minimum curriculum requirements pertaining to natural science core courses and specialized science courses set forth in the FEPAC Accreditation Standards.

(g) Waiver of Specific Coursework Requirements and/or Minimum Education Requirements for Lateral Hires, Promoting Analysts and Current Employees. Specific coursework requirements and minimum education requirements are considered an integral part of the licensing process; all applicants are expected to meet the requirements of the forensic discipline(s) for which they are applying or to offer sufficient evidence of their qualifications as described below in the absence of specific coursework requirements or minimum education requirements. The Commission Director or Designee may waive one or more of the specific coursework requirements or minimum education requirements outlined in this section for an applicant who:

(1) has five or more years of credible experience in an accredited laboratory in the forensic discipline for which he or she seeks licensure or three or more years of credible experience in an accredited laboratory in the firearms/toolmarks discipline and is applying for a firearms/toolmarks analyst or technician license; or

(2) is certified by one or more of the following nationally recognized certification bodies in the forensic discipline for which he or she seeks licensure;

- (A) The American Board of Forensic Toxicology;
- (B) The American Board of Clinical Chemistry;
- (C) The American Board of Criminalistics;
- (D) The International Association for Identification; or
- (E) The Association of Firearm and Toolmark Examiners; and

(3) provides written documentation of laboratory-sponsored training in the subject matter areas addressed by the specific coursework requirements.

(4) An applicant must request a waiver of specific coursework requirements and/or minimum education requirements at the time the application is filed.

(5) An applicant requesting a waiver from specific coursework requirements and/or minimum education requirements shall file any additional information needed to substantiate the eligibility for the waiver with the application. The Commission Director or Designee shall review all elements of the application to evaluate waiver request(s) and shall grant a waiver(s) to qualified applicants.

(h) General Forensic Analyst Licensing Exam Requirement.

(1) Exam Requirement. An applicant for a Forensic Analyst License must pass the General Forensic Analyst Licensing Exam administered by the Commission.

(A) An applicant is required to take and pass the General Forensic Analyst Licensing Exam one time.

(B) An applicant may take the General Forensic Analyst Licensing Exam no more than three times. If an applicant fails the General Forensic Analyst Licensing Exam or the Modified General Forensic Analyst Licensing Exam three times, the applicant has thirty (30) days from the date the applicant receives notice of the failure to request special dispensation from the Commission as described in subparagraph (C) of this paragraph. Where special dispensation is granted, the applicant has 90 days from the date he or she receives notice the request for exam is granted to successfully complete the exam requirement. However, for good cause shown, the Commission or its Designee at its discretion may waive this limitation.

(C) Requests for Exam. If an applicant fails the General Forensic Analyst Licensing Exam or Modified General Forensic Analyst Licensing Exam three times, the applicant must request in writing special dispensation from the Commission to take the exam more than three times. Applicants may submit a letter of support from their laboratory director or licensing representative and any other supporting documentation supplemental to the written request.

(D) If an applicant sits for the General Forensic Analyst Licensing Exam or the Modified General Forensic Analyst Licensing Exam more than three times, the applicant must pay a \$50 exam fee each additional time the applicant sits for the exam beyond the three initial attempts.

(E) Expiration of Provisional License if Special Dispensation Exam Unsuccessful. If the 90-day period during which special dispensation is granted expires before the applicant successfully completes the exam requirement, the applicant's provisional license expires.

(2) Modified General Forensic Analyst Licensing Exam. Technicians in any discipline set forth in this subchapter may fulfill the General Forensic Analyst Licensing Exam requirement by taking a modified exam administered by the Commission.

(3) Examination Requirements for Promoting Technicians. If a technician passes the modified General Forensic Analyst Licensing Exam and later seeks a full Forensic Analyst License, the applicant must complete the portions of the General Forensic Analyst Exam that were not tested on the modified exam.

(4) Credit for Pilot Exam. If an individual passes the Pilot General Forensic Analyst Licensing Exam, regardless of his or her eligibility status for a Forensic Analyst License at the time the exam is taken, the candidate has fulfilled the General Forensic Analyst Licensing Exam Requirement of this section should he or she later become subject to the licensing requirements and eligible for a Forensic Analyst License.

(5) Eligibility for General Forensic Analyst Licensing Exam and Modified General Forensic Analyst Licensing Exam.

(A) Candidates for the General Forensic Analyst Licensing Exam and Modified General Forensic Analyst Licensing Exam must be employees of a crime laboratory accredited under Texas law or employed by an agency rendering them eligible for a voluntary license under §651.222 (*Voluntary Forensic Analyst Licensing Requirements Including Eligibility, License Term, Fee, and Procedure for Denial of Initial Application or Renewal Application and Reconsideration*) of this subchapter to be eligible to take the exam.

(B) Student Examinee Exception. A student is eligible for the General Forensic Analyst Licensing Exam one time if the student:

(i) is currently enrolled in an accredited university as defined in §651.202 of this subchapter (relating to Definitions);

(ii) has completed sufficient coursework to be within 24 semester hours of completing the requirements for graduation at the accredited university at which the student is enrolled; and

(iii) designates an official university representative who will proctor and administer the exam at the university for the student.

(C) Crime Laboratory Management and Unaccredited Forensic Discipline Exception. An Employee of a crime laboratory accredited under Texas law who is either part of the crime laboratory's administration or management team or authorized for independent casework in a forensic discipline listed below is eligible for the General Forensic Analyst Licensing Exam and Modified General Forensic Analyst Licensing Exam:

- (i) forensic anthropology;
- (ii) the location, identification, collection or preservation of physical evidence at a crime scene;
- (iii) crime scene reconstruction;
- (iv) latent print processing or examination;
- (v) digital evidence (including computer forensics, audio, or imaging);
- (vi) breath specimen testing under Transportation Code, Chapter 724, limited to analysts who perform breath alcohol calibrations; and
- (vii) document examination, including document authentication, physical comparison, and product determination.

(i) Proficiency Monitoring Requirement.

(1) An applicant must demonstrate participation in the employing laboratory's process for intra-laboratory comparison, inter-laboratory comparison, proficiency testing, or observation-based perfor-

mance monitoring requirements in compliance with and on the timeline set forth by the laboratory's accrediting body's proficiency monitoring requirements as applicable to the Forensic Analyst or Forensic Technician's specific forensic discipline and job duties.

(2) A signed certification by the laboratory's authorized representative that the applicant has satisfied the applicable proficiency monitoring requirements, including any intra-laboratory comparison, inter-laboratory comparison, proficiency testing, or observation-based performance monitoring requirements of the laboratory's accrediting body as of the date of the analyst's application, must be provided on the Proficiency Monitoring Certification form provided by the Commission. The licensee's authorized representative must designate the specific forensic discipline in which the Forensic Analyst or Forensic Technician actively performs forensic casework or is currently authorized to perform supervised or independent casework by the laboratory or employing entity.

(j) Mandatory Legal and Professional Responsibility Course:

(1) All Forensic Analyst and Forensic Technician License applicants must complete the current Commission-sponsored mandatory legal and professional responsibility update at the time of their application or demonstrate that they have taken the training within the 12-month period preceding the date of their application.

(2) Mandatory legal and professional responsibility training topics may include training on current and past criminal forensic legal issues, professional responsibility and human factors, courtroom testimony, disclosure and discovery requirements under state and federal law, and other relevant topics as designated 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.

Filed with the Office of the Secretary of State on May 28, 2026.

TRD-202602228

Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

Earliest possible date of adoption: July 12, 2026

For further information, please call: (512) 784-0037



## SUBCHAPTER D. PROCEDURE FOR PROCESSING COMPLAINTS AND LABORATORY SELF-DISCLOSURES

### 37 TAC §651.307

The Texas Forensic Science Commission (Commission) proposes an amendment to §651.307, Investigative Panels, to change the section title from "Investigative Panels" to "Investigative Procedures" to more accurately reflect that investigations may be conducted by either an investigative panel or Commission staff.

Reasoned Justification for Rule. The Commission proposes an amendment to §651.307 to change the section title from "Investigative Panels" to "Investigative Procedures." The amendment is necessary to accurately reflect the scope of investigative authority provided in the rule, which permits the Commission to conduct investigations either through the appointment of an investigative panel or by directing Commission staff to conduct an investigation. The current section title is confusing because it

suggests that investigations may only be conducted by investigative panels. Renaming the section improves clarity and consistency within the rules and ensures the title accurately reflects existing investigative practices authorized by the Commission.

**Fiscal Note.** Leigh M. Tomlin, Associate General Counsel of the Commission, has determined that for each year of the first five years the proposed amendments are in effect, there will be no fiscal impact on state or local governments, as a result of the administration of the proposal.

**Local Employment Impact Statement.** Pursuant to Texas Government Code §2001.022, the proposed amendments have minimal to no effect on local economy.

**Public Benefit.** Ms. Tomlin has also determined that for each year of the first five years the amendments are in effect, the anticipated public benefit is improved clarity and consistency within the rules and assurance that the title and text of the rule accurately reflect existing investigative practices authorized by the Commission.

**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 amendments. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

**Takings Impact Assessment.** Ms. Tomlin has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

**Government Growth Impact Statement.** Ms. Tomlin has determined that for the first five-year period, implementation of the proposed amendments will not have a government growth impact as described in Title 34, Part 1, Texas Administrative Code §11.1. Pursuant to the analysis required by Government Code § 2001.221(b) the proposed amendments: (1) do not create a government program; (2) do not create new employee positions; (3) do not increase or decrease future legislative appropriations to OCA or the Commission; (4) do not require a fee; (5) do not create a new regulation; (6) do not expand, limit, or repeal an existing regulation; (7) do not increase or decrease the number of individuals subject to regulation; and (8) have minimal to no effect on the State's economy.

**Environmental Rule Analysis.** The Commission has determined that the proposed amendments are not brought with specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Commission asserts that the proposed amendments are not a "major environmental rule," as defined in Government Code §2001.0225. As a result, the Commission asserts the preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

**Request for Public Comment.** The Commission invites comments on the proposal from any member of the public. Please submit comments to Leigh M. Tomlin, 1701 North Congress Avenue, Suite 6-107, Austin, Texas 78701 or leigh@fsc.texas.gov. Comments must be received by July 13, 2026 to be considered by the Commission.

**Statutory Authority.** The rule is proposed under the Commission's general rulemaking authority provided in Code of Criminal

Procedure, Article 38.01 § 3-a and its authority to investigate and regulate crime laboratories and forensic analysts under Article 38.01 §§ 4, 4-a, and 4-d.

Cross reference to statute. The proposal affects Texas Administrative Code §651.307.

*§651.307. Investigative Procedures [Panels].*

(a) Investigative Panel [procedure]. After the Commission votes to conduct an investigation, for complex investigations, the Commission's presiding officer may nominate at least three members of the Commission to an Investigation Panel ("Panel") subject to the approval of a majority of a quorum of Commissioners.

(b) Panel investigation. For investigations in which a Panel is created, the Panel initially must specify the focus of the investigation, communicate with the entities or individuals involved in the investigation, and collect any appropriate records. The Panel also may initiate contact with any governmental agency, individual, or entity to inquire about assistance in a full investigation. The Panel may:

- (1) collect and review appropriate documents as necessary;
- (2) conduct interviews with appropriate individuals;
- (3) issue notification of results or refer the case to a governmental or other relevant agency or accrediting body, pursuant to a written communication, memorandum of understanding, or other appropriate agreement between the agencies;
- (4) contract with a subject matter expert if needed; or
- (5) take such other action as appropriate.

(c) All Panel meetings must be held in in-person meetings or by videoconference, in accordance with the Texas Open Meetings Act.

(d) Investigations Facilitated by Staff. For investigations in which an Investigative Panel is deemed unnecessary, the Commission must instruct staff to conduct the investigation, which must include the same activities described in §651.307(b).

(e) Referral of investigative cases to the Office of Capital and Forensic Writs. The Commission may review and refer cases that are the subject of an investigation under §651.301(a) or (b) of this subchapter to the Office of Capital and Forensic Writs in accordance with Section 78.054(b), Government Code.

(1) General procedure for referral to the Office of Capital and Forensic Writs. A majority of a quorum of Commissioners may recommend referral of a case accepted for investigation by the Commission under §651.301(a) or (b) of this subchapter (relating to Purpose) to the Office of Capital and Forensic Writs.

(2) Written referral and corresponding documents. The Commission Presiding Officer or Designee must provide each recommended case referral in writing, including all documents in the Commission's possession related to the case and any investigative report issued, to the Office of Capital and Forensic Writs Director or Designee for determination regarding potential legal representation no later than ten (10) business days from the date the Commission recommends referral.

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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Leigh Tomlin  
Associate General Counsel  
Texas Forensic Science Commission  
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For further information, please call: (512) 936-0661



# 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 1. ADMINISTRATION

### PART 10. DEPARTMENT OF INFORMATION RESOURCES

#### CHAPTER 213. ELECTRONIC AND INFORMATION RESOURCES

The Texas Department of Information Resources (department) adopts new rules, amendments and repeals to 1 Texas Administrative (TAC) Chapter 213, concerning Electronic and Information Resources. 1 Texas Administrative Code (TAC) Chapter 213, Subchapter A, §§213.4, Subchapter B, §§213.11, 213.13, 213.17 - 213.22, and Subchapter C, §§213.31, 213.33, 213.37, 213.39 - 213.42, are adopted without changes to the proposal as published in the March 13, 2026, edition of the *Texas Register* (51 TexReg 1469) and will not be republished.

The department adopts 1 TAC Chapter 213, Subchapter A, §213.1, and Subchapter C, §213.38, with nonsubstantive changes to the rules as published in the March 13, 2026, edition of the *Texas Register* (51 TexReg 1469). These sections will be republished.

The department is taking no action on the proposed 1 TAC Chapter 213, Subchapter B, §§213.10, 213.12, and 213.15, and Subchapter C, §§213.30, 213.32, and 213.35, at this time.

The adopted amendments are the result of the department's statutory quadrennial rule review of 1 TAC Chapter 213. The department's formal notice of rule review was published in the November 17, 2023, issue of the *Texas Register* (48 TexReg 6751). The proposed rules were published in the March 13, 2026, edition of the *Texas Register* (51 TexReg 1469).

The adopted rules apply to state agencies and institutions of higher education.

#### Comments Received by the Department

The department received public comments from Texas Register staff, two executive state agency employees, and one institution of higher education employee.

The Texas Register staff member identified errors in publication resulting in incorrect cross-references to state agency rather than institution of higher education sections and referencing institutions of higher education as a state agency in Subchapter C, §§213.30, 213.32, and 213.38. The department declined to make changes to §§213.30 and 213.32 as the department is not taking any action on those items at this time. The department made nonsubstantive changes intended to remedy this error in §213.38(f)(3) from "substantially alters work methods of agency personnel or the delivery of services to clients" to "substantially alters work methods of institution personnel or the delivery of ser-

vices to client" and §213.38(f)(2) from "involves more than one state agency or institution of higher education; or" to "involves more than one institution of higher education or state agency."

An executive state agency staff member identified a typographical error in §213.1(15) regarding the term Worldwide Web Consortium Web Content Accessibility Guidelines. The department considered this change and made a nonsubstantive amendment to correct the error.

An executive state agency staff member requested the department amend 1 TAC Chapter 213 to include a provision clarifying that a state-controlled digital elevator interface functioning as an interactive information system must comply with EIR accessibility requirements, including the procurement, development, maintenance, and evaluation thereof, and identifying additional specific accessibility requirements for mixed-function digital elevator interfaces. The department declined to make this change as identifying specific types of EIR to which this chapter applies is regulatorily inefficient and risks the department exceeding its statutory rulemaking authority.

An institution of higher education employee identified cross-reference errors and references to state agencies rather than institutions of higher education in Subchapter C, §§213.30, 213.32, 213.33, 213.35, 213.36, and 213.38. The department declined to make changes to §§213.30, 213.32, 213.35, and 213.36, as the department is not adopting these sections at this time. The department reviewed the comments regarding §213.33 and §213.38 and amended all incorrect cross-references from the state agency section to the correlative institution of higher education section and corrected typographical errors referencing state agencies instead of institutions of higher education.

An institution of higher education employee identified a section of the rule in the existing §213.38 that was not included either as a strikethrough or existing language in the published proposal. The department considered this comment and proposes a nonsubstantive amendment from "Unless an exception is approved by the president or chancellor of an institution of higher education pursuant to Texas Government Code § 2054.460 and §213.37 of this subchapter, all EIR products developed, procured or materially changed through a procured services contract, and all electronic and information resource services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206 and Chapter 213 of this title, as applicable" to "Unless an exception is approved by the president or chancellor of an institution of higher education pursuant to Texas Government Code § 2054.460 and §213.37 of this subchapter or an exemption is approved by the department pursuant to Texas Government Code § 2054.460 and 1 Texas Administrative Code §213.37, all EIR products developed, procured or materially changed through a procured services contract, and all

electronic and information resource services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206 and Chapter 213 of this title, as applicable."

#### Description of Adopted Changes

Within Subchapter A, the department adopts §213.1 and §213.4. Section 213.1 clarifies existing specialized defined terms and their definitions required by the rule, including the terms "Accessibility Conformance Report," "accessible," "alternate methods," "electronic and information resources (EIR)," "Electronic and information resources (EIR) development services," "exception," "product," "Section 508 Standards," "telecommunications," "Voluntary Product Accessibility Template (VPAT)", and World Wide Web Consortium Web Content Accessibility Guidelines," while also introducing new specialized terms, such as "digital accessibility" and "DOJ Title II rule." Section 213.4 consolidates department-only responsibilities currently replicated across Subchapters B and C into a single section.

The department adopts subchapter B, §§213.11, 213.13, 213.17 - 213.20, for state agencies and subchapter C, §§213.31, 213.33, 213.37 - 213.42, for institutions of higher education. These sections establish the minimum electronic and information resources accessibility standards and procurement requirements for state agencies, including institutions of higher education, required by Texas Government Code Chapter 2054, Subchapter M.

In §§213.19 - 213.20, for state agencies, and §§213.39 - 213.42, for institutions of higher education, the department establishes necessary programmatic, governance, and reporting requirements for an entity's accessibility programs.

In §213.21, for state agencies, and §213.41, for institutions of higher education, the department adopts the retitling of the EIR Accessibility Coordinator role to Digital Accessibility Officer, thereby streamlining this individual's responsibilities.

In §213.22, for state agencies, and §213.42, for institutions of higher education, the department repeals its existing obsolete holdover date and replaces this section with a section admonishing entities to adopt the higher required federal standard if there are discrepancies between two federal standards with which an entity must comply.

## SUBCHAPTER A. DEFINITIONS AND DEPARTMENT RESPONSIBILITIES

### 1 TAC §213.1, §213.4

#### Enabling Authority

The new rule and amendments are adopted pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this adoption.

*§213.1. Applicable Terms and Technologies for Electronic and Information Resources.*

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

(1) **Accessibility Conformance Report (ACR)**--a report based on a completed VPAT demonstrating how a product or service conforms to WCAG standards and success criteria.

(2) **Accessible**--Describes an EIR that does not depend on a single sense or ability and does not limit use by people with disabilities.

(3) **Agency head**--The top-most senior executive with operational accountability for an agency, department, commission, board, office, council, authority, or other agency in the executive or judicial branch of state government that is created by the constitution or a statute of the state; or institutions of higher education as defined in Texas Education Code § 61.003.

(4) **Alternate formats**--Alternate formats usable by people with disabilities may include, but are not limited to, Braille, ASCII text, large print, recorded audio, and electronic formats that comply with this chapter.

(5) **Alternate methods**--Different means of providing information, including product documentation and the provision of government services through EIR, to people with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.

(6) **Assistive technology**--Any item, piece of equipment, or system, whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(7) **Commercial off-the-shelf product**--a software product that is available in the commercial marketplace prior to customization.

(8) **Department**--The Department of Information Resources.

(9) **Digital Accessibility**--The practice of designing, developing, and maintaining EIR in a manner that ensures individuals with disabilities can access and utilize the technology.

(10) **DOJ Title II Rule**--The final rule published by the U.S. Department of Justice titled "Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Communications Technology" (28 CFR Part 35, RIN 1190-AA80). This federal regulation requires state and local government entities to ensure that their web content and mobile applications are readily accessible to and usable by individuals with disabilities by conforming to the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standards or higher.

(11) **Electronic and information resources (EIR)**--As defined by Texas Government Code § 2054.451. The term does not include equipment that contains embedded information technology where the principal function is not processing or managing information. If the embedded information technology processes or manages information through an external web or computer interface, that interface is considered EIR. Other terms such as, but not limited to, Information and Communications Technology (ICT) as defined by Section 508 Standards, Information Technology (IT) and Electronic Information Technology (EIT), etc. can be considered interchangeable terms with EIR for purposes of applicability or compliance with this chapter.

(12) **Electronic and information resources (EIR) Development Services**--Design, development, and / or programming services that developers provide for web development, application development, and/or configuration that impacts a user interface.

(13) Exception--A justified, documented non-compliance with one or more standards or specifications of Chapter 206 and/or Chapter 213 of this title or, as applicable, the DOJ Title II Rule, which has been approved by the agency head or the President or Chancellor of an Institution of Higher Education.

(14) Exemption--A justified, documented non-compliance with one or more standards or specifications of Chapter 206 and/or Chapter 213 of this title, which has been approved by the department and which is applicable statewide.

(15) Hardware--A tangible device, equipment, or physical component of ICT, such as telephones, computers, multifunction copy machines, and keyboards.

(16) Major information resource project (MIRP)--Any information resources technology project that meets the criteria defined in Texas Government Code § 2054.003(10).

(17) Operable controls--A component of a product that requires physical contact for normal operation. Operable controls include, but are not limited to, mechanically operated controls, input and output trays, card slots, keyboards, and keypads.

(18) Product--Electronic and information resources.

(19) Section 508 Standards--The technical standards established by Section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. § 794d, 36 C.F.R. § 1194.1, established by the federal Architectural and Transportation Barriers Compliance Board (the "Access Board") that apply to EIR developed, procured, maintained, or used by the federal government, including computer hardware and software, websites, phone systems, and copiers. The Section 508 standards were issued to implement Section 508 of the federal Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794d, which requires access for both members of the public and federal employees to such technologies when developed, procured, maintained, or used by federal agencies.

(20) Self Contained, Closed Products--Products that generally have embedded software and are commonly designed in such a fashion that a user cannot easily attach or install assistive technology. These products include, but are not limited to, information kiosks and information transaction machines, copiers, printers, calculators, fax machines, and other similar products.

(21) Technical Accessibility Standards and Specifications--Accessibility standards and specifications for Texas agency and institution of higher education websites and EIR set forth in Chapter 206 and/or Chapter 213 of this title.

(22) Telecommunications--As defined by Texas Government Code § 2054.003(14).

(23) Training/Technical Assistance--Training and technical assistance to comply with the accessibility standards.

(24) Voluntary Product Accessibility Template (VPAT)--A vendor-supplied industry template form used to document EIR compliance with technical accessibility standards and success criteria. A link to the standardized VPAT form is available at the department's website.

(25) World Wide Web Content Accessibility Guidelines--Internationally recognized set of technical standards designed to make web content and digital media accessible to people with disabilities.

(26) The terms referenced by Section 508 Appendices A and C and the DOJ Title II Rule shall have the meaning stated therein.

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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TRD-202602217

Virginia Hoelscher

General Counsel

Department of Information Resources

Effective date: June 16, 2026

Proposal publication date: March 13, 2026

For further information, please call: (512) 475-4531



## SUBCHAPTER B. ACCESSIBILITY STANDARDS FOR STATE AGENCIES

### 1 TAC §§213.11, 213.13, 213.17 - 213.22

The amendments are adopted pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this adoption.

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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Virginia Hoelscher

General Counsel

Department of Information Resources

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For further information, please call: (512) 475-4531



### 1 TAC §213.22

The repeal is adopted pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this adoption.

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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## SUBCHAPTER C. ACCESSIBILITY STANDARDS FOR INSTITUTIONS OF HIGHER EDUCATION

### 1 TAC §§213.31, 213.33, 213.37 - 213.42

The new rule and amendments are adopted pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this adoption.

#### §213.38. *Procurements.*

(a) For the procurement of EIR made directly by an institution of higher education or through the department's information technology commodity procurement contracts entered pursuant to Texas Government Code § 2157.068, the institution shall require a vendor to provide accessibility information for the purchased products or services, where applicable, through one of the following methods:

(1) inclusion of URLs to manufacturer's VPATS or ACRs for applicable Commercial Off the Shelf products or services;

(2) other documents / forms requested by the institution that provide credible evidence of the vendor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results; or

(3) If credible accessibility documentation cannot be provided, then the EIR shall be considered noncompliant.

(b) An institution of higher education shall implement a procurement accessibility policy, and supporting business processes and contract terms for making procurement decisions. The institution of higher education shall monitor the procurement processes and contracts for accessibility compliance.

(c) This subchapter applies to EIR developed, procured, or materially changed by an institution of higher education, or developed, procured, or materially changed by a contractor under a contract with an institution of higher education, which requires the use of such product to a significant extent in the performance of a service or the furnishing of a product.

(d) Unless an exception is approved by the president or chancellor of an institution of higher education pursuant to Texas Government Code § 2054.460 and §213.37 of this subchapter or unless an exemption is approved by the department pursuant to Texas Government Code § 2054.460 and §213.37 of this subchapter, all EIR products developed, procured or materially changed through a procured services

contract, and all electronic and information resource services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206 and Chapter 213 of this title, as applicable.

(e) An institution of higher education must include accessibility testing, planning, and execution criteria for EIR development and implementation projects.

(f) Accessibility testing:

(1) requires one year or longer to reach operations status;

(2) involves more than one institution of higher education or state agency; or

(3) substantially alters work methods of institution of higher education or agency personnel or the delivery of services to clients.

(g) Nothing in this subchapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this subchapter provided they result in substantially equivalent or greater access to and use of a product for people with disabilities.

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 27, 2026.

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Virginia Hoelscher

General Counsel

Department of Information Resources

Effective date: June 16, 2026

Proposal publication date: March 13, 2026

For further information, please call: (512) 475-4531



### 1 TAC §213.42

The repeal is adopted pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this adoption.

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

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# TITLE 16. ECONOMIC REGULATION

## PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

### CHAPTER 24. SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER SERVICE PROVIDERS

#### SUBCHAPTER H. CERTIFICATES OF CONVENIENCE AND NECESSITY

##### 16 TAC §24.245, §24.259

The Public Utility Commission of Texas (commission) adopts amendments to §24.245, relating to Revocation of a Certificate of Convenience and Necessity or Amendment of a Certificate of Convenience and Necessity by Decertification, Expedited Release or Streamlined Expedited Release, and §24.259, relating to Single Certification in Incorporated or Annexed Areas, with changes to the proposed text as published in the April 10, 2026 issue of the *Texas Register* (51 TexReg 2300). The rules will be republished.

Amendments to §24.245 establish requirements for an expedited release and a streamlined expedited release petitioner to submit a report to the commission, which verifies that the petitioner paid compensation to the former certificate of convenience and necessity (CCN) holder. Amendments to §24.259 implement the following process and procedural modifications: establishes requirements for a municipality or franchised utility to submit a report to the commission verifying that compensation was paid by it to the former retail public utility; replaces the requirement for the commission to determine compensation for former retail public utility property rendered useless or valueless by single certification with a requirement to determine just and adequate compensation for adverse effects on property remaining in former utility's ownership; and requires that appeals against a final order of the commission granting single certification to a municipality must be filed with the commission before seeking further review. Additionally, clarifying and consistency edits were made to the rule language, including non-substantive revisions to a definition to improve clarity. The amendments are adopted under Project Number 59332.

The commission did not receive public comments on the proposed amendments.

The amendments are adopted under TWC §13.041(a), 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 the TWC that is necessary and convenient to the exercise of that power and jurisdiction; TWC §13.041(b), which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; TWC §13.254(a-3), which provides the commission the authority to require the reporting of compensation paid by the petitioner to the decertified retail public utility; TWC §13.2541(f), which provides the commission the authority to require the reporting of compensation paid by the petitioner to the CCN holder; TWC §13.255(c-1), which provides the commission the authority to require the reporting of adequate and just compensation paid by the municipality or franchised utility to the former retail public

utility; and TWC §13.255(c-3), which authorizes a retail public utility to appeal a final order of the commission granting single certification to a municipality.

Cross Reference to Statutes: Texas Water Code §13.041(a); §13.041(b); §13.254(a-3); §13.2541(f); §13.255(c-1); and §13.255(c-3).

*§24.245. Revocation of a Certificate of Convenience and Necessity or Amendment of a Certificate of Convenience and Necessity by Decertification, Expedited Release, or Streamlined Expedited Release.*

(a) Applicability. This section applies to proceedings for revocation or amendment by decertification, expedited release, or streamlined expedited release of a certificate of convenience and necessity (CCN).

(b) Definitions. The following terms, when used in this section, have the following meanings unless the context indicates otherwise:

(1) Alternate retail public utility--The retail public utility from which a landowner plans to receive service after the landowner obtains expedited release under subsection (f) of this section.

(2) Amendment--The change of a CCN to remove a portion of a service area by decertification amendment, expedited release, or streamlined expedited release.

(3) Current CCN holder--An entity that currently holds a CCN to provide service to an area for which revocation or amendment is sought.

(4) Decertification amendment--A process by which a portion of a certificated service area is removed from a CCN, other than expedited release or streamlined expedited release.

(5) Expedited Release--Removal of a tract of land from a CCN area under Texas Water Code (TWC) §13.254(a-1).

(6) Former CCN holder--An entity that formerly held a CCN to provide service to an area that was removed from the entity's service area by revocation or amendment.

(7) Landowner--The owner of a tract of land who files a petition for expedited release or streamlined expedited release.

(8) Prospective retail public utility--A retail public utility seeking to provide service to a removed area.

(9) Removed area--Area that will be or has been removed under this section from a CCN.

(10) Streamlined Expedited Release--Removal of a tract of land from a CCN area under TWC §13.2541.

(c) Provisions applicable to all proceedings for revocation, decertification amendment, expedited release, or streamlined expedited release.

(1) An order of the commission issued under this section does not transfer any property, except as provided under subsection (l) of this section.

(2) A former CCN holder is not required to provide service within a removed area.

(3) If the CCN of any retail public utility is revoked or amended by decertification, expedited release, or streamlined expedited release, the commission may by order require one or more other retail public utilities to provide service to the removed area, but only with the consent of each retail public utility that is to provide service.

(4) A retail public utility, including an alternate retail public utility, may not in any way render retail water or sewer service directly or indirectly to the public in a removed area unless any compensation due has been paid to the former CCN holder and a CCN to serve the area has been obtained, if one is required.

(d) Revocation or amendment by decertification.

(1) At any time after notice and opportunity for hearing, the commission may revoke any CCN or amend any CCN by decertifying a portion of the service area if the commission finds that any of the circumstances identified in this paragraph exist.

(A) The current CCN holder has never provided, is no longer providing, is incapable of providing, or has failed to provide continuous and adequate service in all or part of the certificated service area. If the current CCN holder opposes revocation or decertification amendment on one of these bases, it has the burden of proving that it is, or is capable of, providing continuous and adequate service.

(B) The current CCN holder is in an affected county as defined in TWC §16.341, and the cost of providing service by the current CCN holder is so prohibitively expensive as to constitute denial of service. Absent other relevant factors, for commercial developments or residential developments started after September 1, 1997, the fact that the cost of obtaining service from the current CCN holder makes the development economically unfeasible does not render such cost prohibitively expensive.

(C) The current CCN holder has agreed in writing to allow another retail public utility to provide service within its certificated service area or a portion of its service area, except for an interim period, without amending its CCN.

(D) The current CCN holder failed to apply for a cease-and-desist order under TWC §13.252 and §24.255 of this title (relating to Content of Request for Cease and Desist Order by the Commission under TWC §13.252) within 180 days of the date that the current CCN holder became aware that another retail public utility was providing service within the current CCN holder's certificated service area, unless the current CCN holder proves that good cause exists for its failure to timely apply for a cease-and-desist order.

(E) The current CCN holder has consented in writing to the revocation or amendment.

(2) A retail public utility may file a written request with the commission to revoke its CCN or to amend its CCN by decertifying a portion of the service area.

(A) The retail public utility must provide, at the time its request is filed, notice of its request to each customer and landowner within the affected service area of the utility.

(B) The request must specify the area that is requested to be revoked or removed from the CCN area.

(C) The request must address the effect of the revocation or decertification amendment on the current CCN holder, any existing customers, and landowners in the affected service area.

(D) The request must include the mapping information required by §24.257 of this title (relating to Mapping Requirements for Certificate of Convenience and Necessity Applications).

(E) The commission may deny the request to revoke or amend a CCN if existing customers or landowners will be adversely affected.

(F) If a retail public utility's request for decertification amendment or revocation by consent under this paragraph is granted,

the retail public utility is not entitled to compensation from a prospective retail public utility.

(3) The commission may initiate a proceeding to revoke a CCN or decertify a portion of a service area on its own motion or upon request of commission staff.

(4) The current CCN holder has the burden to establish that it is, or is capable of, providing continuous and adequate service and, if applicable, that there is good cause for failing to file a cease and desist action under TWC §13.252 and §24.255 of this title.

(e) Decertification amendment for a municipality's service area. After notice to a municipality and an opportunity for a hearing, the commission may decertify an area that is located outside the municipality's extraterritorial jurisdictional boundary if the municipality has not provided service to the area on or before the fifth anniversary of the date the CCN was granted for the area. This subsection does not apply to an area that was transferred to a municipality's certificated service area by the commission and for which the municipality has spent public funds.

(1) A proceeding to remove an area from a municipality's service area may be initiated by the commission with or without a petition.

(2) A petition filed under this subsection must allege that a CCN was granted for the area more than five years before the petition was filed and the municipality has not provided service in the area.

(3) A petition filed under this subsection must include the mapping information required by §24.257 of this title.

(4) Notice of the proceeding to remove an area must be given to the municipality, landowners within the area to be removed, and other retail public utilities as determined by the presiding officer.

(5) If the municipality asserts that it is providing service to the area, the municipality has the burden to prove that assertion.

(f) Expedited release.

(1) An owner of a tract of land may petition the commission for expedited release of all or a portion of the tract of land from a current CCN holder's certificated service area so that the area may receive service from an alternate retail public utility if all the following circumstances exist:

(A) the tract of land is at least 50 acres in size;

(B) the tract of land is not located in a platted subdivision actually receiving service;

(C) the landowner has submitted a request for service to the current CCN holder at least 90 calendar days before filing the petition;

(D) the alternate retail public utility possesses the financial, managerial, and technical capability to provide service as identified in the request for service provided under paragraph (5) of this subsection on a continuous and adequate basis; and

(E) the current CCN holder:

(i) has refused to provide service;

(ii) cannot provide service as identified in the request for service provided under paragraph (5) of this subsection on a continuous and adequate basis; or

(iii) conditions the provision of service on the payment of costs not properly allocable directly to the landowner's service request, as determined by the commission.

(2) An owner of a tract of land may not file a petition under paragraph (1) of this subsection if the landowner's property is located in the boundaries of any municipality or the extraterritorial jurisdiction of a municipality with a population of more than 500,000 and the municipality or retail public utility owned by the municipality is the current CCN holder.

(3) The landowner's desired alternate retail public utility must be:

(A) an existing retail public utility; or

(B) a district proposed to be created under article 16, §59 or article 3, §52 of the Texas Constitution.

(4) The fact that a current CCN holder is a borrower under a federal loan program does not prohibit the filing of a petition under this subsection or authorizing an alternate retail public utility to provide service to the removed area.

(5) The landowner must submit to the current CCN holder a written request for service. The request must be sent by certified mail, return receipt requested, or by hand delivery with written acknowledgment of receipt. For a request other than for standard residential or commercial service, the written request must identify the following:

(A) the tract of land or portion of the tract of land for which service is sought;

(B) the time frame within which service is needed for current and projected service demands in the tract of land;

(C) the reasonable level and manner of service needed for current and projected service demands in the area;

(D) the approximate cost for the alternate retail public utility to provide service at the same level, and in the same manner, that is requested from the current CCN holder;

(E) the flow and pressure requirements and specific infrastructure needs, including line size and system capacity for the required level of fire protection requested, if any; and

(F) any additional information requested by the current CCN holder that is reasonably related to determining the capacity or cost of providing service at the level, in the manner, and in the time frame, requested.

(6) The landowner's petition for expedited release under this subsection must be verified by a notarized affidavit and demonstrate that the circumstances identified in paragraph (1) of this subsection exist. The petition must include the following:

(A) the name of the alternate retail public utility;

(B) a copy of the request for service submitted as required by paragraph (5) of this subsection;

(C) a copy of the current CCN holder's response to the request for service, if any;

(D) copies of deeds demonstrating ownership of the tract of land by the landowner; and

(E) the mapping information described in subsection (k) of this section.

(7) The landowner must mail a copy of the petition to the current CCN holder and the alternate retail public utility via certified mail on the day that the landowner files the petition with the commission.

(8) The presiding officer will determine whether the petition is administratively complete. If the petition is determined not to

be administratively complete, the presiding officer will issue an order describing the deficiencies in the petition and setting a deadline for the petitioner to address the deficiencies. When the petition is determined to be administratively complete, the presiding officer will establish a procedural schedule that is consistent with paragraphs (9) and (10) of this subsection. The presiding officer may recommend dismissal of the petition under §22.181(d) of this title if the petitioner fails to supplement or amend the petition within the required timeframe after the presiding officer has determined that the petition is not administratively complete.

(9) The current CCN holder may file a response to the petition within a timeframe specified by the presiding officer, not to exceed 20 days from the date the petition is determined to be administratively complete. The response must be verified by a notarized affidavit.

(10) The commission will grant the petition within 60 calendar days from the date the petition was found to be administratively complete unless the commission makes an express finding that the landowner failed to satisfy all of the requirements of this subsection and makes separate findings of fact and conclusions of law for each requirement based solely on the information provided by the landowner and the current CCN holder. The commission may condition the granting or denial of a petition on terms and conditions specifically related to the landowner's service request and all relevant information submitted by the landowner, the current CCN holder, and commission staff.

(11) The commission will base its decision on the filings submitted by the current CCN holder, the landowner, and commission staff. Chapter 2001 of the Texas Government Code does not apply to any petition filed under this subsection. The current CCN holder or landowner may file a motion for rehearing of the commission's decision on the same timeline that applies to other final orders of the commission. The commission's order ruling on the petition may not be appealed.

(12) If the current CCN holder has never made service available through planning, design, construction of facilities, or contractual obligations to provide service to the tract of land, the commission is not required to find that the alternate retail public utility can provide better service than the current CCN holder, but only that the alternate retail public utility can provide the requested service. This paragraph does not apply to Cameron, Willacy, and Hidalgo Counties or to a county that meets any of the following criteria:

(A) the county has a population of more than 30,000 and less than 36,000 and borders the Red River;

(B) the county has a population of more than 100,000 and less than 200,000 and borders a county described by subparagraph (A) of this paragraph;

(C) the county has a population of 170,000 or more and is adjacent to a county with a population of 1.5 million or more that is within 200 miles of an international border; or

(D) the county has a population of more than 40,000 and less than 50,000 and contains a portion of the San Antonio River.

(13) If the alternate retail public utility is a proposed district, then the commission will condition the release of the tract of land and required CCN amendment or revocation on the final and unappealable creation of the district. The district must file a written notice with the commission when the creation is complete and provide a copy of the final order, judgment, or other document creating the district.

(14) The commission may require an award of compensation to the former CCN holder under subsection (g) of this section. The

determination of the amount of compensation, if any, will be made according to the procedures in subsection (g) of this section.

(15) If the commission requires an award of compensation to the former CCN holder, the petitioner must file a report verifying that the full amount of compensation has been paid to the former CCN holder. The report must be filed in the same docket in which compensation was awarded within 30 days of payment of compensation.

(g) Determination of compensation to former CCN holder after revocation, decertification amendment or expedited release. The determination of the monetary amount of compensation to be paid to the former CCN holder, if any, will be determined at the time another retail public utility seeks to provide service in the removed area and before service is actually provided. This subsection does not apply to revocations or decertification amendments under subsection (d)(2) of this section or to streamlined expedited release under subsection (h) of this section.

(1) After the commission has issued its order granting revocation, decertification, or expedited release, the prospective retail public utility must file a notice of intent to provide service. A notice of intent filed before the commission issues its order under subsection (d) or (f) of this section is deemed to be filed on the date the commission's order is signed.

(2) The notice of intent must include the following information:

(A) a statement that the filing is a notice of intent to provide service to an area that has been removed from a CCN under subsection (d) or (f) of this section;

(B) the name and CCN number of the former CCN holder; and

(C) whether the prospective retail public utility and former CCN holder have agreed on the amount of compensation to be paid to the former CCN holder.

(3) If the former CCN holder and prospective retail public utility have agreed on the amount of compensation to be paid to the former CCN holder, they must make a joint filing with the commission within 60 days of the filing of the notice of intent to provide service. The filing must state the amount of the compensation to be paid.

(4) If the former CCN holder and prospective retail public utility have not agreed on the compensation to be paid to the former CCN holder, the monetary amount of compensation must be determined by a qualified individual or firm serving as an independent appraiser as follows:

(A) If the former CCN holder and prospective retail public utility have agreed on an independent appraiser, they must make a joint filing with the commission identifying the individual or firm who will be the independent appraiser and must file its appraisal with the commission within 60 days of the filing of the notice of intent. The costs of the independent appraiser must be borne by the prospective retail public utility.

(B) If the former CCN holder and prospective retail public utility cannot agree on an independent appraiser within ten days of the filing of the notice of intent, the former CCN holder and prospective retail public utility must each engage its own appraiser at its own expense. Each appraiser must file its appraisal with the commission within 60 days of the filing of the notice of intent. After receiving the appraisals, the commission will appoint a third appraiser who must make a determination of compensation within 30 days. The determination by the commission-appointed appraiser may not be less than the lower appraisal or more than the higher appraisal of

the appraisers engaged by the former CCN holder and prospective retail public utility. The former CCN holder and prospective retail public utility must each pay half the cost of the commission-appointed appraisal directly to the commission-appointed appraiser.

(C) The appraisers must determine the amount of compensation in accordance with subsection (j) of this section.

(5) The determination of compensation by the agreed-upon appraiser under paragraph (4)(A) of this subsection or the commission-appointed appraiser under paragraph (4)(B) of this subsection is binding on the commission, the landowner, the former CCN holder, and the prospective retail public utility.

(6) If the former CCN holder fails to make a filing with the commission about the amount of agreed compensation, or to engage an appraiser, or to file an appraisal within the timeframes required by this subsection, the amount of compensation to be paid will be deemed to be zero. If the prospective retail public utility fails to make a filing with the commission about the amount of agreed compensation, or to engage an appraiser, or to file an appraisal within the timeframes required by this subsection, the presiding officer may recommend denial of the notice of intent to provide service to the removed area.

(7) The commission will issue an order establishing the amount of compensation to be paid to the former CCN holder not later than 90 days after the date on which a retail public utility files its notice of intent to provide service to the decertified area.

(h) Streamlined expedited release.

(1) The owner of a tract of land may petition the commission for streamlined expedited release of all or a portion of the tract of land from the current CCN holder's certificated service area if all the following conditions are met:

(A) the tract of land is at least 25 acres in size;

(B) the tract of land is not receiving service of the type that the current CCN holder is authorized to provide under the applicable CCN; and

(C) at least part of the tract of land is located in the current CCN holder's certificated service area and at least some of that part is located in a qualifying county.

(2) A qualifying county under paragraph (1)(C) of this subsection:

(A) has a population of at least 1.2 million;

(B) is adjacent to a county with a population of at least 1.2 million, and does not have a population of more than 50,500 and less than 52,000; or

(C) has a population of more than 200,000 and less than 233,500 and does not contain a public or private university that had a total enrollment in the most recent fall semester of 40,000 or more.

(3) A landowner seeking streamlined expedited release under this subsection must file with the commission a petition and supporting documentation containing the following information and verified by a notarized affidavit:

(A) a statement that the petition is being submitted under TWC §13.2541 and this subsection;

(B) proof that the tract of land is at least 25 acres in size;

(C) proof that at least part of the tract of land is located in the current CCN holder's certificated service area and at least some of that part is located in a qualifying county;

(D) a statement of facts that demonstrates that the tract of land is not currently receiving service;

(E) copies of deeds demonstrating ownership of the tract of land by the landowner;

(F) proof that a copy of the petition was mailed to the current CCN holder via certified mail on the day that the landowner filed the petition with the commission; and

(G) the mapping information described in subsection (k) of this section.

(4) The presiding officer will determine whether the petition is administratively complete. If the petition is determined not to be administratively complete, the presiding officer will issue an order describing the deficiencies in the petition and setting a deadline for the petitioner to address the deficiencies. When the petition is determined to be administratively complete, the presiding officer will establish a procedural schedule that is consistent with paragraphs (5) and (6) of this subsection. The presiding officer may recommend dismissal of the petition if the petitioner fails to supplement or amend the petition within the required timeframe after the presiding officer has determined that the petition is not administratively complete.

(5) The current CCN holder may file a response to the petition within a timeframe specified by the presiding officer, not to exceed 20 days from the date the petition is determined to be administratively complete. The response must be verified by a notarized affidavit.

(6) The commission will issue a decision on a petition filed under this subsection no later than 60 calendar days after the presiding officer by order determines that the petition is administratively complete. The commission will base its decision on the information filed by the landowner, the current CCN holder, and commission staff. No hearing will be held.

(7) The fact that a current CCN holder is a borrower under a federal loan program is not a bar to the release of a tract of land under this subsection. The CCN holder must not initiate an application to borrow money under a federal loan program after the date the petition is filed until the commission issues a final decision on the petition.

(8) The commission may require an award of compensation by the landowner to the former CCN holder as specified in subsection (i) of this section.

(9) If the commission requires an award of compensation to the former CCN holder, the petitioner must file a report verifying that the full amount of compensation has been paid to the former CCN holder. The report must be filed in the same docket in which compensation was awarded within 30 days of payment of compensation.

(i) Determination of compensation to former CCN holder after streamlined expedited release. The amount of compensation, if any, will be determined after the commission has granted a petition for streamlined expedited release filed under subsection (h) of this section. The amount of compensation, if any, will be decided in the same proceeding as the petition for streamlined expedited release.

(1) If the former CCN holder and landowner have agreed on the amount of compensation to be paid to the former CCN holder, they must make a joint filing with the commission within 70 days after the commission has granted streamlined expedited release. The filing must state the amount of the compensation to be paid.

(2) If the former CCN holder and landowner have not agreed on the compensation to be paid to the former CCN holder, the monetary amount of compensation must be determined by a qualified

individual or firm serving as an independent appraiser under the following procedure.

(A) If the former CCN holder and landowner have agreed on an independent appraiser, the former CCN holder and landowner must make a joint filing with the commission identifying the individual or firm who will be the independent appraiser after the commission grants streamlined expedited release under subsection (h) of this section. The costs of the independent appraiser must be borne by the landowner. The appraiser must file its appraisal with the commission within 70 days after the commission grants streamlined expedited release.

(B) If the former CCN holder and landowner have not agreed on an independent appraiser within ten days after the commission grants streamlined expedited release under subsection (h) of this section, the former CCN holder and landowner must each engage its own appraiser at its own expense. Each appraiser must file its appraisal with the commission within 70 calendar days after the commission grants streamlined expedited release. After receiving the appraisals, the commission will appoint a third appraiser who must make a determination of compensation within 100 days after the date the commission grants streamlined expedited release. The determination by the commission-appointed appraiser may not be less than the lower appraisal or more than the higher appraisal made by the appraisers engaged by the former CCN holder and landowner. The former CCN holder and landowner must each pay half the cost of the commission-appointed appraisal directly to the commission-appointed appraiser.

(C) The appraisers must determine the amount of compensation in accordance with subsection (j) of this section.

(3) The determination of compensation by the agreed-upon appraiser under paragraph (2)(A) of this subsection or the commission-appointed appraiser under paragraph (2)(B) of this subsection is binding on the commission, former CCN holder, and landowner.

(4) If the former CCN holder fails to make a filing with the commission about the amount of agreed compensation, or engage an appraiser, or file an appraisal within the timeframes required by this subsection, the amount of compensation to be paid will be deemed to be zero. If the landowner fails to make a filing with the commission about the amount of agreed compensation, or engage an appraiser, or file an appraisal within the timeframes required by this subsection, the commission will base the amount of compensation to be paid on the appraisal provided by the CCN holder.

(5) The commission will issue an order establishing the amount of compensation to be paid and directing the landowner to pay the compensation to the former CCN holder not later than 60 days after the commission receives the final appraisal.

(6) The landowner must pay the compensation to the former CCN holder not later than 90 days after the date the compensation amount is determined by the commission. The commission will not authorize a prospective retail public utility to serve the removed area until the landowner has paid to the former CCN holder any compensation that is required.

(j) Valuation of real and personal property of the former CCN holder.

(1) The value of real property must be determined according to the standards set forth in chapter 21 of the Texas Property Code governing actions in eminent domain.

(2) The value of personal property must be determined according to this paragraph. The following factors must be used in valuing personal property:

(A) the amount of the former CCN holder's debt allocable to service to the removed area;

(B) the value of the service facilities belonging to the former CCN holder that are located within the removed area;

(C) the amount of any expenditures for planning, design, or construction of the service facilities of the former CCN holder that are allocable to service to the removed area;

(D) the amount of the former CCN holder's contractual obligations allocable to the removed area;

(E) any demonstrated impairment of service or any increase of cost to consumers of the former CCN holder remaining after a CCN revocation or amendment under this section;

(F) the impact on future revenues lost from existing customers;

(G) necessary and reasonable legal expenses and professional fees, including costs incurred to comply with TWC §13.257(r); and

(H) any other relevant factors as determined by the commission.

(k) Mapping information.

(1) For proceedings under subsections (f) or (h) of this section, the following mapping information must be filed with the petition:

(A) a general-location map identifying the tract of land in reference to the nearest county boundary, city, or town;

(B) a detailed map identifying the tract of land in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. If ownership of the tract of land is conveyed by multiple deeds, this map must also identify the location and acreage of land conveyed by each deed; and

(C) one of the following for the tract of land:

(i) a metes-and-bounds survey sealed or embossed by either a licensed state land surveyor or a registered professional land surveyor;

(ii) a recorded plat; or

(iii) digital mapping data in a shapefile (SHP) format georeferenced in either NAD 83 Texas State Plane Coordinate System (US feet) or in NAD 83 Texas Statewide Mapping System (meters). The digital mapping data must include a single, continuous polygon record.

(D) a written and signed attestation confirming that the representative responsible for creating the mapping information has reviewed the commission's online mapping resources on the commission's CCN Mapping Resources webpage, including all video files. The attestation must be in the following format: "I, {name}, serve as {employment title} of {applicant name}. I am responsible for creating mapping information required for this application. Before submitting mapping information in conjunction with the application, I reviewed the mapping resources on the Public Utility Commission's CCN Mapping Resources webpage, including all video files."

(2) Commission staff may request additional mapping information.

(3) All maps must be filed in accordance with §22.71 and §22.72 of this title (relating to Filing of Pleadings, Documents and Other Materials and Formal Requisites of Pleadings and Documents to be filed with the Commission, respectively).

(l) Additional conditions for decertification under subsection (d) of this section.

(1) If the current CCN holder did not agree in writing to a revocation or amendment by decertification under subsection (d) of this section, then an affected retail public utility may request that the revocation or amendment be conditioned on the following:

(A) ordering the prospective retail public utility to provide service to the entire service area of the current CCN holder; and

(B) transferring the entire CCN of the current CCN holder to the prospective retail public utility.

(2) If the commission finds that, as a result of revocation or amendment by decertification under subsection (d) of this section, the current CCN holder will be unable to provide continuous and adequate service at an affordable cost to the current CCN holder's remaining customers, then:

(A) the commission will order the prospective retail public utility to provide continuous and adequate service to the remaining customers at a cost comparable to the cost of that service to the prospective retail public utility's other customers and will establish the terms under which service must be provided; and

(B) the commission may order any of the following terms:

(i) transfer of debt and other contract obligations;

(ii) transfer of real and personal property;

(iii) establishment of interim rates for affected customers during specified times; and

(iv) other provisions necessary for the just and reasonable allocation of assets and liabilities.

(3) The prospective retail public utility must not charge the affected customers any transfer fee or other fee to obtain service, except for the following:

(A) the prospective retail public utility's usual and customary rates for monthly service, or

(B) interim rates set by the commission, if applicable.

(4) If the commission orders the prospective retail public utility to provide service to the entire service area of the current CCN holder, the commission will not order compensation to the current CCN holder, the commission will not make a determination of the amount of compensation to be paid to the current CCN holder, and the prospective retail public utility must not file a notice of intent under subsection (g) of this section.

#### §24.259. *Single Certification in Incorporated or Annexed Areas.*

(a) Applicability. This section applies to a requested area that also meets the following criteria:

(1) the requested area has been incorporated or annexed by a municipality;

(2) a retail public utility provides service to the requested area under a certificate of convenience and necessity (CCN); and

(3) the retail public utility that holds the CCN under which the requested area is currently certificated is one of the following:

(A) a water supply or sewer service corporation, a special utility district under chapter 65 of the Texas Water Code, or a fresh water supply district under chapter 53 of the Texas Water Code; or

(B) not a water supply or sewer service corporation, and its service area is located entirely within the boundaries of a municipality that has a population of at least 1.7 million according to the most recent federal census.

(b) Definitions. In this section, the following words and terms have the definitions provided by this subsection.

(1) Impaired property--Property remaining in the ownership of the current CCN holder after single certification that would sustain damages from or be adversely affected by the transfer of property to the municipality.

(2) Franchised utility--A retail public utility that has been granted a franchise by a municipality to provide service inside the municipal boundaries.

(3) Current CCN holder--The retail public utility that holds a CCN to provide service to the municipality's requested area.

(4) Requested property--Property that the municipality has requested in its application be transferred to it or to a franchised utility from the current CCN holder, which request is solely for application purposes and does not, by itself, effectuate an actual transfer.

(c) Notice of intent to provide service in incorporated or annexed area. A municipality that intends to provide service itself or through a franchised utility to all or part of an annexed or incorporated area must notify the current CCN holder in writing of the municipality's intent. The written notice to the current CCN holder must specify the following information:

- (1) the municipality's requested area;
- (2) any requested property;
- (3) the municipal ordinance or other action that annexed or incorporated the municipality's requested area;
- (4) what kind of service will be provided;
- (5) whether a municipally owned utility or franchised utility will provide the service; and
- (6) the municipally owned utility's or the franchised utility's identity and contact information.

(d) Written agreement regarding service to area. The municipality and the current CCN holder may agree in writing that all or part of the area incorporated or annexed by the municipality may receive service from a municipally owned utility, a franchised utility, or the current CCN holder, or any combination of those entities.

(1) If a franchised utility is to provide service to any part of the area, the franchised utility must also be a party to the agreement.

(2) The executed agreement may provide for single or dual certification of all or part of the area incorporated or annexed by the municipality, for the purchase of facilities or property, and may contain any other terms agreed to by the parties.

(3) The executed agreement must be filed with the commission. The commission must incorporate the agreement's terms into the respective CCNs of the municipality, current CCN holder, and franchised utility, as appropriate.

(e) Application for single certification. If an agreement is not executed within 180 calendar days after the municipality provides written notice under subsection (c) of this section and the municipality intends to provide service to the municipality's requested area, the municipality must submit an application to the commission to grant single certification to a municipally owned utility or a franchised utility.

(1) If a franchised utility will provide service to any part of the municipality's requested area, the franchised utility must join the application.

(2) The application must include all of the information listed in this paragraph.

(A) The application must identify the municipal ordinance or other action that annexed or incorporated the municipality's requested area.

(B) The application must identify the type of service that will be provided to the municipality's requested area.

(C) The application must identify the municipally owned utility or franchised utility that will provide service to the municipality's requested area and, if each will serve part of the area, the area that each will serve.

(D) The application must identify contact information for the current CCN holder.

(E) The application must demonstrate compliance with the TCEQ's minimum requirements for public drinking water systems if the municipality owns a public drinking water system.

(F) The application must demonstrate that at least 180 calendar days have passed since the date that the municipality provided written notice under subsection (c) of this section.

(G) The application must identify with specificity any property that the municipality requests be transferred from the current CCN holder.

(H) The application must identify the boundaries of the municipality's incorporated area or extraterritorial jurisdiction by providing digital-mapping data in a shapefile (SHP) format georeferenced in either NAD 83 Texas State Plane Coordinate System (US feet) or in NAD 83 Texas Statewide Mapping System (meters). The digital mapping data must include a single, continuous polygon record.

(I) The application must identify the municipality's requested area by providing mapping information to clearly identify the area the municipality is seeking in accordance with §24.257 of this title relating to Mapping Requirements for Certificate of Convenience and Necessity Application. Commission staff may request additional mapping information after the application is submitted.

(3) Within 30 calendar days of the filing of the application, commission staff must file a recommendation regarding whether the application meets the requirements of this subsection.

(f) Notices for single-certification application. The applicant must send a copy of the application to the current CCN holder by certified mail or hand-delivery on the same day that the applicant submits the application to the commission.

(g) Response to single-certification application. The current CCN holder must file a response to the application for single certification in conformance with this subsection.

(1) The response must be filed within 40 calendar days of the filing of the application.

(2) The response must state the following information:

(A) whether the single certification is agreed to; and

(B) if there is no agreement for single certification, any conditions that, if met, would cause the current CCN holder to agree to single certification.

(3) In its response, the current CCN holder must identify any impaired property that would result from certification of the municipality's requested area to the municipality.

(4) There is a rebuttable presumption that there is no impaired property if the current CCN holder fails to timely respond as required under paragraph (1) of this subsection. Upon motion and proof of service consistent with the requirements of subsection (f) of this section, the presiding officer may issue an order determining that there is no impaired property.

(h) Referral to SOAH.

(1) Within 50 calendar days of the filing of the application, a presiding officer must determine whether an application for single certification meets the requirements of subsection (e) of this section.

(2) If the presiding officer determines that the application meets the requirements of subsection (e) of this section, the application must be referred to the State Office of Administrative Hearings (SOAH) for a hearing. SOAH must fix a time and place for a hearing on the application and must notify the current CCN holder, municipality, and franchised utility, if any, of the hearing.

(3) Except as provided under paragraph (4) of this subsection, if the presiding officer determines that the application does not meet the requirements of subsection (e) of this section, the applicant must supplement its application to correct the identified deficiencies within a timeframe, and under a process, established by the presiding officer.

(4) The application must be denied if the municipality fails to demonstrate compliance with the TCEQ's minimum requirements for public drinking water systems. This paragraph does not apply to a municipality that does not own a public drinking water system.

(i) Hearing at SOAH.

(1) The hearing at SOAH must be limited to determining what property, if any, is impaired property or requested property.

(2) The current CCN holder bears the burden of proof to demonstrate what property is impaired property.

(3) The requested property must be limited to the specific property identified in the application.

(4) The SOAH administrative law judge must issue a proposal for decision for the commission's consideration.

(j) Interim order. The commission must issue an interim order identifying what property, if any, is impaired property or requested property.

(k) Administrative Completeness. Section 24.8 of this title relating to Administrative Completeness does not apply to the determination of administrative completeness under this section. After the commission has issued its interim order under subsection (j) of this section, a presiding officer must determine whether the application for single certification is administratively complete and must establish a procedural schedule that will allow total compensation for any property identified in the interim order to be determined not later than 90 calendar days after the application is determined to be administratively complete.

(l) Valuation of real property. The value of real property that the commission identified in the interim order issued under subsection (j) of this section must be determined according to the standards set forth in Texas Property Code, chapter 21, governing actions in eminent domain.

(m) Valuation of personal property. The value of personal property that the commission identified in the interim order issued under subsection (j) of this section must be determined according to this subsection.

(1) This subsection is intended to ensure that the compensation to a current CCN holder is just and adequate as provided by these rules.

(2) The following factors must be used to value personal property that the commission identified in the interim order issued under subsection (j) of this section:

(A) the impact on the current CCN holder's existing indebtedness and the current CCN holder's ability to repay that debt;

(B) the value of the current CCN holder's service facilities located within the municipality's requested area;

(C) the amount of any expenditures for planning, design, or construction of service facilities outside the incorporated or annexed area that are allocable to service to the municipality's requested area;

(D) the amount of the current CCN holder's contractual obligations allocable to the municipality's requested area;

(E) any demonstrated impairment of service or increase of cost to the current CCN holder's customers that remain after the single certification;

(F) the impact on future revenues lost from existing customers;

(G) necessary and reasonable legal expenses and professional fees;

(H) factors relevant to maintaining the current financial integrity of the current CCN holder; and

(I) other relevant factors as determined by the commission.

(n) Valuation Process.

(1) For an area incorporated by a municipality, the valuation of property that the commission identified in the interim order issued under subsection (j) of this section must be determined by a qualified individual or firm serving as an independent appraiser. The independent appraiser must be limited to appraising the property that the commission identified in the interim order issued under subsection (j) of this section. The current CCN holder must select the independent appraiser by the 21st calendar day after the date of the order determining that the application is administratively complete. The municipality must pay the independent appraiser's costs. The independent appraiser must file its appraisal with the commission by the 70th calendar day after the date of the order determining that the application is administratively complete. The valuation of property under this paragraph is binding on the commission.

(2) For an area annexed by a municipality, the valuation of property that the commission identified in the interim order issued under subsection (j) of this section must be determined by one or more independent appraisers under the process set forth in this paragraph. All independent appraisers must be limited to appraising the property that the commission identified in the interim order issued under subsection (j) of this section. All independent appraisers must be qualified individuals or firms.

(A) If the current CCN holder and the municipality can agree on an independent appraiser within ten calendar days after the application is found administratively complete, the agreed-upon inde-

pendent appraiser must make a valuation of the property that the commission identified in the interim order issued under subsection (j) of this section.

(i) The agreed-upon independent appraiser must file its appraisal with the commission by the 70th calendar day after the date of the order determining that the application is administratively complete.

(ii) A valuation of property under this subparagraph is binding on the commission.

(B) If the current CCN holder and the municipality cannot agree on an independent appraiser within ten calendar days after the application is found administratively complete, the municipality must notify the serving CCN holder in writing of the failure to agree.

(i) If the parties still cannot agree within 11 calendar days of the written notification, on the 11th day, the current CCN holder and the municipality must each file with the commission a letter appointing a qualified individual or firm to serve as an independent appraiser.

(I) Within 10 business days of their appointment, the independent appraisers must meet to reach an agreed valuation of property that the commission identified in the interim order issued under subsection (j) of this section.

(II) If the independent appraisers reach an agreed valuation of property, the agreed valuation under this subclause is binding on the commission.

(ii) If the appraisers cannot agree on a valuation before the 16th business day after the date of their first meeting under this subsection, then both parties must file separate appraisals by that date, and either the current CCN holder or the municipality must petition the commission to appoint a third appraiser to reconcile the two appraisals.

(I) The commission may delegate authority to appoint the third appraiser.

(II) The third appraiser must file an appraisal that reconciles the two other appraisals by the 80th calendar day after the application is found administratively complete.

(III) The third appraiser's valuation may not be less than the lower or more than the higher of the two original appraisals filed under subparagraph (B)(ii) of this paragraph.

(IV) A valuation of property under this clause is binding on the commission.

(C) The current CCN holder and the municipality must each pay one-half of the costs of all of the appraisers appointed under this paragraph. Payment must be made directly to the appraisers, and proofs of payment must be separately filed by the current CCN holder and the prospective retail public utility within 30 calendar days of the date of the invoice.

(o) Action after receipt of appraisals.

(1) An order incorporating the valuation determined under subsection (n) of this section must be issued by the 90th calendar day after the application is found administratively complete.

(2) The commission must deny the application if the municipality fails to demonstrate compliance with the TCEQ's minimum requirements for public drinking water systems. This paragraph does not apply to a municipality that does not own a public drinking water system.

(3) If the commission does not deny the application, the commission must do the following:

(A) determine what property, if any, is impaired property or requested property;

(B) determine the monetary amount that is adequate and just to compensate the current CCN holder for any such impaired property and requested property;

(C) require the municipality or franchised utility to file a report verifying that the full amount of just and adequate compensation has been paid to the former retail public utility. The report must be filed in the same docket in which compensation was awarded within 30 days of payment of compensation; and

(D) grant single certification to the municipality or franchised utility.

(4) The granting of single certification must be effective on the date that:

(A) the municipality or franchised utility pays adequate and just compensation under a court order;

(B) the municipality or franchised utility pays an amount into the registry of the court or to the current CCN holder under TWC §13.255(f); or

(C) the Travis County district court's judgment becomes final, if the court's judgment provides that the current CCN holder is not entitled to any compensation.

(5) The commission's order does not transfer any property, except as provided under subsection (u) of this section. Any other transfer of property under this section must be obtained only by a court judgment rendered under TWC §13.255(d) or (e).

(6) A presiding officer may issue an order under this section. Any such order must be the final act of the commission subject to motions for rehearing under the commission's rules.

(p) Appeal to the commission, district court, district court judgment, and transfer of property.

(1) A retail public utility that is aggrieved by the final order of the commission may file an appeal with the commission in a separate hearing within 7 days after the final order is issued. A retail public utility must file an appeal with the commission before filing an appeal with the district court.

(2) Under TWC §13.255(e), any party that is aggrieved by a final order of the commission under this section may file an appeal with the district court of Travis County within 30 days after the order becomes final.

(3) Under TWC §13.255(d), if the commission's final order is not appealed within 30 days, the municipality may request the Travis County district court to enter a judgment consistent with the commission's order.

(q) Withdrawal of application for single certification. A municipality or a franchised utility may withdraw an application for single certification without prejudice at any time before a court judgment becomes final, provided that the municipality or the franchised utility has not taken physical possession of property owned by the current CCN holder or made payment for the right to take physical possession under TWC § 13.255(f).

(r) Additional requirements regarding certain current CCN holders. The following subsection applies to proceedings under

this section in which the current CCN holder meets the criteria of subsection (a)(3)(B) of this section.

(1) The commission or a court, as appropriate, must determine that the service provided by the current CCN holder is standard or its rates are unreasonable in view of the current CCN holder's reasonable expenses.

(2) If the municipality abandons its application, the commission is authorized to award to the current CCN holder its reasonable expenses incurred to participate in the proceeding addressing the municipality's application, including attorney's fees.

(3) Unless the current CCN holder otherwise agrees, the municipality must take all of the current CCN holder's personal and real property that is used and useful to provide service or is eligible to be deemed so in a future rate case.

(s) Notice of single certification. Within 60 days of a transfer of property under a court judgment, the municipality or franchised utility must provide written notice to each customer within the service area that is now singly certificated. The written notice must provide the following information: the identity of the municipality or franchised utility, the reason for the transfer, the rates to be charged by the municipality or franchised utility, and the effective date of those rates.

(t) Provision of service.

(1) A municipally owned utility or a franchised utility may provide service to all or a portion of an incorporated or annexed area on one of the following dates:

(A) the date that the commission incorporates the terms of an executed agreement filed with the commission under subsection (d)(3) of this section into the CCNs of the municipality, current CCN holder, and franchised utility, if applicable; or

(B) the date that the municipality or franchised utility:

(i) pays adequate and just compensation under court order, or

(ii) pays an amount into the registry of the court or to the current CCN holder under TWC §13.255(f).

(2) If the court judgment provides that the current CCN holder is not entitled to any compensation, the grant of single certification must go into effect when the court judgment becomes final.

(u) Additional conditions.

(1) If the current CCN holder did not agree in writing to a revocation or amendment sought under this section, then an affected retail public utility may request that the revocation or amendment be conditioned on the following:

(A) ordering the municipality or franchised utility, as applicable, to provide service to the entire service area of the current CCN holder; and

(B) transferring the entire CCN of the current CCN holder to the municipality or franchised utility, as applicable.

(2) The commission must order the municipality or franchised utility, as applicable, to provide service to the entire service area of the current CCN holder if the commission finds that the current CCN holder will be unable to provide continuous and adequate service at an affordable cost to the current CCN holder's remaining customers.

(A) The commission must order the municipality or franchised utility, as applicable, to provide continuous and adequate service to the remaining customers at a cost comparable to the cost of

that service to the municipality's or franchised utility's other customers and must establish the terms under which service must be provided.

(B) The commission may order the following terms:

(i) transfer of debt and other contract obligations;

(ii) transfer of real and personal property;

(iii) establishment of interim service rates for affected customers during specified times; and

(iv) other provisions necessary for the just and reasonable allocation of assets and liabilities.

(3) The municipality or franchised utility, as applicable, must not charge the affected customers any transfer fee or other fee to obtain service, except:

(A) the municipality's or franchised utility's usual and customary rates for monthly service, or

(B) interim rates set by the commission, if applicable.

(4) If the commission orders the municipality or franchised utility, as applicable, to provide service to the entire service area of the current CCN holder, the proceeding must not be referred to SOAH for a hearing to determine the impaired property or requested property, and the commission must not order compensation to the current CCN holder.

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 29, 2026.

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For further information, please call: (512) 936-7044



## TITLE 19. EDUCATION

### PART 2. TEXAS EDUCATION AGENCY

#### CHAPTER 61. SCHOOL DISTRICTS

##### SUBCHAPTER A. BOARD OF TRUSTEES

##### RELATIONSHIP

##### 19 TAC §61.4

The State Board of Education (SBOE) adopts new §61.4, concerning school district boards of trustees. The new section is adopted without changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1231) and will not be republished. The new section reflects changes made by Senate Bill (SB) 204, 89th Texas Legislature, 2025, to the SBOE's duty to provide training courses for independent school district trustees.

REASONED JUSTIFICATION: Texas Education Code (TEC), §11.159, Member Training and Orientation, requires the SBOE to provide a training course for school board trustees. Chapter 61, School Districts, Subchapter A, Board of Trustees Rela-

tionship, most recently amended effective August 25, 2025, addresses this statutory requirement. School board trustee training under current SBOE rule includes a local school district orientation session; a basic orientation to the TEC; an annual team-building session with the local school board and the superintendent; additional hours of continuing education based on identified needs; training on evaluating student academic performance; training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children; and training on school safety.

In November 2025, the committee discussed both an outline of the parental rights training curriculum and the new rule regarding the training. The committee also held a public hearing regarding the training curriculum.

The adopted new rule establishes the purpose of the training, specifies the timeline and number of hours required for training based on a board member's length of service, and requires that school districts maintain verification of training completion for each school board member.

The SBOE approved the new section for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its April 10, 2026 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the new section for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2026-2027 school year. The earlier effective date will ensure that school districts and charter schools can adopt the revisions as soon as possible. The effective date is 20 days after filing as adopted with the *Texas Register*.

**SUMMARY OF COMMENTS AND RESPONSES:** The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

**Comment.** A school board trustee commented on Texas Education Agency (TEA)-approved training providers teaching districts how to circumvent state law and expressed concern that this training would be used to teach how to circumvent parental rights, with an outcome of fewer parental rights. The commenter also requested less required training for trustees.

**Response.** The SBOE disagrees that this training, created by the SBOE with the assistance of TEA, will circumvent parental rights. Rather, this training is designed to support and ensure parental rights are maintained by school board members. Training organizations will not deliver this training; it will be administered through the TEA Learn platform.

**Comment.** A Texas community member argued that parents are divinely granted primary authority and responsibility for their children's success, while schools should focus on teaching content and allow students to face consequences earned through their own behavior. The commenter criticized public education policies for blurring responsibility, limiting parental accountability in discipline and engagement, and enabling disruptive behaviors that harm learning. The commenter also contended that school boards overstep their role by interfering with parental rights, failing to uphold constitutional principles, and reducing transparency and accountability to citizens and taxpayers.

**Response.** The SBOE agrees that parents are the primary authority for their children. The SBOE disagrees that the parental rights training for school board trustees blurs the lines of responsibility; rather, the training is designed with the intention to educate school board trustees to support parental rights.

**Comment.** A citizen stated that requiring five hours of training for new board members is excessive compared to other mandated trainings, which only require three hours. For consistency across requirements, the commenter concluded that three hours of training would be sufficient.

**Response.** The SBOE disagrees, as the scope of the material determines the amount of time required to adequately cover the training content. While the initial training will require more hours to ensure a comprehensive understanding of parental rights, the number of required hours will be reduced in subsequent years.

**Comment.** A school board trustee commented that school board trustees already face extensive training requirements, among the highest for elected officials in the state. The commenter argued that an additional three to five hours of training on parental rights is excessive given trustees' oversight role, existing legal compliance mechanisms, and current training on the TEC. The commenter recommended reducing the requirement, integrating it into existing training, or allowing experienced trustees to test out of repeated coursework.

**Response.** The SBOE disagrees, as the scope of the material determines the amount of time required to adequately cover the training content. While the initial training will require more hours to ensure a comprehensive understanding of parental rights, the number of required hours will be reduced in subsequent years.

**STATUTORY AUTHORITY.** The new section is adopted under Texas Education Code, §11.159(b-2), as added by Senate Bill 204, 89th Texas Legislature, Regular Session, 2025, which obligates the State Board of Education (SBOE) to require trustees to complete training on parental rights. The statute also requires the SBOE, with assistance from the Texas Education Agency, to develop the curriculum and materials for the training by April 1, 2026.

**CROSS REFERENCE TO STATUTE.** The new section implements Texas Education Code, §11.159(b-2), as added by Senate Bill 204, 89th Texas Legislature, Regular Session, 2025.

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 22, 2026.

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For further information, please call: (512) 475-1497



## CHAPTER 74. CURRICULUM REQUIREMENTS

### SUBCHAPTER A. REQUIRED CURRICULUM

#### 19 TAC §74.4

The State Board of Education (SBOE) adopts the repeal of §74.4, concerning English Language Proficiency Standards (ELPS). The repeal is adopted without changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1233) and will not be republished. The adopted repeal removes the ELPS for Kindergarten-Grade 12 in §74.4 that will be superseded by 19 TAC §120.20, English Language Proficiency Standards, Kindergarten-Grade 3, Adopted 2024, and §120.21, English Language Proficiency Standards, Grades 4-12, Adopted 2024, beginning with the 2026-2027 school year.

**REASONED JUSTIFICATION:** In 1998, standards for English as a second language (ESL) for students in Kindergarten-Grade 12 were adopted as part of 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language. In a subsequent Title III monitoring visit, the U.S. Department of Education (USDE) indicated that there was insufficient evidence demonstrating that the ESL standards outlined in 19 TAC Chapter 128 were aligned to state academic content and achievement standards in mathematics, as required by the No Child Left Behind Act (NCLB), §2113(b)(2). In November 2007, the SBOE adopted the ELPS as part of 19 TAC Chapter 74, Curriculum Requirements, to comply with NCLB requirements. The adopted ELPS in §74.4 clarified that state standards in English language acquisition must be implemented as an integral part of the instruction in each foundation and enrichment subject. Additionally, English language proficiency levels of beginning, intermediate, advanced, and advanced high in the domains of listening, speaking, reading, and writing were established as part of the ELPS, as required by NCLB. The superseded second language acquisition standards in 19 TAC Chapter 128 were also repealed in September 2008 during the process of revising the Texas Essential Knowledge and Skills (TEKS) in 19 TAC Chapters 110 and 128.

The SBOE began review and revision of the ELPS in 2019, in accordance with the SBOE's approved TEKS and instructional materials review schedule. Applications to serve on ELPS review work groups were posted on the Texas Education Agency (TEA) website in December 2018, and TEA distributed a survey to collect information from educators regarding the current ELPS. Work groups were convened in March, May, August, September, and October 2019. In September 2019, the USDE indicated that Texas only partially met the requirements of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, and requested additional evidence that the ELPS are aligned to the state's academic content standards and contain language proficiency expectations needed for emergent bilingual students to demonstrate achievement of the state academic standards appropriate to each grade level/grade band in at least reading language arts, mathematics, and science.

In response to feedback from work group members and the USDE, TEA staff convened a panel of experts in second language acquisition from Texas institutions of higher education to complete an analysis of the work group recommendations and current research on English language acquisition. Based on the panel's findings and direction from the SBOE, TEA executed personal services contracts with the panel members and a representative of an education service center to prepare a draft of revisions to the ELPS. Text of the draft ELPS completed by the expert panel was presented to the SBOE at the June 2023 SBOE meeting.

Applications to serve on the 2023-2024 ELPS review work groups were collected by TEA from June 2023 through January 2024. TEA staff provided SBOE members with applications for approval to serve on ELPS work groups in July, September, and December 2023 and January 2024. ELPS review work groups were convened in August, September, and November 2023 and March 2024 with the charge of reviewing and revising the expert panel's draft. In April 2024, the SBOE held a discussion item on the proposed new ELPS, and in May and June 2024, TEA convened a final work group to complete the recommendations for the new ELPS.

In September 2024, the SBOE adopted new ELPS for implementation in the 2026-2027 school year to ensure the standards are current and comply with federal requirements. The adopted repeal removes the ELPS in §74.4 that will be superseded by the new ELPS in 19 TAC §120.20 and §120.21 beginning with the 2026-2027 school year.

The SBOE approved the repeal for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its April 10, 2026 meeting contingent upon approval by the Committee on Instruction within 60 days. The Committee on Instruction held a special-called meeting on April 21, 2026, and approved the repeal.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the repeal for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2026-2027 school year. The earlier effective date will remove the ELPS and related implementation language that will be superseded by 19 TAC §120.20 and §120.21 beginning with the 2026-2027 school year to avoid confusion. The effective date is August 1, 2026.

**SUMMARY OF COMMENTS AND RESPONSES:** The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. No public comments were received.

**STATUTORY AUTHORITY.** The repeal is adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §29.051, which establishes bilingual education and special language programs in public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

**CROSS REFERENCE TO STATUTE.** The repeal implements Texas Education Code, §§7.102(c)(4), 28.002(a), and 29.051.

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 22, 2026.

TRD-202602160

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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Proposal publication date: February 27, 2026

For further information, please call: (512) 475-1497

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## SUBCHAPTER B. GRADUATION REQUIREMENTS

### 19 TAC §74.14

The State Board of Education (SBOE) adopts an amendment to §74.14, concerning performance acknowledgments. The amendment is adopted without changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1241) and will not be republished. The adopted amendment updates the minimum score required for a performance acknowledgement on the SAT, aligns language related to ACT with language related to SAT, and adds the Classic Learning Test® and Preliminary SAT (PSAT) 10 to appropriate performance acknowledgments.

**REASONED JUSTIFICATION:** The SBOE adopted rules in 19 TAC Chapter 74, Subchapter B, to implement the Foundation High School Program effective July 8, 2014. In April 2018, the SBOE adopted an amendment to update the number of subject tests on the ACT Aspire™ examination that are required to earn a performance acknowledgement and to update the qualifying score on the SAT exam to a single composite score of 1350. The committee was recently made aware that the amended language that was adopted in 2018 for SAT and ACT is inconsistent.

At the January 2026 meeting, the College Board presented public testimony to the Committee on Instruction with information from concordance tables developed and approved by the College Board and ACT. The ACT-SAT concordance tables indicate that an SAT score of 1340 should be used as the equivalent to an ACT score of 29 when a single SAT score is needed. It was also brought to the committee's attention that the PSAT™ 10 has more flexible testing windows but is otherwise the same exam as the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT)®.

The adoption corrects the inconsistency in references to SAT and ACT, updates the minimum score required for a performance acknowledgement on the SAT from 1350 to 1340, and adds the Classic Learning Test® and PSAT 10 to appropriate performance acknowledgments.

The SBOE approved the amendment for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its April 10, 2026 meeting contingent upon approval by the Committee on Instruction within 60 days. The Committee on Instruction held a special-called meeting on April 21, 2026, and approved the amendment.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the amendment for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2026-2027 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year. The effective date is August 1, 2026.

**SUMMARY OF COMMENTS AND RESPONSES:** The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

**Comment.** One counselor and one out-of-state individual expressed support for adding PSAT 10 as an eligible assessment for a performance acknowledgment.

**Response.** The SBOE agrees and took action to approve the amendment to add PSAT 10 to the eligible assessments for a performance acknowledgment as proposed.

**Comment.** One out-of-state individual expressed support for updating the qualifying SAT score from 1350 to 1340 to ensure fairness and consistency across assessments in alignment with the ACT-SAT concordance tables.

**Response.** The SBOE agrees and took action to approve the amendment to update the qualifying SAT score to 1340 as proposed.

**STATUTORY AUTHORITY.** The amendment is adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; and TEC, §28.025(c-5), which requires the SBOE to adopt rules permitting a student to earn a performance acknowledgement on the student's transcript for outstanding performance in a dual credit course; in bilingualism and biliteracy; on a college advanced placement test or international baccalaureate examination; on an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; on an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or for earning a state recognized or nationally or internationally recognized business or industry certification or license.

**CROSS REFERENCE TO STATUTE.** The amendment implements Texas Education Code, §7.102(c)(4) and §28.025(c-5).

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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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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## CHAPTER 89. ADAPTATIONS FOR SPECIAL POPULATIONS

### SUBCHAPTER AA. COMMISSIONER'S RULES CONCERNING SPECIAL EDUCATION SERVICES

#### DIVISION 7. DISPUTE RESOLUTION

##### 19 TAC §§89.1150, 89.1175, 89.1195, 89.1197

The Texas Education Agency (TEA) adopts amendments to §§89.1150, 89.1175, 89.1195, and 89.1197, concerning special education services. The amendments to §§89.1150, 89.1175,

and 89.1195 are adopted without changes to the proposed text as published in the January 23, 2026 issue of the *Texas Register* (51 TexReg 375) and will not be republished. The amendment to §89.1197 is adopted with changes to the proposed text as published in the January 23, 2026 issue of the *Texas Register* (51 TexReg 375) and will be republished. The adopted amendments clarify program practices and requirements relating to dispute resolution in accordance with House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025.

**REASONED JUSTIFICATION:** Section 89.1150 establishes general provisions for special education dispute resolution. The adopted amendment adds new subsection (b) to inform parents and school districts that TEA may share student-level information with an outside entity in accordance with the Family Educational Rights and Privacy Act for the purposes of facilitating local resolution of disputes related to special education.

Section 89.1175 establishes representation in special education due process hearings. The adopted amendment adds new subsection (d)(2) to establish a requirement for the non-attorney representative to have knowledge of all special education dispute resolution options available to parents to align with HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025. An adopted amendment to the figure in subsection (c) reflects the new requirement for alignment.

Section 89.1195 establishes provisions for special education complaint resolution. After careful consideration and a targeted focus on assisting school systems and families with preventing and resolving disagreements at the earliest stage possible, TEA is adopting the repeal of language that authorized a party to request a reconsideration process if the party felt that the agency made an error that was material to its decision or was incorrect in its determination. A reconsideration process is not required under federal or state law. Given the narrow scope of the reconsideration process and the absence of a legal requirement, the agency has determined that students' best interests are better served by prioritizing timely, consistent resolution of complaints through comprehensive, thorough, and accurate investigations and investigative reports.

The adopted amendment to §89.1197 updates the section title to align with HB 2 and SB 568. Further adopted changes to subsections (c) and (f)(2) allow statewide individualized education program (IEP) facilitation to be used prior to a potential dispute and when a dispute has arisen related to the provision of free and appropriate public education (FAPE). These changes align the rule with HB 2 and SB 568. Adopted updates to subsection (f) and (f)(3) provide clarity to school districts and parents regarding the process and timeline for when a request for a state-appointed facilitator must be filed. The timeline in subsection (f)(3) has been revised at adoption from ten calendar days to ten school days based on public comment.

**SUMMARY OF COMMENTS AND AGENCY RESPONSES:** The public comment period on the proposal began January 23, 2026, and ended February 23, 2026, and included public hearings on February 12 and 13, 2026. Following is a summary of public comments received and agency responses.

#### *§89.1150, General Provisions*

**Comment:** The Texas Association of School Boards (TASB) requested clarification regarding whether the agency intends to provide additional notice when student-level information may be

shared under proposed new §89.1150(b) in accordance with the Family Educational Rights and Privacy Act (FERPA).

**Response:** The agency provides the following clarification. Proposed new §89.1150(b) is intended to inform parties that the agency may share student-level information in accordance and in compliance with FERPA for purposes of facilitating local resolution of disputes. The agency does not intend to establish additional notice requirements beyond those provided in the rule text and applicable federal law.

**Comment:** The Texas School Alliance (TSA) commented in support of proposed new subsection (b), stating that transparent notice regarding information sharing promotes efficient dispute resolution.

**Response:** The agency agrees.

#### *§89.1175, Representation in Special Education Due Process Hearings*

**Comment:** TASB requested clarification on how the requirement that non-attorney representatives have knowledge of all special education dispute resolutions would be operationalized and enforced, including whether compliance would need to be required beyond the form adopted in subsection (c). TASB also requested clarification regarding the authority and role of hearing officers in assessing or enforcing this requirement.

**Response:** The agency clarifies that the requirement is met through the documentation referenced in §89.1175(c) and does not expand hearing officers' authority beyond their existing jurisdiction under current law.

**Comment:** TSA commented in support of the proposed requirement in §89.1175(d)(2), stating that ensuring non-attorney representatives are knowledgeable about dispute resolution options would enhance the effectiveness and professionalism of the due process resolution system.

**Response:** The agency agrees.

**Comment:** The Texas Council of Administrators of Special Education (TCASE) commented in support of the proposed addition of §89.1175(d)(2), stating it would improve informed parent representation and promote earlier collaboration between parents and districts to resolve disputes.

**Response:** The agency agrees.

#### *§89.1195, Special Education Complaint Resolution*

**Comment:** TCASE recommended amending §89.1195(b) to require that complaints involving a specific student be forwarded to the student's parent, guardian, or court-appointed special education advocate.

**Response:** The agency disagrees. The recommended amendment would place an additional requirement for filing a special education complaint that would be inconsistent with 34 CFR, §§300.151-300.153.

**Comment:** TCASE commented that §89.1195(e) does not provide districts with a meaningful opportunity to respond early in the complaint process and recommended clarifying that districts may communicate TEA earlier, propose resolutions, and receive recognition for voluntary correction.

**Response:** The agency disagrees. During the investigation timeline, parties may pursue early or local resolution options described in the complaint notices, and if a local education agency (LEA) corrects any noncompliance and submits documentation

before issuance of the investigative report, the agency may choose not to issue a finding.

Comment: Seventeen individuals, Austin Independent School District (ISD), Richardson ISD, Lovejoy ISD, Caddo Mills ISD, Lubbock-Cooper ISD, Denton ISD, Plano ISD, Frisco ISD, Arlington ISD, Northwest ISD, Orenda Charter Schools, Disability Rights Texas (DRTx), TCASE, TASB, TSA, and legal counsel at Walsh Gallegos Kyle Robinson & De Los Santos, P.C. disagreed with the proposed deletion of §89.1195(f) and (j). Each commenter raised at least one concern that the reconsideration process serves as an important procedural safeguard, allows correction of factual or legal errors, supports accurate determinations, promotes fairness and public confidence, or that eliminating the reconsideration process could result in inaccurate findings, unnecessary corrective actions, or increased escalation to other dispute resolution processes.

Response: The agency disagrees. A separate reconsideration process is not required by state or federal law, and eliminating reconsideration supports timely and consistent resolution of complaints. Parties may submit information during the investigation, and parents and public education agencies retain access to other procedural safeguards, including mediation and due process.

Comment: Three individuals, Austin ISD, Richardson ISD, Lovejoy ISD, Caddo Mills ISD, Denton ISD, Frisco ISD, Arlington ISD, Orenda Charter Schools, TASB, and legal counsel at Walsh Gallegos Kyle Robinson & De Los Santos, P.C. raised at least one concern that special education complaint investigations rely heavily on investigator-requested documentation and may overlook relevant records not specifically requested, increasing the risk of inaccurate findings, and identified the reconsideration process as one mechanism for submitting additional documentation or clarifying evidence to correct factual or legal errors before findings become final.

Response: The agency disagrees. Investigative reports are considered final, and parties are not limited in terms of what documentation they may submit for consideration during an investigation. While the agency requests documentation for an investigation based on the allegations raised in the complaint, LEAs and complainants may submit any documentation they want the agency to review. Complaint notices inform parties of their opportunity to submit additional information, orally or in writing, and LEAs are informed that they may provide a written response and any documentation that may assist the investigation.

Comment: Two individuals, Arlington ISD, Richardson ISD, Austin ISD, and Denton ISD disagreed with the removal of the reconsideration process for complaint determinations, stating that incorrect findings may result in resource-intensive corrective action plans and the implementation of unnecessary or inconsistent actions that divert time and resources away from affected students.

Response: The agency disagrees that a reconsideration process is necessary. Parties may submit any information during the investigation, and corrective actions are limited to addressing identified noncompliance. The agency monitors corrective action to ensure consistency with state and federal law while supporting timely resolution of complaints.

Comment: One individual, Richardson ISD, Caddo Mills ISD, Denton ISD, Frisco ISD, Northwest ISD, and legal counsel at Walsh Gallegos Kyle Robinson & De Los Santos, P.C. commented that eliminating the reconsideration process would remove an efficient, low-cost administrative process for correcting

error and could increase escalation to more formal dispute resolution processes, increasing costs and resource demands.

Response: The agency disagrees. A separate reconsideration process is not required by state or federal law. Eliminating reconsideration supports timely and consistent resolution of special education complaints and allows the agency to focus resources on conducting comprehensive, thorough, and accurate investigations. Parents and public education agencies retain access to other procedural safeguards, including mediation, TEA-assisted resolution, and due process, consistent with state and federal law.

Comment: Two individuals and Arlington ISD disagreed with the proposed deletion of §89.1195(j), arguing that eliminating the appeal mechanism would allow incorrect findings and legally erroneous corrective actions to stand. The commenters cited recent reversals involving independent educational evaluation rights and evaluation timelines as evidence that oversight is necessary to prevent unlawful, systemwide policy changes and inconsistent guidance.

Response: The agency disagrees and clarifies that removing §89.1195(j) will not result in incorrect findings or unlawful corrective actions, as the agency maintains processes to ensure consistency and compliance with state and federal law.

Comment: Four individuals, Caddo Mills ISD, and Denton ISD questioned whether eliminating the reconsideration process is required to align with SB 568 or HB 2, noting that removal is not mandated by statute and reflects a policy choice.

Response: The agency provides the following clarification. Eliminating reconsideration is a policy determination within the agency's authority, as reconsideration is not required by state or federal law. The agency supports timely and final complaint resolution while maintaining required procedural safeguards.

Comment: TCASE requested clarification on whether Education Freedom Account IEP requirements in Texas Education Code (TEC), §29.3615(c) and (d), are subject to the state special education complaint process and recommended that TEC, Chapter 29, Subchapter J, be addressed separately from existing special education regulations.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: One individual, Denton ISD, TCASE, and TASB opposed eliminating reconsideration and recommended retaining the process with limitations or clarifications, such as restricting requests to significant errors or establishing procedural parameters. DRTx similarly commented recommending improving understanding of the grounds for reconsideration rather than eliminating the process.

Response: The agency disagrees. A separate reconsideration process or separate administrative review process is not required by state or federal law, and eliminating reconsideration supports timely and consistent complaint resolution while preserving existing procedural safeguards.

#### *§89.1197, State Individualized Education Program Facilitation*

Comment: Three individuals, Arlington ISD, DRTx, TCASE, and TSA commented in support of expanding the TEA IEP Facilitation Program under §89.1197(c) and (f), stating that earlier access to TEA-facilitated admission, review, and dismissal (ARD) meetings may help resolve disputes related to FAPE and pre-

vent escalation. TSA further supported a statewide IEP facilitation framework with clear procedures and timelines.

Response: The agency agrees.

Comment: Three individuals and Arlington ISD recommended revising §89.1197(f)(3) to change the timeline for requesting ARD facilitation from 10 calendar days to ten school days, stating that aligning the timeline with the 10-school-day period for scheduling a disagreement ARD under §89.1055(p)(1) would promote consistency, improve scheduling feasibility, and prevent timelines from tolling during school breaks when ARD committee meetings are not held.

Response: The agency agrees and has updated §89.1197(f)(3) at adoption to specify a timeline of 10 school days to request IEP facilitation.

**STATUTORY AUTHORITY.** The amendments are adopted under Texas Education Code (TEC), §29.001, which requires the agency to develop and modify as necessary a statewide plan for the delivery of services to children with disabilities that ensures the availability of a free appropriate public education to children between the ages of 3-21; TEC, §29.010, which establishes criteria for general supervision and compliance; TEC, §29.019, which establishes criteria for individualized education program (IEP) facilitation; TEC, §29.020, as amended by House Bill (HB) 2 and Senate Bill (SB) 568, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for state-administered IEP facilitation; TEC, §29.0162, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for representation in a special education due process hearing; 34 Code of Federal Regulations (CFR), §300.149, which establishes the state educational agency responsibility for general supervision; 34 CFR, §300.151, which establishes the criteria for the adoption of state complaint procedures; 34 CFR, §300.152, which establishes the criteria for minimum state complaint procedures; 34 CFR, §300.153, which establishes the criteria for filing a complaint; 34 CFR, §300.504, which establishes the criteria for procedural safeguards notice; 34 CFR, §300.512, which establishes hearing rights; and 34 CFR, §300.600, which establishes criteria for state monitoring and enforcement.

**CROSS REFERENCE TO STATUTE.** The amendments implement Texas Education Code, §§29.001, 29.010, and 29.019; §29.020 and §29.0162, as amended by House Bill 2 and Senate Bill 568, 89th Texas Legislature, Regular Session, 2025; and §29.0162; and 34 Code of Federal Regulations, §§300.149, 300.151, 300.152, 300.153, 300.504, 300.512, and 300.600.

*§89.1197. State-Administered Individualized Education Program Facilitation.*

(a) In accordance with Texas Education Code, §29.020, the Texas Education Agency (TEA) will establish a program that provides independent individualized education program (IEP) facilitators.

(b) For purposes of this section, where TEA is referenced in subsections (c)-(p) of this section and where not otherwise prohibited by law, TEA may delegate duties and responsibilities to an education service center (ESC) when it is determined to be the most efficient way to implement the program.

(c) For the purpose of this section, IEP facilitation has the same general meaning as described in §89.1196(a) of this title (relating to Individualized Education Program Facilitation), except that state IEP facilitation may be utilized by a school district and a parent of a student with a disability to avoid a potential dispute relating to the pro-

vision of a free and appropriate public education (FAPE) or when the admission, review, and dismissal (ARD) committee meeting has ended in disagreement about decisions relating to the provision of FAPE to a student with a disability and the facilitator is an independent facilitator provided by TEA.

(d) A request for IEP facilitation under this section must be filed by completing a form developed by TEA that is available upon request from TEA and on the TEA website. The form must be filed with TEA by one of the parties by electronic mail, mail, hand-delivery, or facsimile.

(e) IEP facilitation under this section must be voluntary on the part of the parties and provided at no cost to the parties.

(f) In order for TEA to provide an independent facilitator, the request must be submitted jointly by a school district and a parent of a student with a disability, and the following conditions must be met.

(1) The required form must be completed and signed by both parties.

(2) The parties believe that a state-appointed IEP facilitator may assist in avoiding a potential dispute relating to the provision of FAPE or an ARD committee meeting has ended in disagreement regarding the provision of FAPE and the committee has agreed to recess and reconvene the meeting in accordance with §89.1055(o) of this title (relating to Individualized Education Program).

(3) The request for IEP facilitation must be received by TEA at least 10 school days prior to the ARD committee meeting for which a facilitator is being requested or within 10 school days of the ARD committee meeting that ended in disagreement. A state-appointed facilitator must be available on the date set for the meeting.

(4) The same parties must not have participated in IEP facilitation concerning the same student under this section within the same school year of the filing of the current request for IEP facilitation.

(g) Within five business days of receipt of a request for an IEP facilitation under this section, TEA will determine whether the conditions in subsections (d)-(f) of this section have been met and will notify the parties of its determination and the assignment of the independent facilitator, if applicable.

(h) Notwithstanding subsections (c)-(f) of this section, if a special education due process hearing or complaint decision requires a public education agency to provide an independent facilitator to assist with an ARD committee meeting, the public education agency may request that TEA assign an independent facilitator. Within five business days of receipt of a written request for IEP facilitation under this subsection, TEA will notify the parties of its decision to assign or not assign an independent facilitator. If TEA declines the request to assign an independent facilitator, the public education agency must provide an independent facilitator at its own expense.

(i) TEA's decision not to provide an independent facilitator is final and not subject to review or appeal.

(j) The independent facilitator assignment may be made based on a combination of factors, including, but not limited to, geographic location and availability. Once assigned, the independent facilitator must promptly contact the parties to clarify the issues, gather necessary information, and explain the IEP facilitation process.

(k) TEA will use a competitive solicitation method to seek independent facilitation services, and the contracts with independent facilitators will be developed and managed in accordance with TEA's contracting practices and procedures.

(l) At a minimum, an individual who serves as an independent facilitator under this section:

(1) must have demonstrated knowledge of federal and state requirements relating to the provision of special education and related services to students with disabilities;

(2) must have demonstrated knowledge of and experience with the ARD committee meeting process;

(3) must have completed 18 hours or more of training in IEP facilitation, consensus building, and/or conflict resolution as specified in TEA's competitive solicitation;

(4) must complete continuing education as determined by TEA;

(5) may not be an employee of TEA or the public education agency that the student attends; and

(6) may not have a personal or professional interest that conflicts with his or her impartiality.

(m) An individual is not an employee of TEA solely because the individual is paid by TEA to serve as an independent facilitator.

(n) An independent facilitator must not be a member of the student's ARD committee, must not have any decision-making authority, and must remain impartial to the topics under discussion. The independent facilitator must assist with the overall organization and conduct of the ARD committee meeting by:

(1) assisting the committee in establishing an agenda and setting the time allotted for the meeting;

(2) assisting the committee in establishing a set of guidelines for the meeting;

(3) guiding the discussion and keeping the focus on developing a mutually agreed upon IEP for the student;

(4) ensuring that each committee member has an opportunity to participate;

(5) helping to resolve disagreements that arise; and

(6) helping to keep the ARD committee on task so that the meeting purposes can be accomplished within the time allotted for the meeting.

(o) An independent facilitator must protect the confidentiality of personally identifiable information about the student and comply with the requirements in the Family Educational Rights and Privacy Act regulations, 34 CFR, Part 99, relating to the disclosure and redisclosure of personally identifiable information from a student's education record.

(p) TEA will develop surveys to evaluate the IEP facilitation program and the independent facilitators and will request that parties who participate in the program complete the surveys.

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 29, 2026.  
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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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For further information, please call: (512) 475-1497



## CHAPTER 109. BUDGETING, ACCOUNTING, AND AUDITING

The State Board of Education (SBOE) adopts the repeal of §109.25 and amendments to §109.51 and §109.52, concerning budgeting, accounting, and auditing. The repeal and amendments are adopted without changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1246) and will not be republished. The adopted revisions repeal §109.25, whose statutory authority, Texas Education Code (TEC), §48.104(j-1), (k), (l), (m), (n), and (o), was removed by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025. The revisions also align language in Subchapter D with TEC, §45.208, which no longer requires depository contracts to be submitted to the Texas Education Agency (TEA).

**REASONED JUSTIFICATION:** Section 109.25 requires each school district and charter school to report financial information relating to the expenditure of the state compensatory education allotment under the Foundation School Program to TEA. HB 2, 89th Texas Legislature, Regular Session, 2025, repealed the SBOE's authority to direct how the state compensatory education allotment funds are spent and how the funds are reported to TEA. Therefore, the repeal of §109.25 is necessary to implement HB 2.

Section 109.52 establishes the requirement that each school district select at least one bank as a depository and enter into a depository contract with the bank, providing the completed contract to TEA. Section 109.52 also establishes the requirement that a district provide a completed surety bond form to TEA if the depository bank uses a surety bond to secure district deposits. The section includes the depository contract form and surety bond form with the content prescribed by the SBOE. Senate Bill 1376, 86th Texas Legislature, 2019, repealed the requirement for districts to submit certain depository information to TEA. Therefore, §109.52 has been amended to remove filing requirements.

Section 109.51 has been amended to make non-substantive changes to align with language in §109.52.

The SBOE approved the revisions for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its April 10, 2026 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the revisions for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2026-2027 school year. The earlier effective date will ensure that school districts and charter schools can adopt the revisions as soon as possible. The effective date is 20 days after filing as adopted with the *Texas Register*.

**SUMMARY OF COMMENTS AND RESPONSES:** The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments

at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. No public comments were received.

## SUBCHAPTER B. TEXAS EDUCATION AGENCY AUDIT FUNCTIONS

### 19 TAC §109.25

**STATUTORY AUTHORITY.** The repeal is adopted under House Bill 2, Section 7.24, 89th Texas Legislature, Regular Session, 2025, which amended Texas Education Code, §48.104, to repeal the authority of the State Board of Education to direct how the state compensatory education allotments funds are spent and how the expenditures are reported to the Texas Education Agency.

**CROSS REFERENCE TO STATUTE.** The repeal implements House Bill 2, Section 7.24, 89th Texas Legislature, Regular Session, 2025.

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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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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Proposal publication date: February 27, 2026

For further information, please call: (512) 475-1497



## SUBCHAPTER D. UNIFORM BANK BID OR REQUEST FOR PROPOSAL AND DEPOSITORY CONTRACT

### 19 TAC §109.51, §109.52

**STATUTORY AUTHORITY.** The amendments are adopted under Texas Education Code, §45.208, which requires that a school district use the depository contract prescribed by the State Board of Education and that the depository bank secure the highest daily amount of cash in the bank using a bond or other surety agreements.

**CROSS REFERENCE TO STATUTE.** The amendments implement Texas Education Code, §45.208.

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 22, 2026.

TRD-202602163

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: June 11, 2026

Proposal publication date: February 27, 2026

For further information, please call: (512) 475-1497



## SUBCHAPTER C. ADOPTIONS BY REFERENCE

### 19 TAC §109.41

The State Board of Education (SBOE) adopts an amendment to §109.41, concerning financial accounting guidelines. The amendment is adopted without changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1248) and will not be republished. The amendment adopts by reference the updated *Financial Accountability System Resource Guide* (FASRG), which includes annual updates and removes information related to the compensatory education allotment to align with House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025. Although no changes were made to §109.41 since published as proposed, the FASRG adopted by reference does include changes to Module 1, Module 1 Appendices, and Modules 3 and 5 at adoption.

**REASONED JUSTIFICATION:** The FASRG describes the rules of financial accounting for school districts, charter schools, and education service centers and is adopted by reference under §109.41. In addition, revisions to the FASRG align the content with current governmental accounting and auditing standards, remove obsolete requirements, and remove descriptions and discussions of best practices and other non-mandatory elements.

Requirements for financial accounting and reporting are derived from generally accepted accounting principles (GAAP). School districts and charter schools are required to adhere to GAAP. Legal and contractual considerations typical of the government environment are reflected in the fund structure basis of accounting.

An important function of governmental accounting systems is to enable administrators to assure and report on compliance with finance-related legal provisions. This assurance and reporting means that the accounting system and its terminology, fund structure, and procedures must be adapted to satisfy finance-related legal requirements. However, the basic financial statements of school districts and charter schools should be prepared in conformity with GAAP.

School district and governmental charter school accounting systems shall use the accounting code structure presented in the Account Code Structure section of Module 1 of the FASRG and nonprofit charter school accounting systems shall use the accounting code structure presented in the Accounting Code Structure section of Module 2 of the FASRG. Funds shall be classified and identified on required financial statements by the same code number and terminology provided in the Account Code section of Module 1 FAR Appendices for school districts and governmental charter schools and Module 3 of the FASRG for nonprofit charter schools.

State law provides authority for both the SBOE and the commissioner of education to adopt rules on financial accounting. To accomplish this, the SBOE and the commissioner each adopt the FASRG by reference under separate rules. The SBOE adopts the FASRG by reference under 19 TAC §109.41, and the commissioner adopts the FASRG by reference under new §109.5001.

The following changes have been made to FASRG Modules 1 through 6.

### *Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices*

Module 1 aligns with current governmental accounting standards. Module 1 includes the following changes. Updates have been made to accounting codes and accounting guidance, including the removal of several program intent codes related to state compensatory education, and previous guidance has been clarified, including additional information on shared services arrangements. School districts and charter schools are required to maintain proper budgeting and financial accounting and reporting systems. In addition, school districts are required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the Governmental Accounting Standards Board (GASB).

Module 1 and Module 1 FAR Appendices were modified at adoption to clarify accounting and tracking of state funds and to align guidance with GASB Statement No. 103, including replacing terminology, accounting, and reporting for special and extraordinary items with unusual and infrequent items.

### *Module 2, Special Supplement - Charter Schools*

Module 2 aligns with current financial accounting reporting standards. Proposed Module 2 includes the following changes. Updates have been made to accounting codes and accounting guidance, and previous guidance has been clarified. The module establishes financial and accounting requirements for Texas public charter schools to ensure uniformity in accounting in conformity with GAAP. The module also includes current guidance that complements the American Institute of Certified Public Accountants (AICPA) *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States Government Accountability Office (GAO). These requirements facilitate preparation of financial statements that conform to GAAP established by the Financial Accounting Standards Board (FASB).

### *Module 3, Special Supplement - Non-profit Charter Schools Chart of Accounts*

Module 3 aligns with current financial accounting standards. Module 3 includes the following changes. Updates have been made to accounting codes and accounting guidance, including the removal of several program intent codes related to state compensatory education, and previous guidance has been clarified. Charter schools are required to maintain proper budgeting and financial accounting and reporting systems that are in conformity with Texas Education Data Standards in the Texas Student Data Systems (TSDS) PEIMS. In addition, charter schools are required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the FASB. The module also includes current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements facilitate preparation of financial statements that conform to GAAP established by the FASB.

Module 3 was modified at adoption to clarify accounting and tracking of state funds and to replace terminology, accounting, and reporting for special and extraordinary items with unusual and infrequent items to align guidance with FASB Accounting Standards Update No. 2015-01.

### *Module 4, Auditing*

Module 4 aligns with current auditing standards. Module 4 includes the following changes. Updates have been made to accounting codes and accounting guidance, and previous guidance has been clarified. The module establishes auditing requirements for Texas public school districts and charter schools and includes current requirements from Texas Education Code (TEC), §44.008, as well as Code of Federal Regulations, Title 2, Part 200, Subpart F, Audit Requirements, that implement the federal Single Audit Act. The module also includes current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements facilitate preparation of financial statements that conform to GAAP established by the GASB.

### *Module 5, Purchasing*

Module 5 aligns with current purchasing laws and standards. Module 5 includes the following changes. Updates have been made to purchasing guidance that has changed from previous legislation, including an increase in the purchasing threshold from \$50,000 to \$100,000 for procurement requirements. Purchasing rules that needed additional explanation have been clarified. School districts and charter schools are required to establish procurement policies and procedures that align with their unique operating environment and ensure compliance with relevant statutes and policies.

Module 5 was modified at adoption to further align the threshold for purchasing contracts requirements with TEC, §44.031.

### *Module 6, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System*

Module 6, which provides information to assist school districts and charter schools with using the state compensatory education allotment, was deleted because HB 2, 89th Texas Legislature, Regular Session, 2025, repealed TEC, §48.104(j-1) and (k)-(o), which set requirements for using the allotment.

The FASRG is posted on the Texas Education Agency website at <https://tea.texas.gov/finance-and-grants/financial-accountability/financial-accountability-system-resource-guide>.

The SBOE approved the amendment for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its April 10, 2026 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the amendment for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2026-2027 school year. The earlier effective date will ensure the provisions of the FASRG align with current governmental accounting and auditing standards for school districts and charter schools as soon as possible. The effective date is 20 days after filing as adopted with the *Texas Register*.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. No public comments were received.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §7.102(c)(32), which requires the State Board of Education (SBOE) to adopt rules concerning school district budgets and audits of school district fiscal ac-

counts as required under TEC, Chapter 44, Subchapter A; TEC, §44.001(a), which requires the commissioner to establish advisory guidelines relating to the fiscal management of a school district; TEC, §44.001(b), which requires the commissioner to report annually to the SBOE the status of school district fiscal management as reflected by the advisory guidelines and by statutory requirements; TEC, §44.007(a), which requires the board of trustees of each school district to adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles; TEC, §44.007(b), which requires the accounting system to meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor; TEC, §44.007(c), which requires a record to be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year is required to be filed with the agency on or before the date set by the SBOE; TEC, §44.007(d), which requires each district, as part of the report required by TEC, §44.007, to include management, cost accounting, and financial information in a format prescribed by the SBOE in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program; and TEC, §44.008(b), which requires the independent audit to meet at least the minimum requirements and be in the format prescribed by the SBOE, subject to review and comment by the state auditor. The audit must include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System.

**CROSS REFERENCE TO STATUTE.** The amendment implements Texas Education Code, §§7.102(c)(32); 44.001(a) and (b); 44.007(a)-(d); and 44.008(b).

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 June 1, 2026.

TRD-202602252

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: June 21, 2026

Proposal publication date: February 27, 2026

For further information, please call: (512) 475-1497



## SUBCHAPTER EE. COMMISSIONER'S RULES CONCERNING FINANCIAL ACCOUNTING GUIDELINES

### 19 TAC §109.5001

The Texas Education Agency (TEA) adopts an amendment to §109.5001, concerning financial accounting guidelines. The amendment is adopted without changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1250) and will not be republished. The amendment adopts by reference the *Financial Accountability System Resource Guide* (FASRG), Version 20, which includes annual updates and removes information related to the compensatory education allotment to align with House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025. The FASRG provides

accounting rules for school districts, open-enrollment charter schools, and education service centers. Although no changes were made to §109.5001 since published as proposed, the FASRG adopted by reference does include changes to Module 1, Module 1 Appendices, and Modules 3 and 5 at adoption.

**REASONED JUSTIFICATION:** The FASRG describes the rules of financial accounting for school districts, charter schools, and education service centers and is adopted by reference under §109.5001. Revisions to the FASRG align the content with current governmental accounting and auditing standards, remove obsolete requirements, and remove descriptions and discussions of best practices and other non-mandatory elements.

Requirements for financial accounting and reporting are derived from generally accepted accounting principles (GAAP). School districts and charter schools are required to adhere to GAAP. Legal and contractual considerations typical of the government environment are reflected in the fund structure basis of accounting.

An important function of governmental accounting systems is to enable administrators to assure and report on compliance with finance-related legal provisions. This assurance and reporting process means that the accounting system and its terminology, fund structure, and procedures must be adapted to satisfy finance-related legal requirements. However, the basic financial statements of school districts and charter schools should be prepared in conformity with GAAP.

School district and governmental charter school accounting systems shall use the accounting code structure presented in the Account Code Structure section of Module 1 of the FASRG, and nonprofit charter school accounting systems shall use the accounting code structure presented in the Accounting Code Structure section of Module 2 of the FASRG. Funds shall be classified and identified on required financial statements by the same code number and terminology provided in the Account Code section of Module 1 FAR Appendices for school districts and governmental charter schools and Module 3 of the FASRG for nonprofit charter schools.

The FASRG, Version 20, contains six modules on the following topics: Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices; Module 2, Special Supplement - Charter Schools; Module 3, Special Supplement - Non-profit Charter Schools Chart of Accounts; Module 4, Auditing; Module 5, Purchasing; and Module 6, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System. The FASRG is posted on the TEA website at <https://tea.texas.gov/finance-and-grants/financial-accountability/financial-accountability-system-resource-guide>.

State law provides authority for both the State Board of Education (SBOE) and the commissioner of education to adopt rules on financial accounting. To accomplish this, the SBOE and the commissioner each adopt the FASRG by reference under separate rules. The SBOE adopts the FASRG by reference under 19 TAC §109.41, and the commissioner adopts the FASRG by reference under §109.5001.

During the April 2026 SBOE meeting, the SBOE approved §109.41 for second reading and final adoption. At that time, the SBOE approved technical corrections to the FASRG Module 1, Module 1 Appendices, Module 3, and Module 5 since published as proposed. These technical corrections impact the FASRG adopted by reference in §109.5001.

### *Module 1, Financial Accounting and Reporting (FAR) and FAR Appendices*

Module 1 aligns with current governmental accounting standards. Adopted Module 1 includes the following changes. Updates are made to accounting codes and accounting guidance, including the removal of several program intent codes related to state compensatory education, and previous guidance is clarified, including additional information on shared services arrangements. School districts and charter schools are required to maintain proper budgeting and financial accounting and reporting systems. In addition, school districts are required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the Governmental Accounting Standards Board (GASB).

Module 1 and Module 1 FAR Appendices are modified at adoption to clarify accounting and tracking of state funds and to align guidance with GASB Statement No. 103, including replacing terminology, accounting, and reporting for special and extraordinary items with unusual and infrequent items.

### *Module 2, Special Supplement - Charter Schools*

Module 2 aligns with current financial accounting reporting standards. Adopted Module 2 includes the following changes. Updates are made to accounting codes and accounting guidance, and previous guidance is clarified. The adopted module establishes financial and accounting requirements for Texas public charter schools to ensure uniformity in accounting in conformity with GAAP. The adopted module also includes current guidance that complements the American Institute of Certified Public Accountants (AICPA) *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States Government Accountability Office (GAO). These requirements facilitate preparation of financial statements that conform to GAAP established by the Financial Accounting Standards Board (FASB).

### *Module 3, Special Supplement - Non-profit Charter Schools Chart of Accounts*

Module 3 aligns with current financial accounting standards. Adopted Module 3 includes the following changes. Updates are made to accounting codes and accounting guidance, including the removal of several program intent codes related to state compensatory education, and previous guidance is clarified. Charter schools are required to maintain proper budgeting and financial accounting and reporting systems that are in conformity with Texas Education Data Standards (TEDS) in the Texas Student Data Systems (TSDS) Public Education Information Management System (PEIMS). In addition, charter schools are required to establish principles and policies to ensure uniformity in accounting in conformity with GAAP established by the FASB. The adopted module also includes current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements facilitate preparation of financial statements that conform to GAAP established by the FASB.

Module 3 is modified at adoption to clarify accounting and tracking of state funds and to replace terminology, accounting, and reporting for special and extraordinary items with unusual and infrequent items to align guidance with FASB Accounting Standards Update No. 2015-01.

### *Module 4, Auditing*

Module 4 aligns with current auditing standards. Adopted Module 4 includes the following changes. Updates are made to accounting codes and accounting guidance, and previous guidance is clarified. The adopted module establishes auditing requirements for Texas public school districts and charter schools and includes current requirements from TEC, §44.008, as well as Code of Federal Regulations, Title 2, Part 200, Subpart F, Audit Requirements, that implement the federal Single Audit Act. The adopted module also includes current auditing guidance that complements the AICPA *Audit and Accounting Guide, State and Local Governments* and supplements the *Government Auditing Standards* of the United States GAO. These requirements facilitate preparation of financial statements that conform to GAAP established by the GASB.

### *Module 5, Purchasing*

Module 5 aligns with current purchasing laws and standards. Adopted Module 5 includes the following changes. Updates are made to purchasing guidance that has changed from previous legislation, including an increase in the purchasing threshold from \$50,000 to \$100,000 for procurement requirements. Purchasing rules that needed additional explanation are clarified. School districts and charter schools are required to establish procurement policies and procedures that align with their unique operating environment and ensure compliance with relevant statutes and policies.

Module 5 is modified at adoption to further align the threshold for purchasing contracts requirements with TEC, §44.031.

### *Module 6, Compensatory Education, Guidelines, Financial Treatment, and an Auditing and Reporting System*

Module 6, which provides information to assist school districts and charter schools with using the state compensatory education allotment, is deleted because HB 2, 89th Texas Legislature, Regular Session, 2025, repealed TEC, §48.104(j-1) and (k)-(o), which set requirements for using the allotment.

**SUMMARY OF COMMENTS AND AGENCY RESPONSES:** The public comment period on the proposal began February 27, 2026, and ended March 20, 2026. No public comments were received.

**STATUTORY AUTHORITY.** The amendment is adopted under TEC, §7.055(b)(32), which requires the commissioner of education to perform duties in connection with the public school accountability system as prescribed by TEC, Chapters 39 and 39A; TEC, §44.001(a), which requires the commissioner to establish advisory guidelines relating to the fiscal management of a school district; TEC, §44.001(b), which requires the commissioner to report annually to the SBOE the status of school district fiscal management as reflected by the advisory guidelines and by statutory requirements; TEC, §44.007(a), which requires the board of trustees of each school district to adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles; TEC, §44.007(b), which requires the accounting system to meet at least the minimum requirements prescribed by the commissioner, subject to review and comment by the state auditor; TEC, §44.007(c), which requires a record to be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year is required to be filed with the agency on or before the date set by the SBOE; TEC, §44.007(d), which requires each district, as part of the report required by TEC, §44.007, to include management, cost accounting, and financial information

in a format prescribed by the SBOE in a manner sufficient to enable the board to monitor the funding process and determine educational system costs by district, campus, and program; and TEC, §44.008(b), which requires the independent audit to meet at least the minimum requirements and be in the format prescribed by the SBOE, subject to review and comment by the state auditor. The audit must include an audit of the accuracy of the fiscal information provided by the district through the Texas Student Data System Public Education Information Management System.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§7.055(b)(32); 44.001(a) and (b); 44.007(a)-(d); and 44.008(b).

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 June 1, 2026.

TRD-202602253

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: June 21, 2026

Proposal publication date: February 27, 2026

For further information, please call: (512) 475-1497



## TITLE 22. EXAMINING BOARDS

### PART 6. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

#### CHAPTER 133. LICENSING FOR ENGINEERS SUBCHAPTER C. PROFESSIONAL ENGINEER LICENSE APPLICATION REQUIREMENTS

##### 22 TAC §§133.21, 133.23, 133.25, 133.27

The Texas Board of Professional Engineers and Land Surveyors (Board) adopts amendments to 22 Texas Administrative Code, Chapter 133, Subchapter C, regarding professional engineer license application requirements, specifically §133.21 Application for Standard License, §133.23 Applications from Former Standard License Holders, §133.25 Applications from Engineering Educators, and §133.27 Application for Temporary license for Engineers Currently Licensed Outside the United States. The Board adopts the amendments with no changes to the proposed text as published in the April 17, 2026, issue of the *Texas Register* (51 TexReg 2477). The rules will not be republished.

Pursuant to §2001.029 of the Texas Government Code, the Board gave all interested persons a reasonable opportunity to provide oral and/or written commentary concerning the adoption of the rules. The public comment period began on April 17, 2026, and ended May 17, 2026. The Board received no comments about these rules and adopts the rules with no changes to the proposals.

The rules are adopted pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

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 29, 2026.

TRD-202602240

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Effective date: June 18, 2026

Proposal publication date: April 17, 2026

For further information, please call: (512) 440-3080



## SUBCHAPTER E. EXPERIENCE

### 22 TAC §§133.41, §133.43

The Texas Board of Professional Engineers and Land Surveyors (Board) adopts amendments to 22 Texas Administrative Code, Chapter 133, Subchapter E, regarding experience required for engineering licensure, specifically §133.41 Supplementary Experience Record (to be renamed Experience Report) and §133.43 Experience Evaluation. The Board adopts the amendments with no changes to the proposed text as published in the April 17, 2026, issue of the *Texas Register* (51 TexReg 2481). The rules will not be republished.

Pursuant to §2001.029 of the Texas Government Code, the Board gave all interested persons a reasonable opportunity to provide oral and/or written commentary concerning the adoption of the rules. The public comment period began on April 17, 2026, and ended May 17, 2026. The Board received no comments about these rules and adopts the rules with no changes to the proposals.

The rules are adopted pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

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 29, 2026.

TRD-202602241

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Effective date: June 18, 2026

Proposal publication date: April 17, 2026

For further information, please call: (512) 440-3080

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## SUBCHAPTER F. REFERENCE DOCUMENTATION

### 22 TAC §133.51, §133.53

The Texas Board of Professional Engineers and Land Surveyors (Board) adopts amendments to 22 Texas Administrative Code, Chapter 133, Subchapter F, regarding reference documentation required for engineering licensure, specifically §133.51 Reference Providers and §133.53 Reference Statements. The Board adopts the amendments with no changes to the proposed text as published in the April 17, 2026, issue of the *Texas Register* (51 TexReg 2484). The rules will not be republished.

Pursuant to §2001.029 of the Texas Government Code, the Board gave all interested persons a reasonable opportunity to provide oral and/or written commentary concerning the adoption of the rules. The public comment period began on April 17, 2026, and ended May 17, 2026. The Board received no comments about these rules and adopts the rules with no changes to the proposal.

The rules are adopted pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

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 29, 2026.

TRD-202602242

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Effective date: June 18, 2026

Proposal publication date: April 17, 2026

For further information, please call: (512) 440-3080

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## CHAPTER 139. ENFORCEMENT

### SUBCHAPTER C. ENFORCEMENT PROCEEDINGS

#### 22 TAC §139.37

The Texas Board of Professional Engineers and Land Surveyors (Board) adopts an amendment to 22 Texas Administrative Code, Chapter 139, Subchapter C, regarding enforcement proceedings, specifically §139.37 Sanctions and Penalties - Surveying. The Board adopts the amendment with no changes to the proposed text as published in the April 17, 2026, issue of the *Texas Register* (51 TexReg 2486). The rule will not be republished.

Pursuant to §2001.029 of the Texas Government Code, the Board gave all interested persons a reasonable opportunity to provide oral and/or written commentary concerning the adoption of the rule. The public comment period began on April 17, 2026,

and ended May 17, 2026. The Board received no comments about this rule and adopts the rule with no changes to the proposal.

The rule is adopted pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

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 29, 2026.

TRD-202602243

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Effective date: June 18, 2026

Proposal publication date: April 17, 2026

For further information, please call: (512) 440-3080

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## TITLE 25. HEALTH SERVICES

### PART 15. COUNCIL ON CARDIOVASCULAR DISEASE AND STROKE

#### CHAPTER 1051. RULES

##### 25 TAC §1051.1

The Texas Council on Cardiovascular Disease and Stroke (Council) adopts an amendment to §1051.1, concerning Conduct of Meetings.

Section 1051.1 is adopted without changes to the proposed text as published in the January 30, 2026, issue of the *Texas Register* (51 TexReg 519). This rule will not be republished.

##### BACKGROUND AND JUSTIFICATION

The amendment is necessary to make revisions to the rule identified during the four-year rule review required by Texas Government Code §2001.039. The amendment to the rule specifies voting eligibility, clarifies the role the Texas Department of State Health Services has in providing administrative support to the Council, and updates public participation best practices.

##### COMMENTS

The 31-day comment period ended March 2, 2026.

During this period, the Council did not receive any comments regarding the proposed amendment.

##### STATUTORY AUTHORITY

The amendment is authorized by Texas Health and Safety Code §93.012, which provides that the Council will adopt rules for the conduct of its meetings.

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 26, 2026.

TRD-202602190

Suzanne Hildebrand

Council Chair

Council on Cardiovascular Disease and Stroke

Effective date: June 15, 2026

Proposal publication date: January 30, 2026

For further information, please call: (512) 695-3846



## TITLE 34. PUBLIC FINANCE

### PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

#### CHAPTER 3. TAX ADMINISTRATION

#### SUBCHAPTER V. FRANCHISE TAX

##### 34 TAC §3.588

The Comptroller of Public Accounts adopts amendments to §3.588, concerning margin: cost of goods sold, without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2237). The rule will not be republished. The comptroller amends the section to implement Senate Bill 263 and Senate Bill 1405, 89th Legislature, 2025; Senate Bill 1243, 88th Legislature, 2023; and House Bill 1195, 87th Legislature, 2021; to address the policy change to conform the franchise tax to the current-year federal income tax provisions; and to add definitions to the provision on costs allowed to movie theaters.

The comptroller also amends the section to add titles to statutory references and makes non-substantive changes to improve readability.

The comptroller received comments from Jennifer Rabb, President, Texas Taxpayers and Research Association (TTARA), and Brandon Newton, Whitley Penn, LLP, concerning subsection (d)(6)(B) allowing a taxable entity to include on its 2026 report a one-time net depreciation adjustment for qualifying assets placed in service prior to its 2025 accounting period. The comptroller will address the comments after discussion of that section.

The comptroller amends subsection (b) to add new paragraph (5) and renumbers subsequent paragraphs accordingly. New paragraph (5) defines the term "Internal Revenue Code" based on the statutory definition in Tax Code, §171.0001(9) (General Definitions). Throughout the section, where the term "Internal Revenue Code" is used, the definition in new paragraph (5) applies.

The comptroller amends subsection (c) to add new paragraphs (2) and (4). Subsequent paragraphs, and any reference to the subsequent paragraphs, are renumbered.

The comptroller adds new paragraph (2) to implement Senate Bill 1243 and Senate Bill 1405 concerning expenses paid with qualifying grant proceeds received for broadband deployment in Texas. Senate Bill 1243 and Senate Bill 1405 enact Tax Code, §171.10132 (Provisions Related to Certain Grants Received for Broadband Deployment in Texas).

The comptroller adds new paragraph (4) to implement House Bill 1195 concerning expenses paid with qualifying loan or grant pro-

ceeds received for COVID-19 relief. House Bill 1195 enacts Tax Code, §171.10131 (Provisions Related to Certain Money Received for COVID-19 Relief).

The comptroller amends renumbered paragraph (5) to add the \$1 million deduction method of calculating margin that was effective January 1, 2014.

The comptroller amends renumbered paragraph (7) to implement Senate Bill 263, clarifying that the cost of goods sold allowed under this paragraph applies to television or radio broadcasting and providing a definition for television or radio broadcasting. Senate Bill 263 enacts Tax Code, §171.1012(o) (Determination of Cost of Goods Sold).

The comptroller amends renumbered paragraph (10) regarding the cost of goods sold allowed for movie theaters to add two definitions. New subparagraph (A) provides the definition for "movie theater," derived from the membership definition of the National Association of Theatre Owners. New subparagraph (B) provides the definition for "motion picture," taken directly from the Copyright Law of the United States, 17 U.S. Code §101 (Definitions).

The comptroller amends paragraph (d)(6), and adds subparagraphs (A), (B), (C), and (D) regarding the federal tax law used when determining allowable depreciation amounts taken from a federal tax return. The comptroller deletes the reference to Internal Revenue Code, §179 (Election to expense certain depreciable assets) as Chapter 171 does not specifically reference §179. The comptroller adds language to make clear that when a taxable entity elects to expense certain depreciable assets, the amount may be included in cost of goods sold if otherwise qualified under Tax Code, §171.1012(c)(6).

New subparagraph (A) addresses which year's federal tax law is used for 2026 and later franchise tax reports. Beginning with the 2026 franchise tax report, utilize the then-current federal tax law instead of the 2007 Internal Revenue Code, except where the statute and rule specifically reference the Internal Revenue Code. For example, beginning with the 2026 franchise tax report, a taxable entity may include in its cost of goods sold the bonus depreciation claimed on its federal return, to the extent associated with and necessary for the production of the goods. However, recovery claimed under Internal Revenue Code §197 must be determined under the 2007 Internal Revenue Code, as the statutory provision authorizing such recovery specifically references the Internal Revenue Code.

New subparagraph (B) allows a taxable entity, on the 2026 franchise tax report, to also include a one-time net depreciation adjustment for each qualifying asset in its cost of goods sold. Qualifying assets are those placed in service prior to the accounting year begin date on the 2026 report, provided that the assets have not been disposed of prior to this date and are associated with and necessary for the production of the goods.

New subparagraph (C) provides the proper order of application when a one-time net depreciation adjustment is taken with other allowable costs and procedures addressing when said adjustment results in a taxable entity's margin being reduced below zero.

New subparagraph (D) clarifies that for franchise tax reports prior to the 2026 report, the 2007 Internal Revenue Code is used when determining allowable depreciation amounts.

In the comments received, Ms. Rabb expresses concern that a taxable entity will lose the benefit of bonus depreciation for qualifying assets placed in service in its 2025 accounting period.

She elaborates that the comptroller's policy change occurred after the qualifying assets had been purchased and placed in service that year, leaving little time for an entity's business decisions to respond to tax policies. To address the concern, Ms. Rabb requests expanding the one-time net depreciation adjustment to include bonus depreciation for qualifying assets placed in service during the 2025 accounting year, which would allow any unused bonus depreciation associated with such assets to be carried forward until exhausted.

The comptroller declines to make the requested change. The rule adequately addresses what property is allowed to be included in the one-time depreciation adjustment. The one-time net depreciation adjustment is meant to bring an asset's federal basis and Texas COGS basis in line to offset future gains from sales of assets previously placed in service. For assets placed in service in 2025 the asset's federal basis and Texas COGS basis will be the same. Because there is not a carryforward provision in COGS for unused costs, this change would require a legislative change.

Mr. Newton states that the one-time net depreciation adjustment does not make all entities whole and asks that the comptroller consider the amount of franchise tax paid, not just the COGS deduction allowed, over the life of the assets. Mr. Newton gives two examples involving a taxable entity that previously claimed a COGS deduction but uses the 30% deduction on its 2026 report. Lastly Mr. Newton poses that if the apportionment in prior years is higher than the apportionment for the 2026 report, the bonus depreciation disallowed in prior years had a higher tax effect than the proposed one-time net depreciation adjustment. Mr. Newton asks that the agency allow a one-time adjustment to the gain reported on a federal return and included in total revenue on the 2026 report.

The comptroller declines to make any changes regarding these comments. The catch-up is an equity provision related to the historic difference in allowable COGS depreciation deductions for federal tax and Texas franchise tax; it is not a mechanism to make all taxpayers whole. The rule addresses the basis differential under the COGS deduction rather than in total revenue. The requested change would require modification of a different rule. Additionally, the disparities identified by Mr. Newton are a consequence of only having one deduction applicable when calculating margin and are equally true for any other deduction. The comment regarding apportionment is a consequence of apportionment itself and is equally true under the old rule.

These amendments are adopted under Tax Code, §111.002 (Comptroller's Rules; Compliance; Forfeiture), which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2.

The amendments implement Tax Code, §§171.1012 (Determination of Cost of Goods Sold), 171.10131 (Provisions Related to Certain Money Received for COVID-19 Relief), and 171.10132 (Provisions Related to Certain Grants Received for Broadband Deployment in Texas).

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

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## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 9. TEXAS COMMISSION ON JAIL STANDARDS

#### CHAPTER 259. NEW CONSTRUCTION RULES

##### SUBCHAPTER B. NEW MAXIMUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

###### 37 TAC §259.117

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.117 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1586). The rule will not be republished.

The adopted rule adds language to 37 TAC §259.117 that adds the design requirement that adjacent space be provided for immediate medical and mental health screening in jail construction. This requirement only applies to new construction.

The adoption of this rule requires new construction in county jails to provide adjacent space for medical and mental health screening.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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Ricky Armstrong  
Executive Director  
Texas Commission on Jail Standards  
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For further information, please call: (512) 850-9668



###### 37 TAC §259.123

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.123 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as

proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1587). The rule will not be republished.

The adopted rule adds language to 37 TAC §259.123 that changes "covered" to "coved" at the suggestion of subject matter experts, and deletes the word "disagreeable" regarding odors also at the suggestion of subject matter experts.

The adoption of this rule corrects a misspelled word.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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### 37 TAC §259.141

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.141 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1588). The rule will not be republished.

The adopted rule adds language to 37 Texas Administrative Code §259.141 that changes the dimensional requirements of cells and day rooms to conform with the International Building Code. This change will apply only to new construction.

The adoption of this rule updates the minimum jail standards to reflect current International Building Code.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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### 37 TAC §259.151

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.151 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1588). The rule will not be republished.

The adopted rule adds language to 37 TAC §259.151 that removes the specifications for how detention doors outside the security perimeter are constructed.

The adoption of this rule updates the minimum jail standards to reflect current International Building Code.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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### 37 TAC §259.153

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.153 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1589). The rule will not be republished.

The adoption of this rule makes this rule more clear.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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### 37 TAC §259.168

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.168 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1589). The rule will not be republished.

The adopted rule adds language to 37 Texas Administrative Code §259.168 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

The adoption of this rule updates standards to reflect actual practices.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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Ricky Armstrong  
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## SUBCHAPTER C. NEW LOCKUP DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

### 37 TAC §259.264

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.264 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1590). The rule will not be republished.

The adoption of this rule updates standards to reflect actual practices.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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## SUBCHAPTER D. NEW MEDIUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

### 37 TAC §259.358

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.358 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1590). The rule will not be republished.

The adopted rule adds language to 37 Texas Administrative Code §259.358 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

The adoption of this rule updates standards to reflect actual practices.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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Ricky Armstrong  
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## SUBCHAPTER E. NEW MINIMUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

### 37 TAC §259.454

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.454 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1591). The rule will not be republished.

The adopted rule adds language to 37 TAC §259.454 that updates the outdated term "closed circuit television" to "video mon-

itoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

The adoption of this rule updates standards to reflect actual practices.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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## SUBCHAPTER H. NEW LONG-TERM INCARCERATION DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

### 37 TAC §259.737

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.737 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1591). The rule will not be republished.

The adoption of this rule updates standards to reflect actual practices and match other areas of standards.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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

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Texas Commission on Jail Standards

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### 37 TAC §259.770

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.770 under Chapter 259 Part 9 of Title 37

of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1592). The rule will not be republished.

The adopted rule adds language to 37 Texas Administrative Code §259.770 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

The adoption of this rule updates standards to reflect actual practices.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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Ricky Armstrong

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## CHAPTER 269. RECORDS AND PROCEDURES

### SUBCHAPTER A. GENERAL

#### 37 TAC §269.3

The Texas Commission on Jail Standards (TCJS) adopts amendments to §269.3 under Chapter 269 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1593). The rule will not be republished.

The adopted rule adds language to 37 TAC §269.3 that requires each Sheriff/operator to develop, submit, and implement a plan that specifies the weapons allowed within the security perimeter of a jail. This change is proposed due to the classification of the TASER 10 as a firearm by the Bureau of Alcohol, Tobacco, and Firearms ruling.

The adoption of this rule updates standards due to a change in the Bureau of Alcohol, Tobacco, and Firearms classification of the TASER 10.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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Ricky Armstrong  
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Texas Commission on Jail Standards  
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## CHAPTER 275. SUPERVISION OF INMATES

### 37 TAC §275.1

The Texas Commission on Jail Standards (TCJS) adopts amendments to §275.1 under Chapter 275 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1594). The rule will not be republished.

The adopted rule adds language to 37 TAC §275.1 that updates the outdated term "closed circuit television" to "video monitoring" to more accurately reflect the currently available technology.

The adoption of this rule updates standards to reflect actual practices.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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Ricky Armstrong  
Executive Director  
Texas Commission on Jail Standards  
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### 37 TAC §275.7

The Texas Commission on Jail Standards (TCJS) adopts amendments to §275.7 under Chapter 275 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1594). The rule will not be republished.

The adopted rule adds language to 37 TAC §275.7 that updates the outdated term "closed circuit television" to "video monitoring" to more accurately reflect the currently available technology.

The adoption of this rule updates standards to reflect actual practices.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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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Ricky Armstrong  
Executive Director  
Texas Commission on Jail Standards  
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## PART 15. TEXAS FORENSIC SCIENCE COMMISSION

### CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM

#### 37 TAC §651.7

The Texas Forensic Science Commission (Commission) adopts an amendment to rule 37 Texas Administrative Code §651.7, Disciplines Exempt from Commission Accreditation Requirements by Administrative Rule, to exempt from accreditation requirements, examinations, or tests performed on non-lethal munitions without changes to the text as published in the February 27, 2026, issue of the *Texas Register* (51 TexReg 1279). The rule will not be republished.

Reasoned Justification for Rule Amendment. The adopted amendment exempts from accreditation requirements any forensic analysis performed on non-lethal munitions--devices commonly used by law enforcement to incapacitate or deter without causing permanent injury or death. Under Article 38.35 of the Code of Criminal Procedure, laboratories conducting firearms/toolmarks analysis must be accredited by the Commission. Because non-lethal munitions testing currently falls within this category, accreditation is required. However, no accredited laboratories currently offer this specialized testing, limiting access for both prosecutors and defendants. Though non-lethal munitions testing is uncommon compared to traditional firearm and toolmark comparison, the need for it does arise occasionally in the context of criminal prosecution or defense. Thus, it is in the interest of public safety and the fair administration of justice to exempt this form of testing from the accreditation requirement.

Summary of Comments. The public comment period on the rule proposal began on February 27, 2026, and ended on April 14, 2026. The Commission did not receive any comments.

Statutory Authority. The amendment is made in accordance with the Commission's accreditation authority under Code of Criminal Procedure, Art. 38.01 §4-d(c), which establishes that the Commission may add crime laboratory accreditation exemptions, and the Commission's rulemaking authority under Art. 38.01 §3-a, which directs the Commission to adopt rules necessary to implement Code of Criminal Procedure, Art. 38.01.

Cross reference to statute. The adoption amends rule 37 Texas Administrative Code §651.7.

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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TRD-202602226

Leigh Tomlin

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Texas Forensic Science Commission

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For further information, please call: (512) 936-0661



### 37 TAC §651.219

The Texas Forensic Science Commission (Commission) adopts an amendment to rule 37 Texas Administrative Code §651.219, Code of Professional Responsibility (Code) to clarify the scope of application. The change clarifies that crime laboratory managers at unaccredited law enforcement agencies are not required to comply with the Code sections pertaining to management. The amendment is adopted with changes to the text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1281). The rule will be published.

**Reasoned Justification for Rule Amendment.** The Commission's Code governs all licensed forensic analysts and forensic technicians, as well as crime laboratory managers employed by accredited laboratories under the Commission's jurisdiction. It does not extend to managers of forensic science service providers (crime laboratories) working within unaccredited law enforcement agencies. Numerous unaccredited entities encourage employees to pursue voluntary forensic analyst licensure by the Commission, contributing to continued improvement of the integrity and reliability of forensic practices in Texas courts. Licensed analysts and technicians are bound by the Code, whereas their unlicensed supervisors in unaccredited settings are not, given the Commission's limited jurisdiction. The adopted rule amendment clarifies this regulatory distinction, informs the forensic community and the Commission's law enforcement partners, and encourages broader participation in the voluntary licensing program.

**Summary of Comments.** The public comment period on the rule proposal began on February 27, 2026 and ended on April 14, 2026. The Commission did not receive any comments.

**Statutory Authority.** The amendments are adopted in accordance with the Commission's forensic analyst licensing authority under Code of Criminal Procedure, Article 38.01 §4-a(d)(1), which requires the Commission to establish rules for qualifications for a forensic analyst license, Code of Criminal Procedure, Article 38.01 §3-b, which requires the Commission to adopt a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities regulated by the Commission, and the Commission's general rulemaking authority under Article 38.01 § 3-a which directs the Commission to adopt rules necessary to implement Code of Criminal Procedure, Art. 38.01.

Cross reference to statute. The adoption amends rule 37 Texas Administrative Code §651.219.

### §651.219. Code of Professional Responsibility.

(a) Code of Professional Responsibility for Forensic Analysts, Forensic Technicians, and Crime Laboratory Management Subject to the Jurisdiction of the Texas Forensic Science Commission. The Code of Professional Responsibility ("Code") for forensic analysts, forensic technicians, and crime laboratory management defines a framework for promoting integrity and respect for the scientific process and encouraging transparency in forensic analysis. Forensic analysts, forensic technicians, and crime laboratory management subject to the Commission's jurisdiction are expected to abide by this Code in all forensic science-related professional activities regardless of the geographic location where the activities are performed. Because certain components of the Code are best suited to individual forensic analysts or technicians while others are best suited to crime laboratory management, the Code is divided into two sections.

(b) Each person licensed by the Commission shall:

(1) Accurately represent his/her education, training, experience, and areas of expertise.

(2) Commit to continuous learning in the forensic disciplines and stay abreast of new findings, equipment and techniques to maintain professional competency.

(3) Promote validation and incorporation of new technologies, guarding against the use of non-valid methods in casework and the misapplication of validated methods.

(4) Avoid tampering, adulteration, loss, or unnecessary consumption of evidentiary materials.

(5) Avoid participation in any case where there are personal, financial, employment-related or other conflicts of interest.

(6) Conduct thorough, fair and unbiased examinations, leading to independent, impartial, and objective opinions and conclusions.

(7) Make and retain full, contemporaneous, clear and accurate written records of all examinations and tests conducted and conclusions drawn, in sufficient detail to allow meaningful review and assessment by an independent person competent in the field.

(8) Base conclusions on procedures supported by sufficient data, standards and controls, not on political pressure or other outside influence.

(9) Not offer opinions or conclusions that are outside one's expertise.

(10) Prepare reports in clear terms, distinguishing data from interpretations and opinions, and disclosing any relevant limitations to guard against making invalid inferences or misleading the judge or jury.

(11) Not issue reports or other records, or withhold information from reports for strategic or tactical litigation advantage.

(12) Present accurate and complete data in reports, oral and written presentations and testimony based on good scientific practices and valid methods.

(13) Testify in a manner which is clear, straightforward and objective, and avoid phrasing testimony in an ambiguous, biased or misleading manner.

(14) Retain any record, item or object related to a case, such as work notes, data, and peer or technical review information due to potential evidentiary value and pursuant to the laboratory's retention policy.

(15) Communicate honestly and fully with all parties (investigators, prosecutors, defense attorneys, and other expert witnesses), unless prohibited by law.

(16) Document and notify management or quality assurance personnel of adverse events, such as an unintended mistake or a breach of ethical, legal, scientific standards, or questionable conduct.

(17) Ensure reporting, through proper management channels, to all impacted scientific and legal parties of any adverse event that affects a previously issued report or testimony.

(c) Members of management in crime laboratories that perform forensic analysis for which accreditation is required shall:

(1) Encourage a quality-focused culture that embraces transparency, accountability and continuing education while resisting individual blame or scapegoating.

(2) Provide opportunities for forensic analysts to stay abreast of new scientific findings, technology and techniques while guarding against the use of non-valid methods in casework, the misapplication of validated methods or improper testimony regarding a particular analytical method or result.

(3) Maintain case retention and management policies and systems based on the presumption that there is potential evidentiary value for any information related to a case, including work notes, analytical and validation data, and peer or technical review.

(4) Provide clear communication and reporting systems through which forensic analysts may report to management non-conformities in the quality system and other adverse events, such as an unintended mistake or a breach of ethical, legal, scientific standards, or questionable conduct.

(5) Make timely and full disclosure to the Texas Forensic Science Commission of any non-conformance that may rise to the level of professional negligence or professional misconduct.

(6) Provide copies of all substantive communications with the laboratory's national accrediting body to the Commission.

(7) For any laboratory that performs forensic analysis on behalf of the State of Texas, develop and follow a written forensic disclosure compliance policy for the purpose of ensuring the laboratory's compliance with article 39.14 of the Texas Code of Criminal Procedure.

(8) Ensure the laboratory's forensic disclosure policy provides clear instructions for identifying and disclosing any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the laboratory. The policy should explicitly address how to inform potentially affected recipients of any non-conformances or breaches of law or ethical standards that may adversely affect either a current case or a previously issued report or testimony.

(9) Inform all forensic analysts working on behalf of the laboratory that they may report allegations of professional negligence or professional misconduct to the Texas Forensic Science Commission without fear of adverse employment consequences.

(d) Code of Professional Responsibility Applicability to Crime Laboratory Managers at Entities Not Subject to Accreditation Requirements. Crime laboratory managers at entities that perform testing limited to forensic examinations or tests not subject to accreditation as described by Article 38.35(a)(4)(A), (B), (C), or (D), of the Code of Criminal Procedure are not subject to 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 28, 2026.

TRD-202602227

Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

Effective date: June 17, 2026

Proposal publication date: February 27, 2026

For further information, please call: (512) 936-0661



## SUBCHAPTER G. TEXAS FORENSIC ANALYST APPRENTICESHIP PILOT PROGRAM

### 37 TAC §§651.601 - 651.603

The Texas Forensic Science Commission (Commission) adopts new Subchapter G to establish the Texas Forensic Analyst Apprenticeship Pilot Program (TFAAPP) that includes new rules: (1) §651.601 Purpose; (2) §651.602 Definitions; and (3) §651.603 Accredited Crime Laboratory Eligibility Requirements for the TFAAPP without changes to the text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1283). The rules will not be republished.

**Background and Justification.** Subchapter G responds to Senate Bill 1620, enacted during the 89th Texas Legislature, which requires the Office of Court Administration (OCA, the agency to which the Commission is administratively attached) to collaborate with the Commission to establish and administer a Texas forensic analyst apprenticeship pilot program focused on increasing the forensic science workforce capacity in the State. Specifically, the bill requires the Commission to adopt eligibility requirements for: (1) individuals who may apply for an apprentice position under the pilot program; and (2) publicly funded accredited crime laboratories that may apply to sponsor an apprentice under the pilot program. The rules proposed herein establish: (1) the TFAAPP program; (2) the components required for an individual to qualify for an apprenticeship; and (3) the components required for a publicly funded accredited crime laboratory to qualify for an award by the Commission to sponsor an apprenticeship position.

**Summary of Comments.** The public comment period on the rule adoption began on February 27, 2026, and ended April 14, 2026. The Commission did not receive any comments.

**Statutory Authority.** The Commission adopts new subchapter G under Government Code §§72.201-.203, and the Commission's general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 §3-a.

**Cross reference to statute.** The adoption affects Government Code §§72.201-.203.

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 28, 2026.

TRD-202602230

Leigh Tomlin  
Associate General Counsel  
Texas Forensic Science Commission  
Effective date: June 17, 2026  
Proposal publication date: February 27, 2026  
For further information, please call: (512) 936-0661



## **TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

### **PART 15. TEXAS VETERANS COMMISSION**

#### **CHAPTER 459. NEW VETERAN-OWNED BUSINESS VERIFICATION LETTERS**

##### **40 TAC §459.1**

The Texas Veterans Commission adopts a new rule for 40 Texas Administrative Code (TAC) Chapter 459 New Veteran-Owned Business Verification Letters, 40 TAC §459.1, without changes to the proposed text as published on February 27, 2026, issue of the *Texas Register* (51 TexReg 1284), and will not be republished.

The proposed new rule is adopted to outline the process necessary for veterans to request a Veteran Verification Letter. This

new rule establishes acceptable documents when applying for a Veteran Verification Letter certifying a veteran's honorable discharge for a new veteran-owned business.

The 30-day public comment period ended on March 30, 2026, and the Commission did not receive any comments regarding the proposed new rule.

The new rule is adopted under Texas Government Code § 434.010, which grants the Commission the authority to establish rules it considers necessary for its administration.

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 29, 2026.

TRD-202602239  
Catherine Baron  
General Counsel  
Texas Veterans Commission  
Effective date: June 18, 2026  
Proposal publication date: February 27, 2026  
For further information, please call: (737) 320-4167



# 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.

## Proposed Rule Reviews

### Council on Sex Offender Treatment

#### Title 22, Part 36

The Council on Sex Offender Treatment (Council), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 22, Part 36, of the Texas Administrative Code:

#### Chapter 810, Council on Sex Offender Treatment

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal the rules.

Comments on the review of Chapter 810, Council on Sex Offender Treatment, may be submitted to P.O. Box 149030 Mail Code 1982, Austin, Texas 78714-9030, or by email to [csot@hhs.texas.gov](mailto:csot@hhs.texas.gov). When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 810" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 22, Part 36, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings ([www.sos.texas.gov](http://www.sos.texas.gov)).

TRD-202602235

Airen Targonski

Executive Director

Council on Sex Offender Treatment

Filed: May 29, 2026



### Texas Commission on Jail Standards

#### Title 37, Part 9

The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 299 Variance Procedure Rules, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at [Richard.morgan@tcjs.state.tx.us](mailto:Richard.morgan@tcjs.state.tx.us) or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202602249

Ricky Armstrong

Executive Director

Texas Commission on Jail Standards

Filed: June 1, 2026



The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 300 Fees, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at [Richard.morgan@tcjs.state.tx.us](mailto:Richard.morgan@tcjs.state.tx.us) or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202602250

Ricky Armstrong

Executive Director

Texas Commission on Jail Standards

Filed: June 1, 2026



The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 301 Rules of Practice in Contested Cases, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at [Richard.morgan@tcjs.state.tx.us](mailto:Richard.morgan@tcjs.state.tx.us) or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202602251  
Ricky Armstrong  
Executive Director  
Texas Commission on Jail Standards  
Filed: June 1, 2026

◆ ◆ ◆  
**Adopted Rule Reviews**

Texas Alcoholic Beverage Commission

**Title 16, Part 3**

The Texas Alcoholic Beverage Commission (TABC) has completed its review of its rules in Texas Administrative Code, Title 16, Chapter 34 (16 TAC §§34.1-34.22), relating to Schedule of Sanctions and Penalties. This review was conducted pursuant to Texas Government Code §2001.039, which directs state agencies to review and consider for re-adoption each of their rules. The proposed rule review was published in the January 30, 2026, issue of the *Texas Register* (51 TexReg 628).

SUMMARY OF COMMENTS. TABC did not receive any comments on this rule review.

READOPTION OF RULES. After review, TABC finds that the reasons for adopting 16 TAC §§34.1-34.22 continue to exist. Therefore, TABC re-adopts the rules. However, TABC also identified provisions in the reviewed rules that may warrant further amendment. TABC will formally propose any amendments consistent with the Texas Administrative Procedure Act, Texas Government Code Chapter 2001.

TRD-202602268  
Matthew Cherry  
Senior Counsel  
Texas Alcoholic Beverage Commission  
Filed: June 2, 2026

◆ ◆ ◆  
The Texas Alcoholic Beverage Commission (TABC) has completed its review of its rules in Texas Administrative Code, Title 16, Chapter 35 (16 TAC §§35.1-35.4), relating to Enforcement. This review was conducted pursuant to Texas Government Code §2001.039, which directs state agencies to review and consider for re-adoption each of their rules. The proposed rule review was published in the January 30, 2026, issue of the *Texas Register* (51 TexReg 628).

SUMMARY OF COMMENTS. TABC did not receive any comments on this rule review.

READOPTION OF RULES. After review, TABC finds that the reasons for adopting 16 TAC §§35.1-35.4 continue to exist. Therefore, TABC re-adopts the rules. However, TABC also identified provisions in the reviewed rules that may warrant further amendment. TABC will formally propose any amendments consistent with the Texas Administrative Procedure Act, Texas Government Code Chapter 2001.

TRD-202602269  
Matthew Cherry  
Senior Counsel  
Texas Alcoholic Beverage Commission  
Filed: June 2, 2026

Texas Health and Human Services Commission

**Title 26, Part 1**

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 361, Guardianship Services

Notice of the review of this chapter was published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2073) for public comment.

The 31-day comment period ended April 27, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 361 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting rules in the chapter continue to exist and re-adopts Chapter 361 except for:

§361.81, Responsibilities of Guardian of the Estate

The repeal identified by HHSC in the rule review and any amendments, if applicable, to Chapter 361 will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 361 as required by Texas Government Code §2001.039.

TRD-202602234  
Jessica Miller  
Director, Rules Coordination Office  
Texas Health and Human Services Commission  
Filed: May 29, 2026

◆ ◆ ◆  
Texas Juvenile Justice Department

**Title 37, Part 11**

In accordance with §2001.039, Government Code, the Texas Juvenile Justice Department (TJJJ) has completed its review of 37 TAC, Part 11, Chapter 347, Title IV-E Federal Foster Care Program. TJJJ published its Notice of Intent to Review this chapter in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2962). TJJJ received no public comments on the proposed rule review.

As a result of the review, TJJJ has determined that the original reasons for adopting Chapter 347 continue to exist and re-adopts the chapter.

This concludes TJJJ's review of 37 TAC, Part 11, Chapter 347.

TRD-202602262  
Jana Jones  
General Counsel  
Texas Juvenile Justice Department  
Filed: June 2, 2026

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# 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.

## Texas Department of Agriculture

### Renewal of Emergency Quarantine - Cotton Jassid

The Texas Department of Agriculture (TDA) adopts the renewal of an emergency quarantine pursuant to Texas Agriculture Code, Chapter 71, Subchapter A, Section 71.004, and Texas Government Code, Chapter 2001, Section 20001.034, which authorizes TDA to renew an emergency quarantine without notice and public hearing when a public emergency exists involving the likelihood of introduction or dissemination of a dangerous insect pest threatening horticulture and agriculture in the state. An emergency quarantine was initially issued by TDA on October 3, 2025 and expired on February 2, 2026. A subsequent emergency quarantine was issued by TDA on February 5, 2026 and published in the February 20, 2026 issue of the *Texas Register* (51 TexReg 1181); this current emergency quarantine will expire on June 5, 2026. The renewal of the emergency quarantine is required due to the effectiveness in restricting the spread of the two-spotted cotton leafhopper (also known as cotton jassid), *Amrasca biguttula*, to cotton fields and nurseries in Texas.

The National Plant Board has decided to implement a compliance agreement for the two-spot cotton leafhopper applicable to nurseries in the impacted states, which is acceptable to the nursery and cotton industries in Texas. Until the National Plant Board's compliance agreement becomes effective, renewal of the current emergency quarantine is required. Additional time is also required for evaluating the effectiveness of integrated management practices to achieve an appropriate level of protection from *A. biguttula* risk to the state's cotton and nursery industries.

This invasive pest poses an imminent threat to Texas cotton production, a critical agricultural sector valued at over \$1.5 billion annually, due to its rapid reproduction and potential for "hopperburn" damage leading to yield losses up to 50% in infested fields. Additionally, the threat extends to other crops including ornamental and garden plants.

The department believes it is necessary to continue with the initial action to prevent the artificial spread of two-spotted leafhopper to better plan and understand the pest dynamics and effects during the spring planting and harvesting season. The renewal of this emergency quarantine for an additional sixty (60) days is both necessary and appropriate in order to effectively contain, combat and manage the infestations of two-spotted leafhopper. The Texas nursery floral and cotton industry producers' chances of becoming infested increase significantly without the renewal of the emergency quarantine action. Once infested, producers would have to bear the treatment expenses to ship regulated articles to non-infested areas of Texas and other states.

**Effective Date:** This renewal of the emergency quarantine takes effect immediately upon issuance, with the renewal term commencing on June 5, 2026 and remaining in force for the following sixty (60) days or until rescinded or modified by TDA following assessment of pest distribution and control measures.

#### Pest Description:

The two-spotted cotton leafhopper (*Amrasca biguttula*) is a small (3-4 mm), pale green insect with yellowish-green wings marked by two dis-

tinct black spots on the head and forewings (spots may fade in older adults). Nymphs are wingless, pale green, and highly mobile. Adults and nymphs feed on plant sap from the undersides of leaves, injecting toxins that cause "hopperburn" initial yellowing at leaf tips and margins, upward curling/cupping of leaves, followed by rapid reddening, browning, and necrosis. Severe infestations lead to defoliation, stunted growth, and reduced boll set in cotton, mimicking nutrient deficiencies or spider mite damage. The pest has multiple generations per year (up to 20-30 in warm climates), with eggs laid in leaf tissues and a life cycle of 7-14 days under Texas summer conditions.

**Regulated Articles:** All living hostable field crops and nursery plants capable of disseminating the two-spotted cotton leafhopper are regulated.

**Quarantined Areas:** All counties in Texas with confirmed detections of the two-spotted cotton leafhopper as of May 22, 2026, based on current inspections and surveys. TDA will maintain an updated list of quarantined areas on the TDA Plant Quality website ([texasagriculture.gov/Regulatory-Programs/Plant-Quality/Quarantines](http://texasagriculture.gov/Regulatory-Programs/Plant-Quality/Quarantines)).

**Movement into Texas from infested areas outside the state:** South-eastern states including states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, South Carolina, and North Carolina is prohibited unless the following conditions for movement are met.

#### Conditions for Movement:

**Certification:** Accompanied by a phytosanitary document (certificate, permit or a compliance agreement) issued by an authorized official from the state/country of origin, confirming the articles are free of the pest based on inspection and treatment. The phytosanitary document must include origin, destination, commodity, treatment and pest-free declaration.

**Treatment:** Articles must be treated in accordance with TDA-approved methods or USDA approved treatments for leafhoppers, such as insecticidal dip or spray using EPA-registered products effective against leafhoppers.

**Exemption:** Shipments for scientific, research, or immediate processing purposes may be allowed with prior TDA and/or USDA approval and under containment protocols.

Movement violations are subject to Texas Agriculture Code penalties, including fines up to \$4,000 per violation, seizure, destruction of articles at owner's expense, and potential criminal charges.

TRD-202602223

Susan Maldonado

General Counsel

Texas Department of Agriculture

Filed: May 27, 2026

## Office of the Attorney General

Texas Water Code and Texas Health and Safety Code  
Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Health and Safety Code and the Texas Water Code.

Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Tex. 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: *Harris County, Texas, and the State of Texas, acting by and through the Texas Commission on Environmental Quality, a Necessary and Indispensable Party v. HM South Texas Concrete, LLC*; Cause No. 2025-23580; 125th Judicial District, Harris County, Texas.

Background: Harris County and the State of Texas brought suit against HM South Texas Concrete, LLC, the owner and operator of a cement production facility in Houston, Texas, for violations of its standard air permit, Texas Pollutant Discharge Elimination System permit, the Solid Waste Disposal Act, and Harris County Stormwater Regulations that occurred at the facility. From May 2020 to November 2024, Harris County investigators documented violations that included, without limitation, failing to meet operating and cleanliness standards, allowing aggregate to accumulate offsite and allowing the threat of an unlawful oil discharge. HM South Texas Concrete, LLC, ultimately addressed all outstanding violations.

Proposed Settlement: The proposed Agreed Final Judgment assesses civil penalties against the Defendant in the amount of \$61,275.00 to be equally divided between Harris County and the State and attorney's fees in the amount of \$17,000 each to Harris County and the State.

For a complete description of the proposed settlement, the Settlement Agreement & Release should be reviewed in its entirety. Requests for copies of the proposed settlement, and written comments on the same, should be directed to Ariel San Miguel, 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: ariel.sanmiguel@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202602277

Justin Gordon

General Counsel

Office of the Attorney General

Filed: June 2, 2026

◆ ◆ ◆  
**State Bar of Texas**

Proposed Rule 9.01 Orders from Other Jurisdictions, Texas  
Rules of Disciplinary Procedure

# **RULE 9.01 ORDERS FROM OTHER JURISDICTIONS**

## **Texas Rules of Disciplinary Procedure**

*The Committee on Disciplinary Rules and Referenda, or CDRR, was created by Government Code section 81.0872 and is responsible for overseeing the initial process for proposing a disciplinary rule. Pursuant to Government Code section 81.0876, the committee publishes the following proposed rule. The committee will accept comments concerning the proposed rule through August 4, 2026. Comments can be submitted at [texasbar.com/CDRR](https://texasbar.com/CDRR) or by email to [cdr@texasbar.com](mailto:cdr@texasbar.com). The committee will hold a public hearing on the proposed rule by teleconference on August 5, 2026, at 10 a.m. CDT. For teleconference participation information, please go to [texasbar.com/cdr/participate](https://texasbar.com/cdr/participate).*

### **Proposed Rule (Redline Version)**

**9.01. Orders From Other Jurisdictions:** Upon receipt of information indicating that an attorney licensed to practice law in Texas has been disciplined in another jurisdiction, including by any federal court or federal agency, the Chief Disciplinary Counsel shall diligently seek to obtain a certified copy of the order or judgment of discipline from the other jurisdiction, and file it with the Board of Disciplinary Appeals along with a petition requesting that the attorney be disciplined in Texas. The petition shall be filed with the Board of Disciplinary Appeals no later than one hundred and eighty (180) days from the date the Chief Disciplinary Counsel receives information indicating that the attorney has been disciplined in another jurisdiction. A certified copy of the order or judgment is prima facie evidence of the matters contained therein, and a final adjudication in another jurisdiction that an attorney licensed to practice law in Texas has committed Professional Misconduct is conclusive for the purposes of a Disciplinary Action under this Part, subject to the defenses set forth in Rule 9.04 below. For purposes of this Part, “discipline” by a federal court or federal agency means a public reprimand, suspension, or disbarment; the term does not include a letter of “warning” or “admonishment” or a similar advisory by a federal court or federal agency.

### **Proposed Rule (Clean Version)**

**9.01. Orders From Other Jurisdictions:** Upon receipt of information indicating that an attorney licensed to practice law in Texas has been disciplined in another jurisdiction, including by any federal court or federal agency, the Chief Disciplinary Counsel shall diligently seek to obtain a certified copy of the order or judgment of discipline from the other jurisdiction, and file it with the Board of Disciplinary Appeals along with a petition requesting that the attorney be disciplined in Texas. The petition shall be filed with the Board of Disciplinary Appeals no later than one hundred and eighty (180) days from the date the Chief Disciplinary Counsel receives information indicating that the attorney has been disciplined in another jurisdiction. A certified copy of the order or judgment is prima facie evidence of the matters contained therein, and a final adjudication in another jurisdiction that an attorney licensed to practice law in Texas has committed Professional Misconduct is conclusive for the purposes of a Disciplinary Action under this Part, subject to the defenses set forth in Rule 9.04 below. For purposes of this Part, “discipline” by a federal court or federal agency means a public reprimand, suspension, or disbarment; the term does not include a letter of “warning” or “admonishment” or a similar advisory by a federal court or federal agency.

# RULE 17.05 EFFECT OF TIME LIMITATIONS

## Texas Rules of Disciplinary Procedure

*The Committee on Disciplinary Rules and Referenda, or CDRR, was created by Government Code section 81.0872 and is responsible for overseeing the initial process for proposing a disciplinary rule. Pursuant to Government Code section 81.0876, the committee publishes the following proposed rule. The committee will accept comments concerning the proposed rule through August 4, 2026. Comments can be submitted at [texasbar.com/CDRR](https://texasbar.com/CDRR) or by email to [cdrr@texasbar.com](mailto:cdrr@texasbar.com). The committee will hold a public hearing on the proposed rule by teleconference on August 5, 2026, at 10 a.m. CDT. For teleconference participation information, please go to [texasbar.com/cdrr/participate](https://texasbar.com/cdrr/participate).*

### Proposed Rule (Redline Version)

**17.05. Effect of Time Limitations:** The time periods provided in Rules 2.10, 2.12, 2.15, 2.17C, 2.17E, 2.17P, 2.25, 3.02, 3.04, 7.11, 9.01, 9.02, 9.03, 10.02, 11.01, 11.08, and 12.06(d) are mandatory. All other time periods herein provided are directory only and the failure to comply with them does not result in the invalidation of an act or event by reason of the noncompliance with those time limits.

### Proposed Rule (Clean Version)

**17.05. Effect of Time Limitations:** The time periods provided in Rules 2.10, 2.12, 2.15, 2.17C, 2.17E, 2.17P, 2.25, 3.02, 3.04, 7.11, 9.01, 9.02, 9.03, 10.02, 11.01, 11.08, and 12.06(d) are mandatory. All other time periods herein provided are directory only and the failure to comply with them does not result in the invalidation of an act or event by reason of the noncompliance with those time limits.

# **RULE 17.06 LIMITATIONS, RULES AND EXCEPTIONS**

## **Texas Rules of Disciplinary Procedure**

*The Committee on Disciplinary Rules and Referenda, or CDRR, was created by Government Code section 81.0872 and is responsible for overseeing the initial process for proposing a disciplinary rule. Pursuant to Government Code section 81.0876, the committee publishes the following proposed rule. The committee will accept comments concerning the proposed rule through August 4, 2026. Comments can be submitted at [texasbar.com/CDRR](https://texasbar.com/CDRR) or by email to [cdrr@texasbar.com](mailto:cdrr@texasbar.com). The committee will hold a public hearing on the proposed rule by teleconference on August 5, 2026, at 10 a.m. CDT. For teleconference participation information, please go to [texasbar.com/cdrr/participate](https://texasbar.com/cdrr/participate).*

### **Proposed Rule (Redline Version)**

#### **17.06. Limitations, Rules and Exceptions:**

- A. *General Rule:* No attorney may be disciplined for Professional Misconduct that occurred more than four years before the date on which a Grievance alleging the Professional Misconduct is received by the Chief Disciplinary Counsel.
- B. *Exception: Compulsory Discipline:* The general rule does not apply to a Disciplinary Action seeking compulsory discipline under Part VIII.
- C. *Exception: Alleged Violation of the Disclosure Rule:* A prosecutor may be disciplined for a violation of Rule 3.09(d), Texas Disciplinary Rules of Professional Conduct, that occurred in a prosecution that resulted in the wrongful imprisonment of a person if the Grievance alleging the violation is received by the Chief Disciplinary Counsel within four years after the date on which the Wrongfully Imprisoned Person was released from a Penal Institution.
- D. *Effect of Fraud or Concealment:* Where fraud or concealment is involved, the time periods stated in this rule do not begin to run until the Complainant discovered, or in the exercise of reasonable diligence should have discovered, the Professional Misconduct.
- E. *Tolling: Reciprocal Discipline:* The four-year limitations period for reciprocal discipline is paused once the other jurisdiction has charged an attorney licensed to practice law in Texas with Professional Misconduct until a final judgment of Professional Misconduct has been issued against the attorney in the other jurisdiction.

### **Proposed Rule (Clean Version)**

**17.06. Limitations, Rules and Exceptions:**

- A. *General Rule:* No attorney may be disciplined for Professional Misconduct that occurred more than four years before the date on which a Grievance alleging the Professional Misconduct is received by the Chief Disciplinary Counsel.
- B. *Exception: Compulsory Discipline:* The general rule does not apply to a Disciplinary Action seeking compulsory discipline under Part VIII.
- C. *Exception: Alleged Violation of the Disclosure Rule:* A prosecutor may be disciplined for a violation of Rule 3.09(d), Texas Disciplinary Rules of Professional Conduct, that occurred in a prosecution that resulted in the wrongful imprisonment of a person if the Grievance alleging the violation is received by the Chief Disciplinary Counsel within four years after the date on which the Wrongfully Imprisoned Person was released from a Penal Institution.
- D. *Effect of Fraud or Concealment:* Where fraud or concealment is involved, the time periods stated in this rule do not begin to run until the Complainant discovered, or in the exercise of reasonable diligence should have discovered, the Professional Misconduct.
- E. *Tolling: Reciprocal Discipline:* The four-year limitations period for reciprocal discipline is paused once the other jurisdiction has charged an attorney licensed to practice law in Texas with Professional Misconduct until a final judgment of Professional Misconduct has been issued against the attorney in the other jurisdiction.

TRD-202602238  
Andie Parnell  
Staff Attorney  
State Bar of Texas  
Filed: May 29, 2026

◆ ◆ ◆  
**Office of Consumer Credit Commissioner**

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 06/08/26 - 06/14/26 is 18.00% for consumer<sup>1</sup> credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 06/08/26 - 06/14/26 is 18.00% for commercial<sup>2</sup> credit.

The monthly ceiling as prescribed by §303.005<sup>3</sup> and §303.009 for the period of 06/01/26 - 06/30/26 is 18.00%.

The quarterly ceiling as prescribed by §303.008 and §303.009 for the period of 07/01/26 - 09/30/26 is 18.00% for consumer<sup>1</sup> credit.

The quarterly ceiling as prescribed by §303.008 and §303.009 for the period of 07/01/26 - 09/30/26 is 18.00% for commercial<sup>2</sup> credit.

The annualized ceiling as prescribed by §303.008 and §303.009<sup>4</sup> for the period of 07/01/26 - 06/30/27 is 18.00% for consumer<sup>1</sup> credit.

The annualized ceiling as prescribed by §303.008 and §303.009<sup>4</sup> for the period of 07/01/26 - 06/30/27 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.

<sup>3</sup> Only for variable rate commercial transactions, as provided by §303.004(a)

<sup>4</sup> Only for open-end credit as defined in §301.002(14), as provided by §303.007.

TRD-202602285  
Leslie L. Pettijohn  
Commissioner  
Office of Consumer Credit Commissioner  
Filed: June 3, 2026

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**Texas Commission on Environmental Quality**

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, 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 **July 13, 2026**. 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 physical 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. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **July 13, 2026**. Written comments may also be sent to the enforcement coordinator by email to [ENFCOMNT@tceq.texas.gov](mailto:ENFCOMNT@tceq.texas.gov) or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing

(1) COMPANY: Cade Lakes Water Supply Corporation; DOCKET NUMBER: 2026-0242-PWS-E; IDENTIFIER: RN101442507; LOCATION: Caldwell, Burleson County; TYPE OF FACILITY: public water supply; PENALTY: \$945; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(2) COMPANY: Chevron U.S.A. Inc.; DOCKET NUMBER: 2025-1921-AIR-E; IDENTIFIER: RN110046851; LOCATION: Pecos, Reeves County; TYPE OF FACILITY: oil and gas handling and production site; PENALTY: \$4,876; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(3) COMPANY: Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC; DOCKET NUMBER: 2024-1888-AGR-E; IDENTIFIER: RN100794155; LOCATION: Dublin, Erath County; TYPE OF FACILITY: concentrated animal feeding operation; PENALTY: \$54,327; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - Dallas/Fort Worth.

(4) COMPANY: Concrete on Demand, LLC; DOCKET NUMBER: 2025-0314-AIR-E; IDENTIFIER: RN107647349; LOCATION: Richmond, Fort Bend County; TYPE OF FACILITY: bulk mineral handling facility; PENALTY: \$13,500; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(5) COMPANY: Cummings Investment Properties, LLC; DOCKET NUMBER: 2025-0477-WQ-E; IDENTIFIER: RN111508933; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: construction site; PENALTY: \$12,375; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(6) COMPANY: DCP Operating Company, LP; DOCKET NUMBER: 2025-0161-AIR-E; IDENTIFIER: RN102744737; LOCATION: Warda, Lee County; TYPE OF FACILITY: natural gas compression facility; PENALTY: \$6,438; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(7) COMPANY: DIAMOND GREEN DIESEL LLC; DOCKET NUMBER: 2024-1334-AIR-E; IDENTIFIER: RN110966884; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$69,605; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$27,842; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(8) COMPANY: Devon Energy Production Company, L.P.; DOCKET NUMBER: 2026-0150-AIR-E; IDENTIFIER: RN111638458; LOCATION: Cuero, Dewitt County; TYPE OF FACILITY: production and equipment site; PENALTY: \$4,063; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(9) COMPANY: Exxon Mobil Corporation; DOCKET NUMBER: 2025-1120-AIR-E; IDENTIFIER: RN102501020; LOCATION: Mont Belvieu, Chambers County; TYPE OF FACILITY: plastics manufacturing plant; PENALTY: \$7,200; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$2,880; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(10) COMPANY: Farmers Cooperative Elevator Association of Level-land, Texas; DOCKET NUMBER: 2025-1831-PST-E; IDENTIFIER: RN102607082; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: retail gasoline facility; PENALTY: \$3,250; ENFORCEMENT COORDINATOR: Bryce Huck, (512) 239-4655; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: Grassland Water Supply Corporation; DOCKET NUMBER: 2023-1315-PWS-E; IDENTIFIER: RN101244093; LOCATION: Post, Lynn County; TYPE OF FACILITY: public water supply; PENALTY: \$10,107; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(12) COMPANY: INEOS OLIGOMERS USA LLC; DOCKET NUMBER: 2024-0499-AIR-E; IDENTIFIER: RN108783614; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$477,900; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(13) COMPANY: ISIDRO, DAVID; DOCKET NUMBER: 2025-0308-AIR-E; IDENTIFIER: RN100785450; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: autobody refinishing facility; PENALTY: \$6,875; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: JB STONE, LLC; DOCKET NUMBER: 2025-1745-EAQ-E; IDENTIFIER: RN106170103; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: construction site; PENALTY: \$14,000; ENFORCEMENT COORDINATOR:

Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(15) COMPANY: LCY ELASTOMERS LP; DOCKET NUMBER: 2025-1083-AIR-E; IDENTIFIER: RN102325974; LOCATION: Baytown, Harris County; TYPE OF FACILITY: chemical plant; PENALTY: \$177,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$71,100; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(16) COMPANY: LONGVIEW BRIDGE AND ROAD, LTD.; DOCKET NUMBER: 2025-0217-AIR-E; IDENTIFIER: RN111109708; LOCATION: Texarkana, Bowie County; TYPE OF FACILITY: concrete batch plant; PENALTY: \$5,906; ENFORCEMENT COORDINATOR: Bethany Batchelor, (713) 767-3586; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(17) COMPANY: Lonnie Lischka Company, L.P.; DOCKET NUMBER: 2025-1884-WQ-E; IDENTIFIER: RN112233648; LOCATION: Montgomery, Montgomery County; TYPE OF FACILITY: construction site; PENALTY: \$1,800; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(18) COMPANY: MOORE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2024-1121-MWD-E; IDENTIFIER: RN103014924; LOCATION: Moore, Frio County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$67,719; ENFORCEMENT COORDINATOR: Bethany Batchelor, (713) 767-3586; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(19) COMPANY: Magellan Terminals Holdings, L.P.; DOCKET NUMBER: 2025-1300-AIR-E; IDENTIFIER: RN102180486; LOCATION: Houston, Harris County; TYPE OF FACILITY: bulk liquid storage facility; PENALTY: \$52,160; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$20,864; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(20) COMPANY: McCormick Marketing, Inc.; DOCKET NUMBER: 2025-1630-PST-E; IDENTIFIER: RN102548492; LOCATION: Jayton, Kent County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: \$10,001; ENFORCEMENT COORDINATOR: Ramyia Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(21) COMPANY: Norocos Investments Inc; DOCKET NUMBER: 2025-0163-PST-E; IDENTIFIER: RN101541670; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: operator; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(22) COMPANY: OXY USA Inc.; DOCKET NUMBER: 2026-0215-AIR-E; IDENTIFIER: RN111615613; LOCATION: Mentone, Loving County; TYPE OF FACILITY: oil and gas processing facility; PENALTY: \$6,626; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(23) COMPANY: Shell USA, Inc.; DOCKET NUMBER: 2025-1673-IHW-E; IDENTIFIER: RN100211879; LOCATION: Deer Park, Har-

ris County; TYPE OF FACILITY: petrochemical manufacturing facility; PENALTY: \$24,278; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

TRD-202602261

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: June 2, 2026

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Combined Notice of Public Meeting and Notice of Receipt of Application and Intent to Obtain Water Quality Permit and Notice of Application and Preliminary Decision For TPEDS Permit for Municipal Wastewater New Permit No. WQ0016585001

**APPLICATION AND PRELIMINARY DECISION.** South Central Water Company, P.O. Box 570177, Houston, Texas 77257, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016585001, to authorize the **discharge of treated domestic wastewater at a daily average flow not to exceed 220,000 gallons per day.** TCEQ received this application on July 29, 2024.

**PURPOSE OF COMBINED NOTICE:** This combined notice is being issued to update the discharge route for the proposed facility and update the request to discharge treated domestic wastewater at a daily average flow not to exceed 220,000 gallons per day from what was previously stated in the NORI published October 15, 2025. This combined notice also announces that the TCEQ Executive Director has completed the technical review of the application and prepared a draft permit, and that TCEQ will be holding a public meeting for members of the public to comment on the application. Please see the meeting information below.

The facility will be located approximately 0.5 miles northeast of the intersection of State Highway 130 and County Road 105, in Williamson County, Texas 78634. The treated effluent **will be discharged to a first order unnamed tributary, thence to a pond, thence to a third order unnamed tributary, thence to Huddleston Branch, thence to Mankins Branch, thence to San Gabriel/North Fork San Gabriel River in Segment No. 1248 of the Brazos River Basin.** The unclassified receiving water uses are minimal aquatic life use for the first order unnamed tributary and high aquatic life use for the pond, third order unnamed tributary, Huddleston Branch, and Mankins Branch. The designated uses for Segment No. 1248 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in the pond, third order unnamed tributary, Huddleston Branch, Mankins Branch, and Segment No. 1248, which have been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.591666,30.613055&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Hutto Public Library, 500 West Live Oak Street, Hutto, Texas. The application and associated notices are available electronically for viewing and copying at the following webpage: <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The TCEQ will hold a public meeting on this application because it was requested by a local representative and due to a significant degree of public interest in the application.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about 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. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response 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. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

**The Public Meeting is to be held:**

**Tuesday, July 14, 2026 at 7:00 p.m.**

**Cotton Gin at the CO-OP District**

**420 US-79 N**

**Hutto, Texas 78634**

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

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the applica-**

**tion is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment) within 30 days from the date of newspaper publication of this notice or by the date of the public meeting, whichever is later.**

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database

at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from South Central Water Company at the address stated above or by calling Mr. Jerry Ince, P.E., Ward, Getz & Associates, LLP, at (832) 344-6604.

Issuance Date: June 2, 2026

TRD-202602283

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 2, 2026



### Enforcement Orders

An agreed order was adopted regarding the City of Star Harbor, Docket No. 2022-0265-MWD-E on June 2, 2026 assessing \$9,200 in administrative penalties with \$1,840 deferred. Information concerning any aspect of this order may be obtained by contacting Penny Wimberly, 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 Eraco LLC dba Stop and Shop 2, Docket No. 2024-1910-PST-E on June 2, 2026 assessing \$10,744 in administrative penalties with \$2,148 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Murray, 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 COLUMBIA MEDICAL CENTER OF LEWISVILLE SUBSIDIARY, L.P. dba Medical Center of Lewisville, Docket No. 2025-0238-PST-E on June 2, 2026 assessing \$6,369 in administrative penalties with \$1,273 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 Texas Clear Cut LLC, Docket No. 2025-0311-AIR-E on June 2, 2026 assessing \$10,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, 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 PCM Concrete LLC, Docket No. 2025-0450-AIR-E on June 2, 2026 assessing \$2,250 in administrative penalties with \$450 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, 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 Lake Pointe Municipal Utility District, Docket No. 2025-0517-WQ-E on June 2, 2026 assess-

ing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, 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 FUEL BLENDERS, INC, Docket No. 2025-0538-MLM-E on June 2, 2026 assessing \$9,251 in administrative penalties with \$1,850 deferred. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, 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 Comal Aggregate LLC, Docket No. 2025-0733-AIR-E on June 2, 2026 assessing \$1,875 in administrative penalties with \$375 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 PCM Concrete LLC, Docket No. 2025-0806-AIR-E on June 2, 2026 assessing \$1,875 in administrative penalties with \$375 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 THOMPSON WATER COMPANY, INC., Docket No. 2025-0814-MWD-E on June 2, 2026 assessing \$1,150 in administrative penalties with \$230 deferred. Information concerning any aspect of this order may be obtained by contacting Cynthia Sidoa, 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 Somerset Independent School District, Docket No. 2025-0835-MWD-E on June 2, 2026 assessing \$6,750 in administrative penalties with \$1,350 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, 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 the City of Lexington, Docket No. 2025-0846-MWD-E on June 2, 2026 assessing \$2,700 in administrative penalties with \$540 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, 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 the City of Whitesboro, Docket No. 2025-0941-MWD-E on June 2, 2026 assessing \$10,500 in administrative penalties with \$2,100 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Alleyton Resource Company, LLC, Docket No. 2025-1068-WQ-E on June 2, 2026 assessing \$5,636 in administrative penalties with \$1,127 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 Smyrna Ready Mix Concrete, LLC, Docket No. 2025-1084-AIR-E on June 2, 2026 assessing \$2,000 in administrative penalties with \$400 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commis-

sion on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Flowers Baking Co. of Tyler, LLC, Docket No. 2025-1088-AIR-E on June 2, 2026 assessing \$4,000 in administrative penalties with \$800 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, 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 the City of Midland, Docket No. 2025-1156-MSW-E on June 2, 2026 assessing \$6,750 in administrative penalties with \$1,350 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, 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 New Water Supply Corporation, Docket No. 2025-1173-MLM-E on June 2, 2026 assessing \$11,002 in administrative penalties with \$2,200 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 the City of Edcouch, Docket No. 2025-1231-MWD-E on June 2, 2026 assessing \$12,150 in administrative penalties with \$2,430 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Colt G & P (North Texas) L.P., Docket No. 2025-1261-AIR-E on June 2, 2026 assessing \$8,000 in administrative penalties with \$1,600 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, 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 Eli Sasson dba West Houston Mobile Home Community, Docket No. 2025-1279-PWS-E on June 2, 2026 assessing \$3,515 in administrative penalties with \$703 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 Texas Girls and Boys Ranch, Docket No. 2025-1299-PWS-E on June 2, 2026 assessing \$113 in administrative penalties with \$22 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, 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 Tforce Freight, Inc., Docket No. 2025-1336-PST-E on June 2, 2026 assessing \$5,875 in administrative penalties with \$1,175 deferred. Information concerning any aspect of this order may be obtained by contacting Ramya 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 S&D Pride Group LLC dba Lott Food Mart, Docket No. 2025-1337-PST-E on June 2, 2026 assessing \$8,250 in administrative penalties with \$1,650 deferred. Information concerning any aspect of this order may be obtained by contacting Ramya 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 Cryovac, LLC, Docket No. 2025-1370-AIR-E on June 2, 2026 assessing \$4,000 in administrative penalties with \$800 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 Trinity ISD, Docket No. 2025-1371-PST-E on June 2, 2026 assessing \$6,500 in administrative penalties with \$1,300 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Murray, 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 WASTEWATER UTILITY, L.L.C., Docket No. 2025-1402-PWS-E on June 2, 2026 assessing \$1,960 in administrative penalties with \$392 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine McKinney, 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 WALLER 2920 PROPERTIES INC., Docket No. 2025-1424-PWS-E on June 2, 2026 assessing \$2,300 in administrative penalties with \$460 deferred. Information concerning any aspect of this order may be obtained by contacting Obianuju Iyasele, 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 Public Utilities Board of the City of Brownsville, Texas Docket No. 2025-1448-IWD-E on June 2, 2026 assessing \$2,438 in administrative penalties with \$487 deferred. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, 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 Cosmos Operating LLC dba Brady Shell, Docket No. 2025-1458-PST-E on June 2, 2026 assessing \$4,845 in administrative penalties with \$969 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, 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 Agri-Empresa LLC, Docket No. 2025-1486-AIR-E on June 2, 2026 assessing \$2,500 in administrative penalties with \$500 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, 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 LAKESHORE UTILITY COMPANY, Docket No. 2025-1492-PWS-E on June 2, 2026 assessing \$3,600 in administrative penalties with \$3,600 deferred. Information concerning any aspect of this order may be obtained by contacting De'Shaune 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 MANVEL TERRACE UTILITIES, INC., Docket No. 2025-1497-PWS-E on June 2, 2026 assessing \$1,750 in administrative penalties with \$350 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.

A field citation was adopted regarding Sharp, Adam, Docket No. 2025-1508-WOC-E on June 2, 2026 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Kaisie Hubschmitt, 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 A. Bateman dba Bateman Water Works, Docket No. 2025-1566-PWS-E on June 2, 2026 assessing \$175 in administrative penalties with \$35 deferred. Information concerning any aspect of this order may be obtained by contacting Hilda Iyasele, 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 the City of Willis, Docket No. 2025-1571-PWS-E on June 2, 2026 assessing \$6,435 in administrative penalties with \$1,287 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 Bismil Properties, Inc., Docket No. 2025-1601-PWS-E on June 2, 2026 assessing \$1,575 in administrative penalties with \$315 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 Texas Parks and Wildlife Department, Docket No. 2025-1606-PWS-E on June 2, 2026 assessing \$6,650 in administrative penalties with \$1,330 deferred. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, 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 COPANO FIELD SERVICES/SOUTH TEXAS LLC, Docket No. 2025-1617-AIR-E on June 2, 2026 assessing \$4,063 in administrative penalties with \$812 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, 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 ETC North Permian Midstream LLC, Docket No. 2025-1654-AIR-E on June 2, 2026 assessing \$9,956 in administrative penalties with \$1,991 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, 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 the City of Bartlett, Docket No. 2025-1659-PWS-E on June 2, 2026 assessing \$1,942 in administrative penalties with \$1,498 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine McKinney, 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 Oliver & Thompson Companies, LLC, Docket No. 2025-1675-PWS-E on June 2, 2026 assessing \$1,500 in administrative penalties with \$300 deferred. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, 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 the City of Odessa, Docket No. 2025-1679-MWD-E on June 2, 2026 assessing \$8,850 in administrative

penalties with \$1,770 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, 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 Heidelberg Materials Southwest LLC, Docket No. 2025-1728-IWD-E on June 2, 2026 assessing \$6,239 in administrative penalties with \$1,247 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, 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 TAS Environmental Services, L.P., Docket No. 2025-1744-IHW-E on June 2, 2026 assessing \$7,500 in administrative penalties with \$1,500 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 Kyle Hultz, trustee of The Hultz Living Trust, Docket No. 2025-1784-PWS-E on June 2, 2026 assessing \$1,063 in administrative penalties with \$212 deferred. Information concerning any aspect of this order may be obtained by contacting Hilda Iyasele, 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 LAKESHORE UTILITY COMPANY, Docket No. 2025-1801-PWS-E on June 2, 2026 assessing \$6,390 in administrative penalties with \$4,118 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine McKinney, 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 Laneville Water Supply Corporation, Docket No. 2025-1803-PWS-E on June 2, 2026 assessing \$2,850 in administrative penalties with \$570 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine Argueta, 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 Waller County Road Improvement District 1, Docket No. 2025-1814-MWD-E on June 2, 2026 assessing \$6,187 in administrative penalties with \$1,237 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, 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 PYCO Industries, Inc., Docket No. 2025-1855-AIR-E on June 2, 2026 assessing \$6,500 in administrative penalties with \$1,300 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, 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 WE Hereford, LLC, Docket No. 2026-0141-AIR-E on June 2, 2026 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An expedited compliance order was adopted regarding Brown, Luke, Docket No. 2026-0297-WR-E on June 2, 2026 assessing \$250 in administrative penalties. Information concerning any aspect of this order

may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202602289

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 3, 2026



## Enforcement Orders

An agreed order was adopted regarding the City of Corpus Christi, Docket No. 2021-0986-MWD-E on June 3, 2026 assessing \$205,055 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, 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 Scout Energy Management, LLC, Docket No. 2021-1286-AIR-E on June 3, 2026 assessing \$298,525 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, 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 the City of Penelope, Docket No. 2022-0252-MWD-E on June 3, 2026 assessing \$22,500 in administrative penalties with \$4,500 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ExxonMobil Oil Corporation, Docket No. 2022-0656-AIR-E on June 3, 2026 assessing \$28,200 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, 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 WestRock Texas, L.P., Docket No. 2022-0707-AIR-E on June 3, 2026 assessing \$33,300 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, 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 Valero Refining-Texas, L.P., Docket No. 2022-1124-AIR-E on June 3, 2026 assessing \$381,730 in administrative penalties with \$76,346 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, 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 Kinder Morgan Crude & Condensate LLC, Docket No. 2022-1254-AIR-E on June 3, 2026 assessing \$213,625 in administrative penalties with \$42,725 deferred. Information concerning any aspect of this order may be obtained by contacting Bethany Batchelor, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding SAINZ 3 HOME BUILDERS LLC, Docket No. 2022-1639-WQ-E on June 3, 2026 assessing \$8,279 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney

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

An agreed order was adopted regarding Harris County Water Control and Improvement District No. 84, Docket No. 2022-1687-MWD-E on June 3, 2026 assessing \$106,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, 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 the City of China, Docket No. 2023-0146-MWD-E on June 3, 2026 assessing \$13,500 in administrative penalties with \$2,700 deferred. Information concerning any aspect of this order may be obtained by contacting Penny Wimberly, 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 the City of Crystal City, Docket No. 2023-0184-MWD-E on June 3, 2026 assessing \$45,356 in administrative penalties with \$9,071 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, 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 the City of Electra, Docket No. 2023-0717-PWS-E on June 3, 2026 assessing \$16,320 in administrative penalties with \$3,264 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 the City of Hereford, Docket No. 2023-1351-MWD-E on June 3, 2026 assessing \$67,500 in administrative penalties with \$13,500 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 the City of Brazoria, Docket No. 2023-1399-MWD-E on June 3, 2026 assessing \$95,625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, 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 Union Tank Car Company, Docket No. 2024-0044-AIR-E on June 3, 2026 assessing \$90,250 in administrative penalties with \$18,050 deferred. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, 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 IACX Rock Creek LLC, Docket No. 2024-0290-AIR-E on June 3, 2026 assessing \$25,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Trenton White, 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 Eastman Chemical Company, Docket No. 2024-0474-AIR-E on June 3, 2026 assessing \$41,625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, 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 ExxonMobil Oil Corporation, Docket No. 2024-1015-AIR-E on June 3, 2026 assessing \$14,175 in

administrative penalties. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, 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 the City of Weslaco, Docket No. 2024-1160-MWD-E on June 3, 2026 assessing \$58,900 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, 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 Phillips 66 Company, Docket No. 2024-1250-AIR-E on June 3, 2026 assessing \$23,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, 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 Chevron Phillips Chemical Company Lp, Docket No. 2024-1270-AIR-E on June 3, 2026 assessing \$23,250 in administrative penalties with \$4,650 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, 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 the City of Jamaica Beach, Docket No. 2024-1447-MWD-E on June 3, 2026 assessing \$32,812 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 the City of Marlin, Docket No. 2024-1465-PWS-E on June 3, 2026 assessing \$17,285 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, 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. 2024-1506-MWD-E on June 3, 2026 assessing \$35,140 in administrative penalties with \$7,028 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Rankin Road West Municipal Utility District, Docket No. 2024-1508-MWD-E on June 3, 2026 assessing \$12,937 in administrative penalties with \$2,587 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Petra Nova Parish Holdings LLC, Docket No. 2024-1701-AIR-E on June 3, 2026 assessing \$81,556 in administrative penalties with \$16,311 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 Aquatic Co., Docket No. 2024-1826-AIR-E on June 3, 2026 assessing \$206,620 in administrative penalties with \$41,324 deferred. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath,

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

An agreed order was adopted regarding Reijenga, Inc. dba T Woods Grocery, Docket No. 2024-1850-PST-E on June 3, 2026 assessing \$18,238 in administrative penalties with \$3,647 deferred. Information concerning any aspect of this order may be obtained by contacting Eresha Desilva, 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 Brownsville Navigation District, Docket No. 2025-0193-MWD-E on June 3, 2026 assessing \$16,250 in administrative penalties with \$3,250 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 Mooney International Corp., Docket No. 2025-0328-WQ-E on June 3, 2026 assessing \$22,500 in administrative penalties with \$4,500 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, 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 Upton County, Docket No. 2025-0329-MSW-E on June 3, 2026 assessing \$17,550 in administrative penalties with \$3,510 deferred. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, 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 ETC Gas Processing, LLC, Docket No. 2025-0435-AIR-E on June 3, 2026 assessing \$12,688 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, 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 Pasadena Refining System, Inc., Docket No. 2025-0663-AIR-E on June 3, 2026 assessing \$13,125 in administrative penalties with \$2,625 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 S6 Trucking, LLC, Docket No. 2025-0986-WQ-E on June 3, 2026 assessing \$40,000 in administrative penalties with \$8,000 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, 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 THE CENTER FOR PURSUIT, Docket No. 2025-1009-MWD-E on June 3, 2026 assessing \$15,000 in administrative penalties with \$3,000 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, 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 Trinity Presbyterian Church (PCA) of Boerne, Texas, Docket No. 2025-1184-PWS-E on June 3, 2026 assessing \$5,400 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Katherine Argueta, Enforcement Coordinator at (512) 239-2545, Texas Com-

mission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Equistar Chemicals, LP, Docket No. 2025-1207-AIR-E on June 3, 2026 assessing \$21,875 in administrative penalties with \$4,375 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, 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 The Lubrizol Corporation, Docket No. 2025-1211-AIR-E on June 3, 2026 assessing \$13,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, 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 The Premcor Refining Group Inc., Docket No. 2025-1227-AIR-E on June 3, 2026 assessing \$21,875 in administrative penalties with \$4,375 deferred. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, 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 MAXWELL SPECIAL UTILITY DISTRICT, Docket No. 2025-1229-PWS-E on June 3, 2026 assessing \$2,675 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, 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 Magellan Processing, L.P., Docket No. 2025-1240-AIR-E on June 3, 2026 assessing \$21,300 in administrative penalties with \$4,260 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, 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 Chevron Phillips Chemical Company LP, Docket No. 2025-1270-AIR-E on June 3, 2026 assessing \$13,125 in administrative penalties with \$2,625 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, 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 the City of Tatum, Docket No. 2025-1277-PWS-E on June 3, 2026 assessing \$3,265 in administrative penalties. 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 CENTERVILLE WATER SUPPLY CORPORATION, Docket No. 2025-1400-PWS-E on June 3, 2026 assessing \$1,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Katherine McKinney, 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 CSWR-Texas Utility Operating Company, LLC, Docket No. 2025-1487-PWS-E on June 3, 2026 assessing \$2,800 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ryan Fukawa, 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 Delaware Processing LLC, Docket No. 2025-1536-AIR-E on June 3, 2026 assessing \$12,600 in administrative penalties with \$2,520 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, 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. 2025-1614-PWS-E on June 3, 2026 assessing \$2,875 in administrative penalties with \$2,875 deferred. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, 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 CCC GROUP, INC. and COMMERCIAL CONTRACTING COMPANY OF SAN ANTONIO, INC., Docket No. 2025-1616-PST-E on June 3, 2026 assessing \$13,586 in administrative penalties with \$2,717 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegelu, 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. 2025-1705-PWS-E on June 3, 2026 assessing \$3,475 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Hilda Iyasele, 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 Quadvest, L.P., Docket No. 2025-1751-MWD-E on June 3, 2026 assessing \$42,625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Somervell County Water District, Docket No. 2025-1760-PWS-E on June 3, 2026 assessing \$3,250 in administrative penalties. 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.

TRD-202602290

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 3, 2026



Notice of an Amendment to Amend a Certificate of Adjudication Application No. 12-4358b

Notices Issued May 29, 2026

Isaacs Brazos River Farm Partnership, P.O. Box 1, Amarillo, Texas 79105, seeks to amend Certificate of Adjudication No. 12-4358 to add a place of use for agricultural purposes to irrigate a total of 2,102.76 acres of land in Falls and Robertson counties and to add two diversion reaches on the Brazos River in Falls and Robertson counties. More information on the application and how to participate in the permitting process is given below.

The application was received on May 5, 2025, and partial fees were received on June 3, 2025. Additional information and fees were received on October 16 and 21, 2025, respectively. The application was declared administratively complete and filed with the Office of the Chief Clerk on October 30, 2025.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, installation of screens on any new diversion structure(s) and continuation of the existing streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment 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. The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, installation of screens on any new diversion structure(s) and continuation of the existing streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page 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 June 11, 2026. 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 June 11, 2026. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by June 11, 2026.

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 ADJ 4358 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 <http://www.tceq.texas.gov>.

TRD-202602282  
Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: June 2, 2026

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Notice of an Amendment to Amend a Certificate of  
Adjudication Application No. 12-4359B

Notices Issued May 29, 2026

Isaacs Brazos River Farm Partnership, P.O. Box 1, Amarillo, Texas 79105, seeks to amend Certificate of Adjudication No. 12-4359 to add a place of use for agricultural purposes to irrigate a total of 2,102.76 acres of land in Falls and Robertson counties and to add two diversion reaches on the Brazos River, Brazos River Basin in Falls and Robertson counties. More information on the application and how to participate in the permitting process is given below.

The application was received on May 5, 2025, and partial fees were received on June 3, 2025. Additional information and fees were received on October 16 and 21, 2025, respectively. The application was declared administratively complete and filed with the Office of the Chief Clerk on October 30, 2025.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, installation of screens on any new diversion structure(s) and continuation of the existing streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment 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 June 11, 2026. 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 June 11, 2026. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by June 11, 2026.

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 ADJ 4359 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 <http://www.tceq.texas.gov>.

TRD-202602281

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 2, 2026



### Notice of an Application for a Water Use Permit Application No. 14133

Notices Issued May 29, 2026

Upper Trinity Regional Water District, P.O. Box 305, Lewisville, Texas 75067, seeks authorization to use the bed and banks of an unnamed tributary of Little Elm Creek, Little Elm Creek, Doe Branch, Cantrell Slough, North Hickory Creek, Hickory Creek, Ranger Branch, Clear Creek, Aubrey Branch, the Elm Fork Trinity River, and the Elm Fork Trinity River (Lake Lewisville), Trinity River Basin to convey 27,000 acre-feet of Lake Ralph Hall-derived return flows for subsequent diversion and use for municipal, industrial, and agricultural purposes within UTRWD's service area in Denton, Collin, Fannin, Grayson, Cooke, Wise, and Dallas 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 June 4, 2025. The application was declared administratively complete and filed with the Office of the Chief Clerk on June 18, 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, installation of screens on any new diversion structure(s) and maintenance of an accounting plan. 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 June 29, 2026. 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 June 29, 2026. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by June 29, 2026.

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 WRPERM 14133 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 <http://www.tceq.texas.gov>.

TRD-202602280

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 2, 2026



### Notice of District Petition - D-05072026-019

Notice issued May 28, 2026

TCEQ Internal Control No. D-05072026-019: The Cherukuru Investments at Howe LLC (Petitioner) filed a petition for creation of Grayson County Municipal Utility District No. 10 (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 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 141.198 acres located within Grayson County, Texas; and (4) the District is entirely outside the extraterritorial jurisdiction of any city or town. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve and extend a water works and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, own, 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 waters; and (4) purchase, design, construct, acquire, own, operate, repair, improve, extend, and finance such additional facilities, systems, plants, and enterprises, and road facilities, as shall be consistent with all of the purposes for which the proposed District is created. According

to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$32,510,000 (\$25,345,000 for water, wastewater, and drainage plus \$7,165,000 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-202602279

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 2, 2026



#### Notice of Opportunity to Comment on a Shutdown/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 Shutdown/Default Order (S/DO). Texas Water Code (TWC), §26.3475, authorizes the commission to order the shutdown of any underground storage tank (UST) system found to be noncompliant with release detection, spill and overflow prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill, and overflow prevention, and/or after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an Executive Director's Preliminary Report and Petition (EDPRP) to an en-

tity 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 **July 13, 2026**. 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 each 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. Additionally, copies of the proposed S/DO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed S/DO's identifying information, such as its docket number. 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 July 13, 2026**. 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: Multani BKP LLC; DOCKET NUMBER: 2025-0166-PST-E; TCEQ ID NUMBER: RN101442762; LOCATION: 3215 Roosevelt Avenue, San Antonio, Bexar County; TYPE OF FACILITY: underground storage tank system and a convenience store with retail sales of gasoline; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202602272

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: June 2, 2026



#### Notice of Opportunity to Comment on an Agreed 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 Agreed Order (AO) 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 AO. TWC, §7.075, requires that notice of 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 **July 13, 2026**. 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 physical copy of the proposed AO 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. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the attorney designated for the AO 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 July 13, 2026**. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: City of Lawn; DOCKET NUMBER: 2020-1245-MLM-E; TCEQ ID NUMBER: RN101406916; LOCATION: 150 Main Street, Lawn, Taylor County; TYPE OF FACILITY: a public water system; PENALTY: \$17,906; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

TRD-202602273

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: June 2, 2026



### Notice of Opportunity to Comment on Default Orders 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 Orders (DOs). 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 **July 13, 2026**. 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 each 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. Additionally, copies of the DO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed DO's identifying information, such as its docket number. 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 July 13, 2026**. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Elvira B. Rios; DOCKET NUMBER: 2023-0288-PST-E; TCEQ ID NUMBER: RN102232253; LOCATION: 2248 Farm-to-Market Road 716, Concepcion, Duval County; TYPE OF FACILITY: a temporarily out-of-service underground storage tank system and a convenience store with retail sales of gasoline; PENALTY: \$7,188; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Laredo Regional Office, 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(2) COMPANY: Rhonda Bellamy; DOCKET NUMBER: 2024-0722-MSW-E; TCEQ ID NUMBER: RN111044236; LOCATION: 138 Ridgewood Drive West, Hemphill, Sabine County; TYPE OF FACILITY: an unauthorized municipal solid waste disposal site; PENALTY: \$3,750; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(3) COMPANY: Wolf-Tech Industries, LLLP; DOCKET NUMBER: 2024-1562-AIR-E; TCEQ ID NUMBER: RN111541827; LOCATION: 2293 North State Highway 137, Stanton, Martin County; TYPE OF FACILITY: an oil tank and equipment manufacturing facility; PENALTY: \$5,000; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: Midland Regional Office, 9900 West Interstate Highway 20, Suite 100, Midland, Texas 79706, (432) 570-1359.

TRD-202602274

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: June 2, 2026



### Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Shane C Burgin and April Burgin DBA Blue River, LLC SOAH Docket No. 582-26-20283 TCEQ Docket No. 2024-1718-MSW-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing via Zoom videoconference:

10:00 a.m. (CT) - June 25, 2026

To join the Zoom meeting via computer or smart device:

<https://soah-texas.zoomgov.com>

**Meeting ID:** 161 984 0712

**Password:** TCEQDC1

or

To join the Zoom meeting via telephone dial:

+1 (669) 254-5252

**Meeting ID:** 161 984 0712

**Password:** 5247869

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed August 13, 2025 concerning assessing administrative penalties against and requiring certain actions of Shane C Burgin and April Burgin dba Blue River, LLC, for violations in Uvalde County, Texas, of: Tex. Water Code §26.014, Tex. Health & Safety Code §§361.032 and 382.085(b), and 30 Texas Administrative Code §111.201 and §330.15(a) and (c).

The hearing will allow Shane C Burgin and April Burgin dba Blue River, LLC, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Shane C Burgin and April Burgin dba Blue River, LLC, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. Upon failure of **Shane C Burgin and April Burgin dba Blue River, LLC** to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes. Shane C Burgin and April Burgin dba Blue River, LLC, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054 and chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 382, and 30 Texas Administrative Code chs. 70, 111, and 330; Tex. Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

Further information regarding this hearing may be obtained by contacting Marilyn Norrod, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Pranjali Mehta, Staff Attorney, Office of Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above, or by telephone at (512) 239-6363.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at [www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings) or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH."

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: May 28, 2026

TRD-202602291

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 3, 2026



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Vicky Rodriguez  
SOAH Docket No. 582-26-20284 TCEQ Docket No.  
2025-0948-MLM-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing via Zoom videoconference:

10:00 a.m. (CT) - June 25, 2026

To join the Zoom meeting via computer or smart device:

<https://soah-texas.zoomgov.com>

**Meeting ID:** 161 984 0712

**Password:** TCEQDC1

or

To join the Zoom meeting via telephone dial:

+1 (669) 254-5252

**Meeting ID:** 161 984 0712

**Password:** 5247869

The purpose of the hearing will be to consider the Executive Director's First Amended Report and Petition mailed January 15, 2026 concerning assessing administrative penalties against and requiring certain actions of Vicky Rodriguez, for violations in Real County, Texas, of: Tex. Health & Safety Code §382.085(b) and 30 Tex. Admin. Code §§111.201, 330.7(a), and 330.15(a) and (c).

The hearing will allow Vicky Rodriguez, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Vicky Rodriguez, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. Upon failure of **Vicky Rodriguez** to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations

included in the notice are those set forth in the Executive Director's First Amended Report and Petition, attached hereto and incorporated herein for all purposes. Vicky Rodriguez, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054 and Tex. Water Code ch. 7 and Tex. Health & Safety Code chs. 361 and 382 and 30 Texas Administrative Code chs. 70, 111, and 330; Tex. Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administrative Code §§70.108 and 70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

Further information regarding this hearing may be obtained by contacting William Hogan, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Pranjali Mehta, Staff Attorney, Office of Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above, or by telephone at (512) 239-6363.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at [www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings) or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH."

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: May 28, 2026

TRD-202602292

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 3, 2026



#### Notice of Water Quality Application - Minor Amendment WQ0004208000

The following notice was issued on May 26, 2026:

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

#### INFORMATION SECTION

Consideration of the application by Pulido Calf Ranch LLC for a minor amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004208000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to decrease the authorized

maximum capacity from 5,000 head of dairy calves, of which none are milking, to 2,500 head. The total land application area of 21 acres and the list of alternative crops and yield goals will not change. The facility is located on the east side of Farm-to-Market Road 219, approximately 2.5 miles south of the community of Lingleville in Erath County, Texas.

TRD-202602278

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 2, 2026



#### Notice of Water Quality Application - Minor Amendment WQ0016240001

The following notice was issued on June 02, 2026:

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

#### INFORMATION SECTION

Prairie Estates at Waller LLC has applied for a minor amendment to the Texas Pollutant Discharge Elimination System Permit No. WQ0016240001, to authorize a reduction in daily average flow in the Interim I phase from 60,000 gallons per day to 50,000 gallons per day. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 600,000 gallons per day. The facility will be located approximately 1,300 feet east of the intersection of Vining Road and Stokes Road, in Harris County, Texas 77484.

TRD-202602284

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 2, 2026



#### Texas Facilities Commission

##### Request for Proposals #303-7-20834

The Texas Facilities Commission (TFC), on behalf of the Fifteenth Court of Appeals (15th COA), announces the issuance of Request for Proposals (RFP) #303-7-20834. TFC seeks a five (5) or ten (10) year lease of approximately 15,948 square feet of office space in Austin, Texas.

The deadline for questions is June 23, 2026 and the deadline for proposals is July 14, 2026 at The award date is October 15, 2026. 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 Ayra Matthews at [Ayra.Matthews@tfc.texas.gov](mailto:Ayra.Matthews@tfc.texas.gov). A copy of the RFP may be downloaded from the Electronic State Business Daily at <https://www.txsmartbuy.gov/esbd/303-7-20834>.

TRD-202602263

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**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 May 11, 2026 to May 29, 2026. 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, June 5, 2026. The public comment period for this project will close at 5:00 p.m. on Sunday, July 5, 2026.

**Federal Agency Activities:**

**Applicant:** Texas Department of Transportation -Yoakum District

**Location:** The project site is located within a tidal waterway directly adjacent to the Colorado River and Farm to Market Road 2031, next to Matagorda Bay Nature Park, 25 miles south of Bay City, in Matagorda County, Texas.

**Latitude and Longitude:** 28.616826, -95.973006

**Project Description:** The applicant Texas Department of Transportation (TXDOT) proposes to impact approximately 0.85-acres of tidal open water to stabilize an existing roadway, Farm to Market Road 2031, along its interface with a tidally influenced open water. More specifically the project will stabilize approximately 0.68-mile of shoreline along the east side of FM 2031 through the installation of stone riprap at a 4:1 (horizontal: vertical) slope, cement stabilized sand, concrete traffic barriers, and rock gabions for erosion protection. The riprap slope would dissipate tidal and wave energy across a sloped, flexible surface, reducing the potential for scour and long-term erosion while accommodating minor settlement and shoreline movement. Stone riprap, cement stabilized sand, and portable concrete traffic barriers will be installed at a 4:1 (horizontal: vertical) slope to provide erosion protection. This will be constructed along the entire 0.68-mile length of the area of concern, the east bank alongside FM 2031. Approximately 90 feet of rock gabions would be installed on the north end of the project to allow recreational access. Approximately 646.5 cubic yards (CY) of stone riprap and 3.03 CY of fill will be discharged.

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by limiting the length of the project and the footprint of work within tidal waters to the minimum necessary to achieve the projects' purpose. The applicant has not proposed any compensatory mitigation because the projects' impacts are limited to the tidal open-water with no associated special aquatic site impact. The U.S. Army Corps of Engineers will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United

States which may result from the proposed activity in accordance with 33 CFR § 332.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-2026-00314. This application will be reviewed pursuant Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

**CMP Project No:** 26-1152-F2

**Federal License and Permit Activities:**

**Applicant:** Jefferson County

**Location:** The project site is located in Keith Lake Fish Pass at an area along Dowling Road, approximately 9 miles south of Port Arthur, in Jefferson County, Texas.

**Latitude and Longitude:** 29.7726663, -93.9442544

**Project Description:** The applicant requests to modify Department of the Army Permit SWG-2013-00841 to permanently discharge approximately 10,708.33 cubic yards (CY) of fill into 4.81 acres of tidal wetlands and 1.46 acres of open waters to improve the design of the existing Keith Lake Fish Pass Baffle and restore optimal functionality to the structure. The proposed work also involves dredging of approximately 27,056 CY of material from tidal wetlands and open waters to facilitate placement of the bedding stone and rock rip rap on either side of the baffle and along approximately 750 linear feet of the southern shore of the channel. A total of 947.41 CY of the excavated native material would be placed in open water areas as fill to create an embankment with an elevation of -2.5 and a 4:1 slope along the southern shore of the channel. The remainder of the excavated material would be hauled off-site for disposal. Temporary staging and/or access could occur within 50 feet of the proposed rock apron footprints, as well as in the upland area between the beach and the project footprint, and the temporary access route from the upland staging area to the west of the structure. Board matting will be temporarily placed into 2.18 acres of tidal wetlands, as necessary, to minimize impacts. Temporary work areas in wetlands would be restored to existing grade and sprigged with smooth cordgrass plugs on a 1.5- by 1.5-foot grid spacing once construction is completed.

The purpose of the project is to restore optimal functionality of the baffle structure to help reduce the volume of saltwater coming through the fish pass, with a goal of salinity levels not exceeding 10 parts per thousand more than 20% of the time at connection between Keith and Johnson Lakes.

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by designing the project footprint to be the minimum necessary to meet the purpose of reducing saltwater entering Keith Lake through the fish pass. No wetland mitigation is proposed for this project, as both permanent and temporary wetland impacts would be offset by preservation and/or enhancement of hundreds of acres of wetlands within the Keith Lake System over time post-construction. The applicant analyzed available land loss models and data specific to the Keith Lake system (pre- and post-baffle construction) and estimated that approximately 80 acres of wetlands would be preserved per year within the Keith Lake System once the baffle is repaired/improved and functioning properly. The U.S. Army Corps of Engineers will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may result from the proposed activity in accordance with 33 CFR § 332.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-2013-00841. This application will be reviewed pursuant Section 404 of the Clean Water Act and Section 10 of the Rivers and

Harbors Act of 1899. Note: The consistency review for this project may be conducted by The Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 26-1142-F1

**Applicant:** Energy Transfer Nederland Terminal

**Location:** The project site is located in wetlands and the Neches River, at 306 Spring Street, in Nederland, Jefferson County, Texas.

**Latitude and Longitude:** 30.0008299, -93.9880317

**Project Description:** The applicant proposes to modify DA Permit SWG-2007-01401 to permanently discharge fill into a total of 88.90 acres of palustrine emergent (PEM) wetlands, 5.69 acres of palustrine scrub shrub (PSS) wetlands, 212.33 acres of palustrine forested (PFO) wetlands, and 17.21 acres (8,967 linear feet) of streams/water bodies to construct new facilities and modernize infrastructure at the Energy Transfer Nederland Terminal. A total of 324.13 acres of aquatic resources will be permanently impacted by the proposed construction activities, while approximately 320 linear feet (0.31 acre) of streams would have a temporary discharge of fill. Additional project components include the reconfiguration of existing Dock C, construction of a material offloading facility (MOF) dock and new deep draft vessel Docks 8 and 9 adjacent to the MOF dock. There will also be construction of a water intake pipe and wastewater outfall pipe in the Neches River near the existing Dock 3, as well as deck extension and new dolphin installation at the existing Dock 5 and Dock 6. The project would require hydraulic and/or mechanical dredging to remove approximately 331,800 cubic yards of material from the Neches River to a maximum dredge depth of -45 feet mean lower low water (MLLW) at all berths. Dredge material would be placed in placement areas (PAs) 21, 22, 23, 24, and 25. New permanent access roads and parking lot extension will also be constructed. Due to the scale and complexity of the project scope, the applicant is requesting authorization for 10 years for all construction activities to ensure completion of all components. In addition, the applicant is requesting 10 years of maintenance dredging at all previously authorized docks: A-B Barge Dock, Dock C, Dock 1, Dock 2, Dock 3, Dock 4, Dock 5, Dock 6, Layberth A, Layberth D, and the Turning Basin as well as the new MOF Dock and Docks 8 and 9. The purpose of the project would be to build new and modernize existing infrastructure at Energy Transfer's Nederland Terminal that will allow for the manufacture, storage, and transfer of petroleum products onto deep draft vessels bound for domestic and export markets.

The DA Permit SWG-2007-01401 addendum issued on May 27, 2021, previously authorized permanent discharge of fill into 10.57 acres of PEM wetlands, 0.97 acres of PSS wetlands, 123.22 acres of PFO wetlands, and 5.97 acres (1,377 linear feet) of streams/water bodies at the Energy Transfer Nederland Terminal. The total discharge impacts reported in the project description above are inclusive of these previously authorized impact amounts.

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by efficiently designing the layout of the marine and onshore structures to reduce overlap with wetlands whenever possible. In addition, the proposed processing units will be constructed in modules and transported to the project site via marine vessels, reducing the project footprint needed to construct the units on-site. The applicant has proposed to purchase 149.5 functional capacity unit (FCU) credits for PEM wetlands, 126.9 FCU credits for PFO wetlands, and 10.7 FCU credits for PSS wetlands from an approved wetland Mitigation Bank to offset unavoidable impacts to waters of the US. The U.S. Army Corps of Engineers will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which

may result from the proposed activity in accordance with 33 CFR § 332.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-2007-01401. This application will be reviewed pursuant Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Note: The consistency review for this project may be conducted by The Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 26-1148-F1

**Applicant:** Enterprise Products Operating LLC

**Location:** The project site is located in the Neches River at the Enterprise Beaumont Marine East (BME) terminal, in an area approximately 5.3 miles southeast of Beaumont, in Orange County, Texas.

**Latitude and Longitude:** 30.0333682, -94.0271223

**Project Description:** The applicant proposes to permanently discharge fill into 9.93 acres of palustrine emergent (PEM) wetlands, 1.37 acres of palustrine scrub shrub (PSS) wetlands, 17.49 acres of palustrine forested (PFO) wetlands, and 0.02 acre of intermittent stream to construct a new marine terminal and heavy haul access road, as well as expand storage and processing facilities, at the Enterprise Beaumont Marine East (BME) terminal facility. The new dock facilities will consist of a 60-foot by 150-foot platform supported by forty-eight 36-inch-diameter support piles, three 72-inch-diameter protective dolphins, four 96-inch-diameter breasting dolphins, four 84-inch-diameter mooring dolphins, a 20-foot by 123-foot access trestle, a 20-foot by 123-foot pipe rack supported by thirty-five 24-inch-diameter support piles, and a 30-foot by 22-foot fire water dock platform supported by four 24-inch-diameter support piles. New work dredging at the proposed dock would consist of hydraulic and/or mechanical dredging of approximately 975,000 cubic yards (CY) of material with a 17.55-acre area to maximum depth of -54 feet mean lower low water (MLLW). Additional new work dredging would consist of removing approximately 51,000 CY of material at the BME Ship Dock and 105,000 CY of material at the Neches River Terminal (NRT) Ship Dock to deepen the berths to a maximum depth of -54 feet MLLW to match future federal channel depths. Lastly, the applicant has requested 10 years of future maintenance dredging within the proposed and previously authorized dredge footprints. Depending on the results of sediment testing and analysis, the dredge material will be utilized as fill on site and/or be placed in the following Dredged Material Placement Areas: Placement area (PA) 21, 22, 23, 24, 25, and 26, as well as the Texas Parks and Wildlife beneficial use site within the Lower Neches Wildlife Management Area. The purpose of the proposed project is to provide the necessary terminal infrastructure and dock facilities to meet growing market needs at the Enterprise Beaumont Marine East terminal to support vessel loading and unloading for the transportation, importing, and exporting of industry products. The purpose also includes dredging activities to deepen the existing ship docks to be consistent with future federal navigation channel depths for safe navigation to the terminal docks.

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by designing project footprint to be the minimum needed to meet the need and purpose of the project. During construction, the applicant would utilize Best Management Practices where possible to confine any temporary impacts to the location of the construction activity. The applicant has proposed to purchase wetland mitigation credits from an approved mitigation bank to offset unavoidable impacts to waters of the US. The applicant stated that the project site is within the primary service area of 1 mitigation bank and within the secondary service area of 3 mitigation banks, with all 4 banks having sufficient

credits available for purchase to offset impacts to riverine forested and non-forested wetlands. The U.S. Army Corps of Engineers will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may result from the proposed activity in accordance with 33 CFR § 332.

**Type of Application:** U.S. Army Corps of Engineers permit application #SWG-2013-00749. This application will be reviewed pursuant Section 404 of the Clean Water Act, and Sections 10 and 14 of the Rivers and Harbors Act of 1899. Note: The consistency review for this project may be conducted by The Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

**CMP Project No:** 26-1149-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-202602260

Jennifer Jones  
Chief Clerk And Deputy Land Commissioner  
General Land Office  
Filed: June 1, 2026

◆ ◆ ◆  
**Harris County Tax Assessor-Collector**

Correction of Error

The Harris County Tax Assessor-Collector adopted an amendment to 43 TAC §95.1 in the June 5, 2026, issue of the *Texas Register* (51 TexReg 3813). Due to an error by the Texas Register, this submission was published with the incorrect Texas Register Docket Number (TRD) in the print edition only. The correct TRD number for this submission is TRD-202602099.

TRD-202602233

◆ ◆ ◆  
**Department of State Health Services**

Licensing Actions for Radioactive Materials

During the second half of May 2026, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

<b>AMENDMENTS TO EXISTING LICENSES ISSUED</b>					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
ANDERSON	NATIONAL OILWELL VARCO LP	L06094	ANDERSON	023	05/22/26
BIG SPRING	ALON USA LP	L04950	BIG SPRING	22	05/22/26
CHANNELVIEW	LYONDELL CHEMICAL COMPANY	L04439	CHANNELVIEW	36	05/21/26

<b>AMENDMENTS TO EXISTING LICENSES ISSUED</b>					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
CLEVELAND	PREMIER CARDIOVASCULAR CONSULTANTS PC	L06179	CLEVELAND	05	05/20/26
CLEVELAND	PREMIER CARDIOVASCULAR CONSULTANTS PC	L06179	CLEVELAND	06	05/22/26
CONROE	LAKE AREA CARDIOLOGY ASSOCIATES LLC	L06895	CONROE	04	05/20/26
CORPUS CHRISTI	FLINT HILLS RESOURCES CORPUS CHRISTI LLC	L06360	CORPUS CHRISTI	13	05/22/26
CORPUS CHRISTI	RADIOLOGY ASSOCIATES LLP	L04169	CORPUS CHRISTI	66	05/28/26
DALLAS	HEARTPLACE PLLC	L04607	DALLAS	90	05/20/26
FLOWER MOUND	TEXAS ONCOLOGY PA	L05526	FLOWER MOUND	41	05/22/26
HARLINGEN	TEXAS ONCOLOGY PA DBA SOUTH TEXAS CANCER CENTER	L00154	HARLINGEN	59	05/15/26
HOUSTON	VETERINARY SPECIALISTS OF TEXAS PC DBA GULF COAST VETERINARY SPECIALISTS	L06978	HOUSTON	05	05/28/26
KOSSE	LUMINANT MINING CO LLS	L06177	KOSSE	6	05/28/26
LAKEWAY	SCOTT & WHITE HOSPITAL – ROUND ROCK DBA BAYLOR SCOTT & WHITE MEDICAL CENTER – LAKEWAY	L06849	LAKEWAY	13	05/27/26
MANSFIELD	TEXAS HEALTH HOSPITAL MANSFIELD	L07076	MANSFIELD	10	05/28/26

<b>AMENDMENTS TO EXISTING LICENSES ISSUED</b>					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
MCALLEN	TEXAS ONCOLOGY PA DBA SOUTH TEXAS CANCER CENTER	L04880	MCALLEN	22	05/15/26
MISSION	MISSION HOSPITAL INC DBA MISSION REGIONAL MEDICAL CENTER	L06192	MISSION	08	05/21/26
PLANO	TEXAS ONCOLOGY PA DBA TEXAS ONCOLOGY	L06917	PLANO	12	05/29/26
SAN ANTONIO	UROLOGY PARTNERS OF NORTH TEXAS PLLC	L06047	SAN ANTONIO	12	05/28/26
SAN ANTONIO	THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO	L01279	SAN ANTONIO	186	05/15/26
SAN ANTONIO	SOUTH TEXAS RADIOLOGY IMAGING CENTERS	L00325	SAN ANTONIO	274	05/19/26
SAN ANTONIO	METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO LTD LLP	L00594	SAN ANTONIO	398	05/26/26
THROUGHOUT TX	WEATHERFORD US HOLDING LLC	L00747	BENBROOK	122	05/15/26
THROUGHOUT TX	PROFESSIONAL SERVICE INDUSTRIES INC	L04938	CLUTE	16	05/28/26
THROUGHOUT TX	CARDINAL HEALTH 414 LLC	L04043	CORPUS CHRISTI	67	05/20/26
THROUGHOUT TX	ALLIANCE GEOTECHNICAL GROUP INC	L05314	DALLAS	59	05/19/26
THROUGHOUT TX	TEXAS ONCOLOGY PA	L05502	FLOWER MOUND	30	05/22/26
THROUGHOUT TX	GEOMET CONSULTANTS LLC	L07313	FRISCO	1	05/15/26

**AMENDMENTS TO EXISTING LICENSES ISSUED**

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
THROUGHOUT TX	AGEUS INSPECTION SOLUTIONS INC	L06555	HOUSTON	16	05/26/26
THROUGHOUT TX	WELD SPEC INC	L05426	LUMBERTON	128	05/22/26
THROUGHOUT TX	TURNER SPECIALTY SERVICES LLC	L05417	NEDERLAND	64	05/19/26
THROUGHOUT TX	INSIGHT NDE INC	L06817	PORT LAVACA	19	05/19/26

**RENEWAL OF LICENSES ISSUED**

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
BIG SPRING	ALON USA LP	L04950	BIG SPRING	21	05/21/26
THROUGHOUT TX	FMC TECHNOLOGIES INC	L06765	HOUSTON	15	05/21/26

**TERMINATIONS OF LICENSES ISSUED**

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HOUSTON	AD HOSPITAL EAST LLC	L05566	HOUSTON	14	05/22/26

TRD-202602267  
 Cynthia Hernandez  
 General Counsel  
 Department of State Health Services  
 Filed: June 2, 2026

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**North Central Texas Council of Governments**

Request for Proposals Fort Worth to Plano Regional Trail Branding and Wayfinding Plan

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from consultant firms to develop a branding and wayfinding signage plan for the Regional Trail from Fort Worth to Plano in the Dallas-Fort Worth (DFW) metropolitan area. The plan, being developed through regional collaboration, will result in a unified brand/logo for the regional rail trail; wayfinding sign typologies (e.g., shapes, sizes, colors, and messaging), recommendations for signage placement and locations for the various types of wayfinding signs and

their proposed locations. The plan will include design intent and engineering shop drawings for future construction and installation of the signs.

NCTCOG will be releasing this RFP on **June 12, 2026**, in the Bidnet Direct system and will accept electronic submissions through the Bidnet Direct system only. The Bidnet Direct submittal will count as the official submittal. Proposals must be submitted in Bidnet Direct no later than **5:00 p.m., Central Time, on Friday, July 10, 2026**. Proposals received after that time will not be accepted.

NCTCOG does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202602257  
 Todd Little  
 Executive Director  
 North Central Texas Council of Governments  
 Filed: June 1, 2026

## Texas Parks and Wildlife Department

### Notice of a Public Comment Hearing on an Application for a Sand and Gravel Permit

Greenfield Environmental Multistate Trust, LLC, not individually but solely in its representative capacity as a Trustee of the Multistate Environmental Response Trust (collectively, the Multistate Trust) has applied to the Texas Parks and Wildlife Department (TPWD) for a General Permit pursuant to Texas Parks and Wildlife Code, Chapter 86, to remove or disturb approximately 240 cubic yards of sedimentary material within Wagner Creek in Bowie County. The purpose is to construct mitigation measures to limit the seepage of dissolved chemicals of concern (COCs) and creosote-based dense nonaqueous phase liquids (DNAPL) into Wagner Creek. The permanent mitigation option to prevent COCs and DNAPL from entering the stream is the installation of a lining system within approximately 300 feet of the creek. The coordinates for the disturbance area are latitude 33.397861°, longitude -94.058794°. This notice is being published and mailed pursuant to 31 TAC §69.105(d).

TPWD will hold a public comment hearing regarding the application at 10:00 a.m. on June 12, 2026, at TPWD headquarters, located at 4200 Smith School Road, Austin, Texas 78744. A remote participation option will be available upon request. Potential attendees should contact Beth Bendik at (512) 389-8521 or at [beth.bendik@tpwd.texas.gov](mailto:beth.bendik@tpwd.texas.gov) for information on how to participate in the hearing remotely. The hearing is not a contested case hearing under the Texas Administrative Procedure Act. Oral and written public comment will be accepted during the hearing.

Written comments may be submitted directly to TPWD and must be received no later than 30 days after the date of publication of this notice in the *Texas Register*. A written request for a contested case hearing from an applicant or a person with a justiciable interest may also be submitted and must be received by TPWD prior to the close of the public comment period. Timely hearing requests shall be referred to the State Office of Administrative Hearings. Submit written comments, questions, requests to review the application, or requests for a contested case hearing to: TPWD Sand and Gravel Program by mail: Attn: Beth Bendik, Texas Parks and Wildlife Department, Inland Fisheries Division, 4200 Smith School Road, Austin, Texas 78744; or via e-mail: [sand.gravel@tpwd.texas.gov](mailto:sand.gravel@tpwd.texas.gov).

TRD-202602266  
James Murphy  
General Counsel  
Texas Parks and Wildlife Department  
Filed: June 2, 2026

## Public Utility Commission of Texas

### Notice of Application to Adjust High-Cost Support Under 16 TAC §26.407(h)

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on June 1, 2026, seeking a determination of need for continued support from the Small and Rural Incumbent Local Exchange Company Universal Service Plan.

Docket Title and Number: Application of Eastex Telephone Cooperative, Inc. to Adjust High-Cost Support Under 16 TAC §26.407(h), Docket Number 59829.

The Application: Eastex Telephone Cooperative, Inc. requests a high-cost support adjustment increase of \$4,751,115 in annual high-cost support. According to Eastex Telephone Cooperative, Inc., the requested

adjustment complies with the cap of 140% of the annualized support the provider was authorized to receive in the 12 months prior to the date of the adjustment, as required by 16 Texas Administrative Code §26.407(g)(1).

Persons who wish to comment on this application should notify the Public Utility Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or you may call the PUCT Consumer Protection Division at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals may contact the commission through Relay Texas at (800) 735-2989. All comments should reference Docket Number 59829.

TRD-202602275  
Andrea Gonzalez  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: June 2, 2026

## South Texas Development Council

### Request for Proposals

The Area Agency on Aging of the South Texas Development Council is currently seeking contractors for Fiscal Year 2027 (October 1, 2026 - September 30, 2027) who are qualified entities to provide Congregate Meals, Home Delivered Meals, Demand/Response Transportation, Residential Repair, Homemaker, Personal Assistance, In-home Respite, Emergency Response and Health Maintenance Services.

These services are provided to individuals 60 years of age and older, their family members and other caregivers under the Older Americans Act of 1965 as amended with funding administered by Health and Human Service Commission in the Counties of Jim Hogg, Starr, Webb and Zapata.

Parties interested in providing services within our service area must contact the Area Agency on Aging and request an application during the closed enrollment period June 1, 2026, through June 30, 2026, for consideration.

To request an application package contact:

South Texas Development Council  
Attn: Nancy Rodriguez / Anais Loyola  
Area Agency on Aging  
1002 Dickey Ln.  
P.O. Box 2187  
Laredo, Texas 78044-2187

(956) 722-3995  
1 (800) 292-5426  
TRD-202602248  
Nancy Rodriguez  
Aging and Disability Services Director  
South Texas Development Council  
Filed: June 1, 2026

## Supreme Court of Texas

Preliminary Approval of Amendments to Texas Rules of Civil Procedure 47 and 169

# Supreme Court of Texas

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Misc. Docket No. 26-9037

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## Preliminary Approval of Amendments to Texas Rules of Civil Procedure 47 and 169

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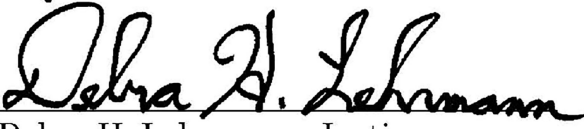
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ORDERED that:

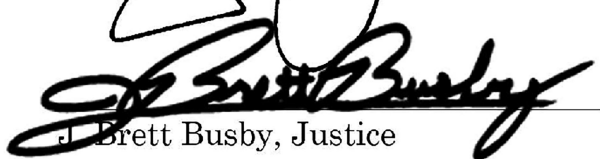
1. The Court invites public comments on proposed amendments to Texas Rules of Civil Procedure 47 and 169 as set forth in this order.
2. Comments regarding the amendments should be submitted in writing to [rulescomments@txcourts.gov](mailto:rulescomments@txcourts.gov) by September 1, 2026.
3. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the amendments to take effect on October 1, 2026.
4. The Clerk is directed to:
  - a. file a copy of this order with the Secretary of State;
  - b. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
  - c. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*.
  - d. submit a copy of this order for publication in the *Texas Register*.

Date: May 29, 2026.

  
James D. Blacklock, Chief Justice

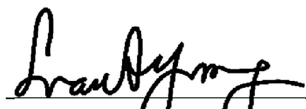
  
Debra H. Lehmann, Justice

  
John P. Devine, Justice

  
J. Brett Busby, Justice

  
Jane N. Bland, Justice

  
Rebeca A. Huddle, Justice

  
Evan A. Young, Justice

  
James P. Sullivan, Justice

  
Kyle D. Hawkins, Justice

## TEXAS RULES OF CIVIL PROCEDURE

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### RULE 47. CLAIMS FOR RELIEF

An original pleading which sets forth a claim for relief, whether an original petition, counterclaim, cross-claim, or third party claim, shall contain

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(c) except in suits governed by the Family Code, a statement that the party seeks:

- (1) only monetary relief of ~~\$250,000~~\$325,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs;
- (2) monetary relief of ~~\$250,000~~\$325,000 or less and non-monetary relief;
- (3) monetary relief over ~~\$250,000~~\$325,000 but not more than \$1,000,000;
- (4) monetary relief over \$1,000,000; or
- (5) only non-monetary relief; and

\*\*\*

Comment to 2026 change: Rule 47 is amended to implement amendments to section 22.004(h-1) of the Texas Government Code.

### RULE 169. EXPEDITED ACTIONS

(a) *Application.* The expedited actions process in this rule applies to a suit in which all claimants, other than counter-claimants, affirmatively plead that they seek only monetary relief aggregating ~~\$250,000~~\$325,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

- (b) *Recovery.* In no event may a party who prosecutes a suit under this rule recover a judgment in excess of ~~\$250,000~~, \$325,000, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

\*\*\*

Comment to 2026 change: Rule 169 is amended to implement amendments to section 22.004(h-1) of Texas Government Code.

TRD-202602247  
Blake Hawthorne  
Clerk of the Court  
Supreme Court of Texas  
Filed: May 29, 2026

◆ ◆ ◆  
**Texas Department of Transportation**

Public Hearing Notice: Statewide Transportation Improvement Program - FY 2027-2030

The Texas Department of Transportation (TxDOT) will hold a public hearing virtually (conducted electronically) on Tuesday, June 30, 2026, at 10:00 a.m. to receive comments on the proposed FY 2027-2030 Statewide Transportation Improvement Program (STIP).

**Access to hearing:** Instructions for joining the hearing will be posted on TxDOT's website at: <https://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html>.

**STIP Overview:**

The STIP identifies federally funded transportation projects included in the FY 2027-2030 Transportation Improvement Programs (TIPs) for each Metropolitan Planning Organization (MPO) in Texas. It also includes state and federally funded projects in nonattainment areas Dallas-Fort Worth, El Paso, Houston, and San Antonio as well as federally funded projects in rural areas outside MPO boundaries and other statewide programs.

Federal law (Title 23 USC §§134 and 135) requires MPOs and states to develop TIPs and STIPs to secure federal transportation funding. These plans must be developed in cooperation with MPOs, transit operators, and local officials, and must include opportunities for public participation and approval by the Governor or designee.

A copy of the proposed FY 2027-2030 STIP will be available for review when this notice is published at: <https://www.txdot.gov/inside-txdot/division/transportation-planning/stips.html>.

**Speaking at the Hearing:** Individuals wishing to speak must register in advance by contacting Enyu Li, Transportation Planning and Programming Division, at (512) 416-2298 no later than 12:00 p.m. on Monday, June 29, 2026. Registered speakers will be called in order and limited to three minutes. Those who do not register will speak after all registered participants. Comments and testimony are welcome; however, questioning of witnesses will be limited to the presiding authority to ensure a complete record. The presiding authority may restrict testimony for time or repetitive content. Groups or organizations should designate one representative. Speakers are asked to avoid repeating previously presented testimony.

**Accommodation:**

The hearing will be conducted in English. Individuals needing special accommodation should contact Transportation Planning and Programming Division at (512) 416-2298 at least three business days before the hearing. TxDOT will make every reasonable effort to accommodate requests.

**Submitting Written Comments:** Those unable to attend may submit written comments on the proposed FY 2027-2030 STIP by 4:00 p.m. on Monday, July 13, 2026, to: Humberto Gonzalez, P.E. Director, Transportation Planning and Programming Division P.O. Box 149217 Austin, Texas 78714-9217

TRD-202602224  
Becky Blewett  
Deputy General Counsel  
Texas Department of Transportation  
Filed: May 28, 2026

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**Request for Proposals - Traffic Safety Program**

In accordance with 43 TAC §25.901 et seq., the Texas Department of Transportation (TxDOT) is requesting project proposals to support the targets and strategies of the Texas traffic safety program to reduce the number of motor vehicle related crashes, injuries, and fatalities in Texas.

Authority and responsibility for funding the traffic safety grant program derives from the National Highway Safety Act of 1966 (23 USC §401 et seq.), and the Texas Traffic Safety Act of 1967 (Transportation Code, Chapter 723). The TxDOT Executive Director is the designated Governor's Highway Safety Representative. The program is administered at the state level by TxDOT's Traffic Safety Division (TRF) through the Behavioral Traffic Safety Section (TRF-BTS). TRF-BTS manages the program through program managers for statewide projects and traffic safety specialists in twenty-five districts for local projects.

The following link provides the requirements for submitting Fiscal Year (FY) 2027 Traffic Safety Grants- Request for Proposals (RFP) for Selective Traffic Enforcement Program (STEP) Impaired Driving Mobilization (IDM) proposals. Please review the full FY 2027 RFP online at: <https://egrants.bts.txdot.gov/eGrantsHelp/rfp.html>

All proposals for the specified STEP highway safety funding must be submitted to the TRF-BTS no later than Friday, July 24, 2026, at 5:00 p.m. CST. Proposals must be completed and submitted using eGrants. eGrants is located at: <https://egrants.bts.txdot.gov/>

TRD-202602225  
Becky Blewett  
Deputy General Counsel  
Texas Department of Transportation  
Filed: May 28, 2026

◆ ◆ ◆  
**Workforce Solutions Brazos Valley Board**

**Leon County Lease Public Notice**

Request for Proposals for Available Commercial Space to Lease in Leon County, Texas

The Workforce Solutions Brazos Valley Board (WSBVB) is soliciting proposals for lease of available commercial space in Leon County, Texas for their workforce center. The lease for space RFP can be downloaded at [www.bvjobs.org](http://www.bvjobs.org) or by request to Barbara Clemmons via email at [bclemmons@bvcog.org](mailto:bclemmons@bvcog.org).

The purpose of the RFP is to solicit proposals for available commercial lease space to be used for the day-to-day operations for the workforce center in Leon County, Texas.

The primary consideration in selecting a vendor will be their ability to provide space to lease as specified in the RFP.

The deadline for proposals will be 4:00 p.m. CST on July 21, 2026.

Bidders will have the opportunity to ask questions during the bidder's conference call, which is scheduled for June 17, 2026, 10:00 a.m. CST **via Zoom**. Attendance on the bidder's conference call is not mandatory. All answers to questions from the bidder's conference call will be posted at [www.bvjobs.org](http://www.bvjobs.org) by close of business on June 26, 2026.

Deadline for Questions: The Bidder's Conference Call will be held on Wednesday, June 17, 2026 at 10:00 a.m. CST via Zoom. Below is the Zoom link: <https://us02web.zoom.us/j/84382833901?pwd=6cibLJ76eUmKIS07lqO2tYTbH089DV.1>

**If Bidders cannot attend the bidder's conference call on June 17, 2026, they can submit their questions in writing concerning this RFP to Barbara Clemmons at [bclemmons@bvcog.org](mailto:bclemmons@bvcog.org) no later than June 25, 2026, 5:00 p.m. CST. Answers to all questions received will be posted to [www.bvjobs.org](http://www.bvjobs.org) no later than Friday, June 25, 2026, 5:00 p.m. CST.**

TRD-202602245

Vonda Morrison

Workforce Board Program Manager

Workforce Solutions Brazos Valley Board

Filed: May 29, 2026

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**Workforce Solutions Deep East Texas**

Request for Proposals #26-439 Independent Auditing Services

The purpose of this Request for Proposals (RFP) is for Workforce Solutions Deep East Texas to solicit proposals from qualified and eligible entities for independent auditing services.

Anyone interested in submitting a proposal shall obtain a copy of the RFP at <https://detwork.org/about-us/doing-business> or request a copy of the RFP by emailing [procurement@detwork.org](mailto:procurement@detwork.org).

Release Date: June 1, 2026

Deadline for Submission of Questions: June 10, 2026, 4:00 p.m. (CST)

Proposal Due Date and Time: July 1, 2026, 4:00 p.m. (CST)

Projected Notice of Award Date: August 12, 2026

Proposals must be submitted via email to [procurement@detwork.org](mailto:procurement@detwork.org).

TRD-202602258

Dr. Ty Cauthen

Executive Director

Workforce Solutions Deep East Texas

Filed: June 1, 2026

◆ ◆ ◆  
**Request for Proposals #26-440 Fiscal and Programmatic Monitoring Services**

The purpose of this Request for Proposals (RFP) is for Workforce Solutions Deep East Texas to solicit proposals from qualified and eligible entities for fiscal and programmatic monitoring services.

Anyone interested in submitting a proposal shall obtain a copy of the RFP at <https://detwork.org/about-us/doing-business> or request a copy of the RFP by emailing [procurement@detwork.org](mailto:procurement@detwork.org).

Release Date: June 1, 2026

Deadline for Submission of Questions: June 10, 2026, 4:00 p.m. (CST)

Proposal Due Date and Time: July 1, 2026, 4:00 p.m. (CST)

Projected Notice of Award Date: August 12, 2026

Proposals must be submitted via email to [procurement@detwork.org](mailto:procurement@detwork.org).

TRD-202602259

Dr. Ty Cauthen

Executive Director

Workforce Solutions Deep East Texas

Filed: June 1, 2026

## 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 51 (2026) is cited as follows: 51 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 “51 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 51 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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