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IN THIS ISSUE

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.

Proclamation 41-4294

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation related to fire weather conditions that began on August 10, 2025, as amended and renewed in subsequent proclamations, certifying that increased fire weather conditions pose an imminent threat of widespread or severe damage, injury, or loss of life or property in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same increased fire weather conditions persist in certain counties in Texas;

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 Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Collingsworth, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Kent, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Pecos, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, and Yoakum 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 TESTIMONEY 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 4th day of July, 2026.

Greg Abbott, Governor

TRD-202602771

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Proclamation 41-4295

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on June 5, 2026, certifying under Section 418.014 of the Texas Government Code that the spread of New World screwworm northward from Mexico toward the southern border of the United States of America threatens the livestock industry and economy of Texas 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 June 5, 2026, are in full force and effect.

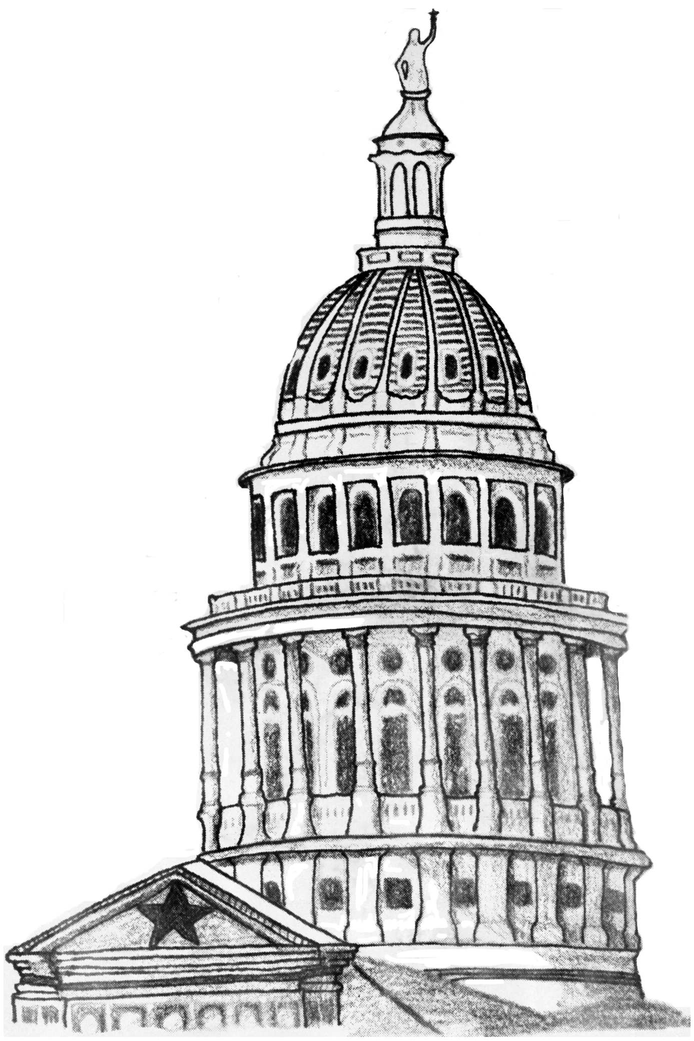
In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

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 4th day of July, 2026.

Greg Abbott, Governor

TRD-202602772

♦ ♦ ♦



PROPOSED RULES

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

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

TITLE 1. ADMINISTRATION

PART 4. OFFICE OF THE SECRETARY OF STATE

CHAPTER 108. DESIGNATION PROGRAM FOR DISASTER RELIEF NONPROFIT ORGANIZATIONS AND FINANCIAL INSTITUTIONS

1 TAC §§108.1 - 108.6

The Office of the Secretary of State (Office) proposes new Chapter 108, 1 TAC §§108.1 - 108.6, concerning the designation program for disaster relief nonprofit organizations and financial institutions. The Office proposes these rules to implement the new designation requirements for political subdivisions in the Disaster Scam Response Act, House Bill 20 (HB 20), enacted by the 89th Legislature, 2nd Called Session, codified at Chapter 418 of the Texas Government Code.

BACKGROUND INFORMATION AND JUSTIFICATION

HB 20, adopted by the 89th Legislature, 2nd Called Session, requires the Office to establish and administer a designation program for political subdivisions in Texas to designate a nonprofit organization or financial institution to solicit and accept donations for disaster relief efforts during a declared disaster threatening the political subdivision. HB 20 provides that the designation program is intended to assist Texas residents in identifying a reputable nonprofit organization or financial institution to which the residents may donate to support disaster relief efforts during a declared disaster.

As enacted by HB 20, Texas Government Code §418.403(a) requires each political subdivision in Texas to select and submit to the Office a nonprofit organization or financial institution the political subdivision proposes to designate to solicit and accept disaster relief donations during a declared disaster threatening the political subdivision. Texas Government Code §418.403(b) directs the Office to develop guidelines for approving a political subdivision's proposed designation of a nonprofit organization or financial institution.

The purpose of these new rules under Chapter 108 (Designation Program for Disaster Relief Nonprofit Organizations and Financial Institutions) is to provide information regarding the procedures for a political subdivision to follow in submitting to the Office a proposed designation of a nonprofit organization or financial institution and to establish guidelines for the Office's approval of these designations.

SECTION-BY-SECTION SUMMARY

Proposed §108.1 defines certain terms used within Chapter 108.

Proposed §108.2 specifies the procedures for a political subdivision to submit to the Office a proposed designation of a nonprofit organization or financial institution.

Proposed §108.3 establishes timelines for a political subdivision's proposed designation or redesignation of a nonprofit organization or financial institution.

Proposed §108.4 sets forth the procedures for a political subdivision to follow in making an update to an existing designation of a nonprofit organization or financial institution.

Proposed §108.5 establishes the Office's guidelines for approving a proposed designation of a nonprofit organization or financial institution.

Proposed §108.6 provides that a political subdivision is responsible for certifying that a named entity meets the definition of a nonprofit organization or financial institution and qualifies under the Office's designation approval guidelines.

FISCAL NOTE

Michael J. Powell, Director of the Office's Business & Government Filings Division, has determined that for each year of the first five years that the proposed new sections will be in effect, there will be no fiscal implications for state or local governments as a result of enforcing or administering the proposed rules. In addition, the Office does not anticipate that enforcing or administering the proposed rules will result in any reductions in costs or in any additional costs to the Office, the state, or local governments. The Office also does not anticipate that there will be any loss or increase in revenue to the Office, the state, or local governments as a result of enforcing or administering the proposed rules.

PUBLIC BENEFIT

Mr. Powell has determined that for each year of the first five years that the proposed new sections will be in effect, the public benefit expected as a result of adopting the proposed new rules will be clarity for individuals who wish to donate to reputable nonprofit organizations or financial institutions in response to a declared disaster. The rules will provide additional information to assist individuals in avoiding fraudulent charitable donations during difficult times. The rules also will provide guidance to, and bring about enhanced transparency for, political subdivisions in designating nonprofit organizations and financial institutions to solicit and accept donations for disaster relief efforts.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are no anticipated economic costs to persons required to comply with the proposed new rules. There is no effect on local economy for the first five years that the proposed new rules will be in effect; therefore, no local employment impact statement is required under Texas Government Code §§2001.022 and 2001.024(a)(6).

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

The proposed new rules will have no direct adverse economic impact on small businesses, micro-businesses, or rural communities. Accordingly, the preparation of an economic impact statement and a regulatory flexibility analysis, as specified in Texas Government Code §2006.002, is not required.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Texas Government Code §2001.0221, the Office provides the following government growth impact statement for the proposed rules. For each year of the first five years that the proposed new rules will be in effect, the Office has determined the following:

(1) the proposed rules will not create or eliminate a government program;

(2) implementation of the proposed rules will not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rules will not require an increase or decrease in future legislative appropriations to the Office;

(4) the proposed rules will not require an increase or decrease in fees paid to the Office;

(5) the proposed rules are new rules and therefore create new regulations;

(6) the proposed rules will not expand, limit, or repeal an existing regulation;

(7) the proposed rules will not increase or decrease the number of individuals subject to the rules' applicability; and

(8) the proposed rules will not positively or adversely affect the state's economy.

REQUEST FOR PUBLIC COMMENTS

Comments or questions on the proposed new rules may be submitted in writing and directed to Adam Bitter, General Counsel, Office of the Secretary of State, P.O. Box 12887, Austin, Texas 78711-2887, or by e-mail to generalcounsel@sos.texas.gov. Comments will be accepted for thirty (30) days from the date of publication of the proposed rules in the *Texas Register*. Comments should be organized in a manner consistent with the organization of the proposed new rules.

STATUTORY AUTHORITY

The proposed new rules are authorized by Texas Government Code §418.403 and Texas Government Code §2001.004(1). Texas Government Code §418.403 authorizes the Office to adopt rules necessary to establish and administer a designation program for disaster relief nonprofit organizations and financial institutions, and to establish guidelines for the Office's approval of a political subdivision's proposed designation. Texas Government Code §2001.004 requires a state agency to adopt rules of practice stating the nature and requirements of formal and informal procedures.

CROSS REFERENCE TO STATUTE

The proposed new rules implement Chapter 418 of the Texas Government Code.

No other statute, code, or article is affected by the proposed rules.

§108.1. Definitions.

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

(1) Business day--A day other than a Saturday or Sunday, a national holiday under Texas Government Code §662.003(a), or a state holiday under Texas Government Code §662.003(b).

(2) Financial institution--Has the meaning assigned by Texas Finance Code §201.101(1).

(3) Nonprofit organization--An organization that is exempt from federal income taxes under Section 501(c) of the Internal Revenue Code, Title 26, United States Code.

(4) Political subdivision--Has the meaning assigned by Texas Government Code §418.004(6).

(5) Primary physical address--The physical address at which the relevant entity is available for contact.

(6) Secretary--The Texas Secretary of State.

§108.2. Form of Submission.

(a) A political subdivision must submit a proposed designation of a nonprofit organization or financial institution in the form promulgated by the secretary, using a delivery method specified in the form.

(b) A completed designation form must include the name and contact information of an authorized representative of the political subdivision, and be signed by the county clerk or city secretary, as applicable.

(c) A completed designation form must include the legal name, primary physical address, mailing address, and telephone number of the named nonprofit organization or financial institution.

(d) For the redesignation of a nonprofit organization or financial institution under §108.3(c) of this chapter (relating to Timing of Submission), the completed form must also specify that the submission is a redesignation of an existing designation.

(e) There is no filing fee for the submission of a designation form to the secretary.

§108.3. Timing of Submission.

(a) A political subdivision must submit a completed designation form to the secretary on or before the 10th business day after the date on which the political subdivision's governing body decides to designate a nonprofit organization or financial institution.

(b) The designation of a nonprofit organization or financial institution expires on the second anniversary of the date on which the secretary approved the designation, unless the designation is redesignated in accordance with subsection (c) of this section.

(c) A political subdivision seeking to redesignate a nonprofit organization or financial institution must submit a completed designation form to the secretary within ninety (90) calendar days before the expiration of the existing designation.

§108.4. Update to Existing Designation.

(a) If, while a designation is in effect, it becomes known to the political subdivision's governing body that information contained in its designation form has changed, the political subdivision must submit an updated designation form to the secretary on or before the 10th business day after the date on which the political subdivision's governing body becomes aware of the change.

(b) If, while a designation is in effect, it becomes known to the political subdivision's governing body that a designated entity no longer meets the definition of a nonprofit organization or financial institution in §108.1 of this chapter (relating to Definitions) or qualifies under the guidelines set forth in §108.5 of this chapter (relating to Approval Guidelines), the political subdivision must submit a withdrawal of the designation to the secretary on or before the 10th business day after the date on which the political subdivision's governing body becomes aware of the change.

§108.5. Approval Guidelines.

(a) The proposed designation of a nonprofit organization or financial institution must be made by the political subdivision's governing body in an open meeting conducted in accordance with Chapter 551 of the Texas Government Code.

(b) A political subdivision may only designate a nonprofit organization that:

(1) is currently in existence and has operated continuously for at least one (1) year prior to the date on which the political subdivision selects the entity for designation;

(2) has filed a certificate of formation or application for registration with the secretary;

(3) has filed a Form 990 (Return of Organization Exempt from Income Tax) with the Internal Revenue Service within the twelve (12) months preceding the date on which the political subdivision selects the entity for designation;

(4) has a history of receiving or remitting donations that support and respond to community needs, including donations related to a declared disaster; and

(5) has agreed to be the designated entity and actively respond to the needs of the community during a declared disaster.

(c) A political subdivision may only designate a financial institution that:

(1) is currently in existence and has operated continuously for at least one (1) year prior to the date on which the political subdivision selects the entity for designation;

(2) has filed a certificate of formation or application for registration with the secretary; and

(3) has agreed to be the designated entity and actively respond to the needs of the community during a declared disaster.

(d) A political subdivision may not designate a nonprofit organization or financial institution that has a board member or employee who is also a member of the political subdivision's governing body.

(e) Upon receipt of a completed designation form, the secretary may approve, reject, or request additional information regarding the proposed designation of a nonprofit organization or financial institution.

§108.6. Certification by Political Subdivision.

(a) Each political subdivision is responsible for certifying that an entity named in a designation form meets the definition of a nonprofit organization or financial institution in §108.1 of this chapter (relating to Definitions) and qualifies under the guidelines set forth in §108.5 of this chapter (relating to Approval Guidelines).

(b) By submitting a completed designation form to the secretary, a political subdivision makes the certification required under subsection (a) of this section.

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 July 6, 2026.

TRD-202602767
Adam Bitter
General Counsel
Office of the Secretary of State
Earliest possible date of adoption: August 16, 2026
For further information, please call: (512) 475-2813

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TITLE 16. ECONOMIC REGULATION

PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 141. CHARITABLE BINGO OPERATIONS

The Texas Department of Licensing and Regulation (Department) proposes at 16 Texas Administrative Code (TAC), Chapter 141, amendments to existing rules in Subchapter A, §141.100; Subchapter D, §§141.400, 141.443, 141.451, and 141.453; Subchapter E, §141.514; and Subchapter G, §141.702; the repeal of existing rules in Subchapter A, §141.101 and §141.102; and new rules in Subchapter A, §141.101 and §141.102; and Subchapter E, §141.515, regarding the Charitable Bingo program. These proposed changes are referred to as "proposed rules."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 141, implement Occupations Code, Chapter 51, Texas Department of Licensing and Regulation, and Occupations Code, Chapter 2001, Bingo.

The proposed rules are necessary to implement Senate Bill (SB) 3070, 89th Legislature, Regular Session (2025), which transferred the licensing and regulation of charitable bingo to the Department on September 1, 2025. The proposed revisions are also consistent with the purpose and goals of SB 14, 89th Legislature, Regular Session (2025) which include streamlining rules by eliminating duplicate language found in statute, eliminating rule text that is unenforceable or unnecessary, and using plain language to improve readability. Proposed amendments and new rules also update and clarify certain terms or processes to increase transparency.

Advisory Board Recommendations

The proposed rules were presented to and discussed by the Bingo Advisory Committee at its meeting on June 30, 2026. The Advisory Committee did not make any changes to the proposed rules. The Advisory Committee voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY

Subchapter A. Administration

§141.100

The proposed rules amend §141.100, Definitions, by creating two new subsections. New subsection (a) reduces duplication in rule text by stating that the definitions in Occupations Code, Chapters 51 and 2001, apply to Chapter 141.

Proposed new §141.100(b) letters the numbered definitions and deletes a duplicative reference in the introductory sentence to Texas Occupations Code, Chapter 2001.

Proposed amendments delete §141.100(1) because a definition for state law is unnecessary, as the term has a common meaning and is used once in Chapter 141, and renumber the remaining definitions.

Proposed amendments to renumbered §141.100(b)(1), calendar week, delete unnecessary words to improve readability without changing meaning.

Amendments to renumbered §141.100(b)(2), calendar year, delete unnecessary words and simplify language to improve readability without changing meaning.

Amendments to §141.100(4) delete the definition for Commission because the term is defined in Occupations Code, §51.001(1-a), and renumber the remaining definitions.

Proposed new §141.100(b)(4) defines a day as a calendar day to eliminate the repetitive use of "calendar" to describe day throughout Chapter 141.

Amendments to renumbered §141.100(b)(5) implement SB 3070 by substituting executive director for "Director" and "department, or designee" for the description of the Charitable Bingo Operations Division as the Texas Department of Licensing and Regulation is the responsible department.

Amendments to renumbered §141.100(b)(6) add a definition for a grandfathered commercial lessor for ease of reference and define this term as a commercial lessor who has been licensed continuously since June 10, 1989, consistent with Occupations Code, §2001.152(b).

Amendments to renumbered §141.100(b)(7), operator, substitute "individual" for "natural person", clarify that the individual is designated by a licensed authorized organization, and substitute a standard phrase "under Occupations Code, Chapter 2001" for "pursuant to the authority of the Bingo Enabling Act" for consistency and ease of understanding without changing meaning.

Amendments to §141.100(8) delete the definition of 24-hour period, because not all uses of the term in Chapter 141 are consistent and the term may be easily understood or clarified in the few instances in which it is used, and renumber the remaining definitions.

Amendments to renumbered §141.100(b)(8) reference the definition for premises in Occupations Code, §2001.002(22), delete duplicative language found in Occupations Code, §2001.002(22) and Occupations Code, §2001.403, and letter §141.100(b)(8) to organize premises definition elements into three subparagraphs. Amendments to lettered §140.101(b)(8)(A) clarify that the premises address must be a physical street address, as a post office box address would not allow the Department to locate the premises for inspection purposes. New §140.101(b)(8)(B) adds that if a licensed authorized organization or unit leases space to conduct bingo, the term "premises" is limited to the specific area identified for that purpose in the commercial lessor's license record for consistency with Occupations Code, §2001.002(22).

§141.101

The proposed rules repeal §141.101, Advisory Opinions, to allow the Department to propose a new §141.101, which reorganizes, streamlines, and clarifies rule text in current §141.101, and adds new subsections to improve transparency.

Proposed new §141.101(a) provides a statutory citation to Occupations Code, §2001.059(a), which designates who may submit an advisory opinion request, and the email address to which the request must be sent. This provision provides transparency in who may request an opinion, and how a request must be submitted to the Department.

Proposed new §141.101(b) specifies the information the requestor must include in the advisory opinion request to inform the requester.

Proposed new §141.101(c) describes the criteria used by the director in evaluating a submitted request to provide transparency.

Proposed new §141.101(d) requires the director to respond to an advisory opinion request by email if the Department does not have jurisdiction, or if the request can be answered by referring to a statute, rule, or previous advisory opinion. These provisions provide an efficient process for the Department to respond to these types of requests in which an advisory opinion is not required.

Proposed new §141.101(e) describes the process for the director to request more information when the requestor has not included sufficient facts in the initial request, and the time in which the requestor must respond. Proposed new §141.101(e) requires the director to accept the request if the requestor provides sufficient facts within the 10-day period. These provisions implement Occupations Code, §2001.059(b), and specify the time in which the requestor must respond to a Department request for more information to enable efficient processing of advisory opinion requests.

Proposed new §141.101(f) requires the director to notify the requestor of the date the director accepts the advisory opinion request and the number assigned to the request. This provision provides transparency and a tracking mechanism for each request.

Proposed new §141.101(g) requires the director to refer the accepted request to appropriate staff for review and written comment, to post the accepted advisory opinion request on the Department website which is currently txbingo.org; and to notify license holders by email that they can submit a written comment within a specified 30-day comment period. These provisions ensure that Department subject matter experts review and provide relevant information and provide transparency by notifying license holders of their opportunity to review and comment.

Proposed new §141.101(h) requires the Commission to consider the request and issue an advisory opinion consistent with Occupations Code, §2001.059. This provision includes a statutory reference for ease of reference and to streamline rule text.

Proposed new §141.101(i) requires the Department to publish an advisory opinion approved by the Commission on the Department website to provide public transparency consistent with current practice.

§141.102

The proposed rules repeal §141.102, Bingo Advisory Committee, to allow the Department to propose a new streamlined

§141.102 that eliminates the current non-standard question-and-answer format and redundant text found in Occupations Code, §§2001.057, 51.209, and 51.2094, and clarifies existing text.

Proposed new §141.102(a) references Occupations Code, §§2001.057, 51.209, and 51.2094. Occupations Code, §2001.057 provides specific authority, and Occupations Code, §51.209 and §51.2094 provide additional authority. This statutory text does not need to be repeated in rule.

Proposed new §141.102(b) informs individuals how to apply for an open position on the advisory committee by completing a form on the Department's website and requires an applicant to provide complete and accurate information to allow the Department to determine if the applicant meets the eligibility requirements to be an advisory committee member. This provision provides transparency in the application process and describes application requirements.

Proposed new §141.102(c) states that an applicant is not qualified to be an advisory committee member if convicted of one of the crimes listed in proposed §141.702 which includes criminal fraud, gambling, and gambling-related crimes, and crimes in the criminal history guidelines. This provision ensures that advisory committee members are held to the same standards as license holders.

Proposed new §141.102(d) requires an advisory committee member to hold a license in good standing, if a license is required for the advisory committee member position, and defines good standing. Proposed new §141.102(d)(1) requires a license holder to not be delinquent in the payment of prize fees to the Department. Proposed new §141.102(d)(2) requires that the license be active and not expired, suspended, or revoked. These provisions help ensure that these advisory committee members are actively engaged in charitable bingo while serving on the advisory committee in the capacity of a licensed member.

Proposed new §141.102(e) requires a public member to be a Texas resident and a person who is not required by statute to be listed on a conductor, commercial lessor, manufacturer, or distributor license application. These requirements help ensure that a public member will represent Texas citizens' interests.

Proposed new §141.102(f) requires the Department to evaluate a bingo advisory committee membership application to determine if the applicant is eligible for consideration by the Commission, and to submit only eligible applicants to the Commission. These provisions ensure that the Commission can efficiently consider and appoint members to the advisory committee and that the advisory committee does not have a role in selecting its own members consistent with Occupations Code, §2001.057(g)(2).

Proposed new §141.102(g) defines the length of a committee member's term, specifies that the terms be staggered, requires the Commission's presiding officer to appoint a replacement with the Commission's approval if a vacancy occurs, and allows the Commission to remove an advisory committee member for the reasons in Occupations Code, §51.209(b). These requirements balance membership continuity with the opportunity for the Commission to add and replace members to ensure a full advisory committee consistent with the provisions of Occupations Code, §51.209(b) and §51.2094.

Proposed new §141.102(h), requires each bingo advisory meeting to be open to the public consistent with the requirements of Government Code, Chapter 551, requires the bingo advisory committee's presiding officer to request the Department post a meeting notice on the Department website at least 10 days prior to the date of a meeting, and requires the posted meeting notice to include the day, time, meeting location, and agenda items so the public may attend and participate in the meeting.

Proposed new §141.102(i) allows the bingo advisory committee to meet in person, or by a method consistent with Occupations Code, §51.209(a-2) which provides options for telephone and video conferencing. This provision provides flexibility for the advisory committee meeting format consistent with the statutory requirements for these public meetings.

Proposed new §141.102(j) requires the bingo advisory committee's presiding officer to designate another member to conduct a meeting or general business in the presiding officer's absence so advisory committee work may continue in the presiding officer's absence.

Proposed new §141.102(k) defines a quorum as five members and requires a quorum to be present at a meeting for the advisory committee to conduct official business. Proposed new §141.102(k)(1) clarifies that an action requires a majority vote of the members present and voting. Proposed new §141.102(k)(2) clarifies that a member may not vote by proxy. The purpose of these provisions is to ensure the advisory committee has the benefit of input from commission-appointed advisory committee members before acting.

Proposed new §141.102(l) requires the bingo advisory committee at each meeting to keep minutes which include all formal actions taken. Proposed new §141.102(l)(1) allows a transcript to serve as the meeting minutes, and proposed new §141.102(l)(2) requires the committee to approve meeting minutes at the next meeting and file the approved minutes with the Department for posting on the Department's website. These provisions provide transparency regarding the advisory committee's activities consistent with the requirements of Government Code, Chapter 551.

Proposed new §141.102(m) requires the bingo advisory committee to report to the Commission at least annually on six topics: adjusted gross receipts, net receipts, charitable distributions, expenses, attendance, and any other matter requested by the Commission. This provision enables the Commission to perform their responsibilities under Occupations Code, §51.2011.

Subchapter D. Licensing Requirements

The proposed rules amend §§141.400, 141.443, 141.451, and 141.453 to substitute "department" for "Commission" or "commission", to implement SB 3070 which transferred responsibility for charitable bingo to the Department.

§141.400

The proposed rules amend §141.400 by substituting "Requirements" for "Provisions" in the rule title for clarity and consistency, by standardizing rule format to eliminate the current inconsistent subsection format and word usage, by streamlining rule text to eliminate text found in statute and other unnecessary text, by standardizing word usage, and by clarifying existing text.

Amendments to the first sentence in §141.400(a) substitute "a" for "any" for consistency in terminology, substitute the phrase "activity requiring a license under Occupations Code, Chapter 2001" to more accurately describe "related activity", replace "shall" with "must" for consistency in terminology, and clarify the application process by adding a reference to the Department website for application process information. Amendments to the remainder of §141.400(a) require all submitted information to be legible, correct, and complete, streamline text in this and the following two subsections, delete unnecessary words without changing meaning, and adjust capitalization at the beginning of each paragraph for format consistency to improve readability without changing meaning.

Amendments to §141.400(b) clarify that all information an applicant submits is considered by the Department to be part of the application and delete unenforceable or duplicative text to streamline text and improve readability without changing meaning.

Amendments to §141.400(c) and §141.400(d) restructure and delete unnecessary text to improve readability without changing meaning.

Amendments to §141.400(e) substitute "commercial lessor" for "bingo hall" for consistency in terminology, restructure and delete unnecessary text to improve readability without changing meaning, and clarify that a license fee will be refunded if an application is withdrawn if the license type has a fee.

Amendments to §141.400(f) restructure and delete unnecessary text to improve readability, add "authorized" to more accurately describe the organization, substitute a reference to Occupations Code, Chapter 2001 for a reference to the Bingo Enabling Act for consistency in terminology, and substitute "supplemental" for "supplement" for consistency in terminology to improve readability. These amendments to improve consistency and readability do not change meaning.

Amendments throughout §141.400(g) restructure and delete unnecessary text to improve readability, substitute a reference to Occupations Code, Chapter 2001 for a reference to the Bingo Enabling Act for consistency in terminology, and substitute a reference to the applicable rules in Chapter 141 for a reference to the Charitable Bingo Administrative Rules for consistency in terminology. Amendments in §141.400(g) add a reference to the Department's authorization to perform a premises inspection under §141.705 for consistency and completeness and reorganize the remaining text into paragraphs and subparagraphs to improve readability. Amendments to numbered §141.400(g)(1) substitute "individual" for "person" for accuracy and consistency in terminology, and substitute "license holder" for "licensee" for consistency with statute and to improve readability. These amendments to improve consistency and readability do not change meaning.

Amendments to §141.400(h) substitute a reference to Occupations Code, Chapter 2001, for a reference to the Bingo Enabling Act for consistency in terminology, substitute a reference to the applicable rules in Chapter 141 for a reference to the Charitable Bingo Administrative Rules for consistency in terminology, and restructure text to improve readability without changing meaning.

Amendments to §141.400(i) delete that subsection because the text is a record keeping requirement and not a licensing requirement. Requirements for a temporary authorization and related record keeping are in other rules not included in this rule proposal. Amendments also reletter the remaining subsections in this section.

Amendments to relettered §141.400(i) restructure text to improve readability without changing meaning. Amendments to §141.400(i) also substitute a reference to Occupations Code, Chapter 2001 for a reference to the Bingo Enabling Act for consistency in terminology.

Amendments to relettered §141.400(j) delete the subsection introductory header and paragraph (1) designation for consistency in subsection formatting, substitute "license holder" for "licensee" for consistency with statute and to improve readability, restructure text to improve readability without changing meaning, renumber the remaining subparagraphs, substitute a more descriptive phrase to describe required remittances to improve readability, delete the requirement for a license holder to return a canceled license to the Department, and substitute a requirement for the license holder to destroy a canceled license because that process is more efficient and cost effective for the license holder.

Amendments to relettered §141.400(k) delete the subsection introductory heading for consistency in subsection formatting, restructure text to improve readability without changing meaning, substitute "license holder" for "licensee" for consistency with statute and to improve readability, add "bingo" to describe the playing location for clarity, standardize the citation format for Occupations Code references for consistency, standardize number references for consistency, correct referenced rule numbers, and add rule titles for ease of reference.

Amendments to relettered §141.400(l) add an introductory sentence to clarify and modernize the Department requirement to obtain a fingerprint-based criminal history record from the Department of Public Safety's criminal history clearinghouse for certain individuals by license type, organize requirements in two paragraphs, and adjust capitalization and preposition usage to improve readability. Amendments to numbered §141.400(l)(1) substitute "individual" for "person" for accuracy and consistency, substitute "Occupations Code, Chapter 2001" for "Bingo Enabling Act", add a reference to Occupations Code, §2001.103 for completeness, and delete outdated and unnecessary language. Amendments to §141.400(l)(2) delete an unnecessary preposition, delete an unnecessary license descriptor, and substitute a more specific citation to Occupations Code, §2001.103 as a reference to the Bingo Enabling Act to add clarity.

Amendments to relettered §141.400(m) delete the subsection introductory header for consistency in formatting, delete redundant text to improve readability, substitute "individual" for "person" for accuracy and consistency, add a descriptor for the type of form to add clarity, substitute "license holder" for "licensee" for consistency with statute and to improve readability, add the phrase "information or" for completeness, and substitute a citation to Government Code, Chapter 522, for a reference to the Public Information Act to standardize statutory reference formatting which improves readability without changing meaning.

§141.443

The proposed rules amend §141.443(a) by adding the process for a commercial lessor's license to be transferred consistent with Occupations Code, §2001.160, and deleting the definition of a grandfathered commercial lessor because that definition is proposed to be added in §141.100(b)(6). Amendments document the current process which requires a commercial lessor to request Department approval to transfer a commercial lessor license by submitting a completed transfer application form.

Proposed amendments to §141.443(b) substitute "grandfathered commercial lessor's license" for "Grandfathered Lessor's License" for consistency in terminology, and substitute "Occupations Code" for "Bingo Enabling Act" for consistency in statutory references. These amendments improve readability without changing meaning.

Proposed amendments to §141.443(c) clarify that a commercial lessor's license is not considered to be transferred after a name change or change in ownership if the legal entity's taxpayer number does not change. These amendments clarify that this subsection applies to all commercial lessors, not just grandfathered lessors, and streamline existing language to improve readability.

§141.451

The proposed rules amend §141.451, Operating Capital, by restructuring or deleting text to improve accuracy and readability, by adding subsection introductory headings for formatting consistency, by standardizing statutory references for ease of reference and by increasing the maximum retained operating capital to implement SB 3070.

The proposed rules amend §141.451(a)(2) by restructuring text to improve readability without changing meaning and by deleting unnecessary text. Proposed amendments to §141.451(a)(3) delete that definition, because the relevant bingo quarterly report varies based on the license type and whether a unit is involved, and renumber the remaining definition. Proposed amendments to renumbered §141.451(a)(3) add "department-authorized" to describe the maximum amount of funds that may be retained in the bingo account of a licensed authorized organization or unit, and delete unnecessary or outdated language.

The proposed rules amend §141.451(b) by adding an introductory heading for format consistency, restructuring text to improve readability without changing meaning, and standardizing a statutory reference for ease of reference.

The proposed rules amend §141.451(c) by adding an introductory heading for format consistency, by deleting an unnecessary sentence to improve readability, by restructuring text to improve readability without changing meaning, and by clarifying the description for a quarterly report as the "applicable" quarterly report because the specific quarterly report to be submitted varies based on the license type and whether a unit is involved.

The proposed rules amend §141.451(d)(1) by deleting an outdated reference to a 12-month license period, amend §141.451(d)(2) by changing the number of quarterly reports used in the calculation to eight from three, and amend §141.451(d)(3) by updating the period that the operating capital limit is effective to eight calendar quarters for consistency with the current two-year license period.

The proposed rules amend §141.451(e) by deleting unnecessary text without changing meaning.

The proposed rules amend §141.451(f) by adding an introductory heading and paragraph designation for format consistency, by substituting "payment" for "remittance" to simplify the text without changing meaning, by standardizing a statutory reference for ease of reference, by deleting the introductory heading to §141.451(g), by adding and renumbering the paragraphs in §141.451(g) into §141.451(f) for completeness, by updating the maximum limit to $100,000 to implement SB 3070, by restructuring text to improve readability without changing meaning, and by adding a reference to §141.453, which describes the process for a licensed authorized organization to apply for an increase in the retained operating capital limit.

The proposed amendments to relettered §141.451(g) inform a licensed authorized organization or unit that the department-approved operating capital limit may be viewed on the Department's online portal on demand and to delete outdated and unnecessary language regarding submitting a request for the recalculation of the retained operating capital limit. A licensed authorized organization no longer must request a recalculation because the Department system automatically recalculates the operating capital limit and makes that recalculated amount available in the department's online portal.

Proposed amendments delete §141.451(h) through (k) because these three subsections contain redundant text found in Occupations Code, §2001.451 or §2001.457, and in §141.453.

§141.453

The proposed rules amend §141.453, Request for Operating Capital Increase, by clarifying definitions, clarifying the requirements for a licensed authorized organization to submit a request to exceed the $100,000 statutory limit, deleting unenforceable text, deleting, reorganizing, or adding text to improve readability, and using consistent terminology to improve readability without changing meaning.

Proposed amendments to §141.453(a) clarify the definitions of force majeure and requests to exceed the operating capital limit. These amendments are important because Occupations Code, §2001.451 allows a licensed authorized organization to request a Department waiver of the $100,000 retained operating capital statutory limit in certain circumstances. Proposed amendments to §141.453(a)(2) clarify the definition of "request to exceed the operating capital limit" by substituting "increase" for "exceed" to match the Department form title, by referencing the form required to submit a request, and by expanding the statutory references to include Occupations Code, §§2001.451(h), 2001.451(j), and 2001.451(k) to clarify that the form may be used to submit all requests to increase the operating capital limit including requests under and over the $100,000 statutory limit. Proposed amendments to §141.453(a)(3) substitute a possessive pronoun to improve readability.

Proposed amendments to §141.453(b) substitute "increase" for "exceed" for consistency in terminology, and in §141.453(b)(1), reorganize text to improve readability without changing meaning. Proposed amendments to §141.453(b)(3)(D) add an introductory phrase to clarify that the clauses in that subparagraph identify requirements that apply only to a request to exceed the $100,000 statutory limit. Proposed amendments to §141.453(b)(3)(D)(ii) incorporate the content from §141.453(c) for completeness and renumber the remaining clause. Proposed amendments to relettered §141.453(b)(3)(D)(iii) delete an unnecessary introductory phrase to improve readability, substitute a more precise descriptor phrase for news sources, add "licensed authorized" to describe "organization" for completeness and consistency, and delete language referring to examples because examples are provided in the form and are not necessary in the rule. A proposed amendment to §141.453(b)(4) substitutes "must" for "may" because the purpose of the paragraph is to define the minimum requirements for a credible business plan and not provide unenforceable guidance. Proposed amendments to §141.453(b)(4)(A) add "charitable donation" to describe the project goal and delete unnecessary text. Proposed amendments to §141.453(b)(4)(B) delete that subparagraph as a detailed description of the charitable activities over the last eight quarters is not a necessary requirement for a credible future-based business plan, and reletter the remaining subparagraphs.

Proposed amendments to §141.453(c) delete that subsection because that text is incorporated in proposed §141.453(b)(3)(D)(ii), and reletter the remaining paragraphs.

Proposed amendments to relettered §141.453(c) delete unnecessary text without changing meaning to improve readability, combine the text in §141.453(e) with the text in relettered §141.453(c) for completeness, reletter subsequent subsections, and delete "calendar" to describe day because a definition for "day" is proposed in §141.100(b)(4).

Proposed amendments to relettered §141.453(d) delete the introductory heading for format consistency, delete unnecessary text without changing meaning to improve readability, add the descriptor "licensed authorized" to describe organization for consistency in terminology, and standardize a statutory reference to improve readability.

Proposed amendments to relettered 141.453(e) and relettered §141.453(f) reorganize and delete unnecessary text without changing meaning to improve readability.

Proposed amendments delete §141.453(i) as unnecessary because the Department does not require or prohibit a licensed authorized organization from submitting a new request if circumstances or plans change.

Subchapter E. Books and Records

§141.514

The proposed rules amend §141.514, Electronic Fund Transfers, by changing the section title and rule text to make "Fund" plural for consistency with the Texas Commercial Code and related rules.

The proposed rules amend §141.514(a) to simplify and streamline the definition of an electronic funds transfer to improve readability without changing meaning.

The proposed rules amend §141.514(b) by changing "shall" to "must" for consistency in usage, by reorganizing and deleting unnecessary text without changing meaning, and standardizing references to statute and rules for consistency and to improve readability.

The proposed rules amend §141.514(c) by changing "shall" to "must" for consistency in usage, by deleting unnecessary text without changing meaning, and by standardizing the recordkeeping format in months for consistency in terminology throughout Chapter 141 to improve readability.

The proposed rules delete §141.514(d) because the requirement in that subsection is not enforceable.

§141.515

The proposed rules add new §141.515, Equipment and Supply Transactions.

New §141.515(a) adds a reference to Occupations Code, §2001.407 because that statutory provision applies to all equipment and supply transactions.

New §141.515(b) specifies the recordkeeping requirements if a licensed authorized organization either transfers or receives a card-minding device from another licensed authorized organization under Occupations Code, §2001.407(c-4).

Consistent with the requirements in Occupations Code, §2001.407(f), new §141.515(c), specifies the process for a licensed authorized organization to request Department approval to sell certain supplies and used equipment authorized by statute, and clarifies that no other types of bingo supplies or equipment may be sold by a licensed authorized organization to another licensed authorized organization.

Subchapter G. Compliance and Enforcement

§141.702

For clarity, the proposed rules amend the title of §141.702, Disqualifying Convictions, to include "and Criminal History Guidelines" because the guidelines are included in the rule.

The proposed rules amend §141.702(a) by substituting "original" for "new" for consistency with terminology in Occupations Code, Chapter 2001, and updating related prepositions, by substituting "director" for the reference to the director of Charitable Bingo Operations Division to implement SB 3070, by standardizing the format of statutory references for consistency and ease of reference, and by reorganizing and deleting unnecessary text to improve readability.

The proposed rules amend §141.702(b) by providing statutory references in place of duplicative text, substituting "department" for "Commission" to implement SB 3070, by deleting unnecessary words to improve readability without changing meaning, and by clarifying that convictions for crimes with the same elements will be disqualifying regardless of jurisdiction.

The proposed rules amend §141.702(c) by incorporating the charitable bingo criminal history guidelines in §141.702(e), by streamlining that language to improve readability without changing meaning, by clarifying that potentially disqualifying crimes include crimes with the same elements in other jurisdictions, by referencing a statute which contains independently disqualifying crimes for completeness, by clarifying that potentially disqualifying crimes include offenses of attempting or conspiring to commit the listed offenses because those crimes have the same intent as the crimes in the criminal history guidelines, and by deleting duplicative language in Occupations Code, §53.021 to improve readability.

The proposed rules amend §141.702(d) by clarifying that the criminal history guidelines in §141.702(c) are not exhaustive and that the Department may determine that an offense not described in the guidelines is potentially disqualifying, after considering the criteria in Occupations Code, §53.022. The proposed rules also amend §141.702(d) by deleting unnecessary text, as Occupations Code, Chapter 53 is referenced in §141.702(a).

The proposed rules amend §141.702(e) by incorporating text from §141.702(i) which describes the process and required timeframe for an applicant to respond to a Department notice of an intent to deny a license or registry listing, by streamlining that text to improve readability, and by deleting the text in §141.702(e) which was incorporated into §141.702(c).

The proposed rules amend §141.702(f) by incorporating text from §141.702(j), by further clarifying that the Department will notify the applicant of the denial of a license or registry listing by certified mail, regular, mail and by email if the applicant provided an email address, and by deleting text duplicating Occupations Code, §53.022 to streamline text and improve readability.

The proposed rules amend §141.702(g) by incorporating text from §141.702(k), by standardizing a reference to §141.700 for consistency, and by deleting text duplicating Occupations Code, §53.021, to streamline and improve readability.

The proposed rules delete §141.702(h) because that text is in Occupations Code, §53.023, and is duplicative.

The proposed rules also delete subsections §141.702(i) through (l) as any necessary text and non-duplicative text is incorporated into preceding subsection proposals.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Tony Couvillon, Senior Policy Research and Budget Analyst, has determined that for each year of the first five years the proposed rules are in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rules.

Tony Couvillon, Senior Policy Research and Budget Analyst, has determined that for each year of the first five years the proposed rules are in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Because Mr. Couvillon has determined that the proposed rules will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS

Mr. Couvillon also has determined that for each year of the first five-year period the proposed rules are in effect, the public will receive multiple benefits because the rule proposal provides greater transparency, streamlines and organizes rules to make the rules easier to read, and reflects current Department processes. This rule proposal will make the rules easier for license applicants, license holders and registrants, and the public to understand, and help with law and rule compliance. The proposed rules will also provide for more effective and efficient regulation of charitable bingo, and enhance the game's high standards of professional conduct, helping to safeguard the profession, charities, and people they serve statewide.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

The proposed rules eliminate duplicative references, update references, add clarifying language, restructure the existing rules for better organization, and include clean-up changes. The rule proposal does not include provisions that increase license holder costs through fee increases, nor does it require license holders to expend additional funds for equipment, staff, supplies or infrastructure.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Of the 2,093 license holders, 1,766 or 84% are non-profit organizations which do not qualify as a small business or micro-business. The 294 commercial lessor license holders may include small or micro-businesses, however, we do not have access to information to estimate how many, if any, qualify, and non-profits also make up a sizeable percentage of that license holder type. Public information and our interactions with the 20 manufacturer and 13 distributor license holders suggest that the revenue for each is generally above the statutory $6 million revenue limit.

Additionally, the proposed rules largely make rule improvement changes, and do not include provisions that increase costs for any small or micro-business in the bingo program. Therefore, the proposed rules will not have an adverse economic effect on any small or micro-business.

The proposed rules do not change the amount of prize fees that a rural community may receive or limit license holder charitable bingo activities in rural communities.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Texas Government Code §2001.0221, the Department provides the following Government Growth Impact Statement for the proposed rules. For each year of the first five years the proposed rules will be in effect, the agency has determined the following:

1. The proposed rules do not create or eliminate a government program.

2. Implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rules do not require an increase or decrease in fees paid to the agency.

5. The proposed rules do create a new regulation to describe the recordkeeping requirements under Occupations Code, §2001.407(c-4) and the process to request Department approval to sell certain used supplies and equipment under Occupations Code, §2001.407(f).

6. The proposed rules expand a regulation, limit certain regulations, and repeal and replace two existing regulations.

The proposed rules expand the number of disqualifying or potentially disqualifying crimes in §141.702(b) and (c), by including convictions under foreign laws, if the offense contains elements that are substantially similar to the elements of a crime under Texas law that is disqualifying or potentially disqualifying.

In §141.100(b)(8), the proposed rules limit an existing regulation by defining "premises" as limited to the specific area leased to conduct bingo, for consistency with Occupations Code, §2001.002(22).

In §141.102(d), the proposed rules limit eligibility for a person whose license is expired, suspended, revoked to be an advisory committee member, and in §141.102(e), limit eligibility of public members by requiring Texas residence.

7. The proposed rules do not increase or decrease the number of individuals subject to the rules' applicability.

8. The proposed rules do not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Department has determined that no private real property interests are affected by the proposed rules and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department is requesting public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rules. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rules and responses to the Department's request for information on the cost, benefit, or effect of the proposed rules may be submitted on the Department's website at https://ga.tdlr.texas.gov:1443/form/Ch140_Rule_Making; by facsimile to (512) 344-5189; or by mail to Dorota Bienkowska, Legal Assistant, Texas Department of Licensing and Regulation, Lottery and Charitable Bingo Division, P.O. Box 16630, Austin, Texas 78761-6630. The deadline for comments is 30 days after publication in the *Texas Register*.

SUBCHAPTER A. ADMINISTRATION

16 TAC §141.100

STATUTORY AUTHORITY

The Department proposes the amendments and new rules under Occupations Code, §51.203 which authorizes the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department; under Occupations Code, §51.207 which authorizes the Commission to adopt rules to require an applicant or license holder to provide an e-mail address to the department and to require that any correspondence sent or received by the Department be delivered electronically; under Occupations Code, §51.4011 which authorizes the Commission to adopt rules to allow a license holder to place a license issued by the Department on inactive status by submitting a form before license expiration and paying the required fee; under Occupations Code, §2001.054, which authorizes the Commission to adopt rules to enforce and administer Occupations Code, Chapter 2001; under Occupations Code, §2001.0541, which authorizes the Commission to adopt rules and guidelines as necessary to comply with Chapter 53 when using criminal history record information to issue or renew a bingo license or to list or renew the listing of an individual in the registry of approved bingo workers; under Occupations Code, §2001.057, which authorizes the Commission to adopt rules to govern the operations of the bingo advisory committee; and to prohibit the committee's involvement in committee member selection; under Occupations Code, §2001.215, which authorizes the Commission to adopt rules to require a holder of a manufacturer's or distributor's license to keep records and file reports; and under Occupations Code, §2001.451, which authorizes the Commission to adopt rules to allow a licensed authorized organization to retain an increased amount of operating capital if the organization has conducted bingo for less than one year, has been closed for at least six months, has experienced circumstances beyond the control of the organization which require additional operating capital, or provides a credible business plan that requires additional operating capital.

The Department also proposes amendments under Government Code, §411.0845, which authorizes the Department of Public Safety to maintain an electronic clearinghouse and subscription service for persons entitled to obtain criminal history records and updates; and Government Code, §411.093, which establishes the Department's statutory entitlement to receive criminal history background information on an applicant or holder for a license or registration issued by the Department.

The Department also proposes repeals, amendments, and new rules under Government Code, §2001.004, which requires the Department to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The statutory provisions affected by the proposed rules are in Government Code, Chapters 411 and 2001, and Occupations Code, Chapters 51, 52, 53, 55, and 2001. No other statutes, articles, or codes are affected by the proposed rules.

Section 80 of Senate Bill 3070, 89th Legislature, Regular Session (2025), provides additional rulemaking authority for the proposed amendment and new section by requiring the Commission to adopt rules to implement the Act as soon as practicable.

§141.100. Definitions.

(a) The definitions in Occupations Code, Chapters 51 and 2001, apply to this chapter.

(b) The following words and terms, when used in this chapter, [~~and Texas Occupations Code, Chapter 2001, shall~~] have the following meanings, unless the context clearly indicates otherwise.

[~~(1) State law--Texas statutes and reported court cases.~~]

(1) [~~(2)~~] Calendar week--Seven [~~A period of seven~~] consecutive days beginning [~~commencing with~~] Sunday [~~and ending Saturday~~].

(2) [~~(3)~~] Calendar year--[~~A period of~~] 12 consecutive months beginning [~~commencing with~~] January 1 [~~and ending with December 31~~].

[~~(4) Commission--The Texas Lottery Commission, the agency created by H.B. 54, 72nd Leg., 1st C.S. (1991), as amended by H.B. 1587 and H.B. 1013, 73rd Leg. R.S., 1993.~~]

(3) [~~(5)~~] Conductor--A licensed authorized organization.

(4) Day--A calendar day.

(5) [~~(6)~~] Director--The executive director [~~Director~~] of the department, or designee. [~~Charitable Bingo Operations Division, commonly known as the bingo division, of the Commission.~~]

(6) Grandfathered commercial lessor--A commercial lessor licensed continuously since June 10, 1989.

(7) Operator--An individual [~~A natural person~~] designated by a licensed authorized organization under Occupations Code, Chapter 2001 [~~pursuant to the authority of the Bingo Enabling Act~~].

[~~(8) 24-hour period--A period of 24 consecutive hours commencing at 12:00 midnight.~~]

(8) [~~(9)~~] Premises--As defined in Occupations Code, §2001.002(22). [~~The area subject to the direct control of and actual use by a licensed authorized organization or group of authorized organizations to conduct bingo. There may not be more than one premises under a common roof or over a common foundation, except under a license that was in existence on or before May 23, 1997.~~]

(A) A premises must have a physical street [~~an~~] address;

(B) If a licensed authorized organization or unit leases space to conduct bingo, the term premises is limited to the specific area identified for that purpose in the commercial lessor's license record.

(C) The term does not include a virtual location or place.

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 July 6, 2026.

TRD-202602760
Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
Earliest possible date of adoption: August 16, 2026
For further information, please call: (512) 344-5392

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16 TAC §141.101, §141.102

STATUTORY AUTHORITY

The Department proposes repeals under Occupations Code, §51.203 which authorizes the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department; under Occupations Code, §2001.054, which authorizes the Commission to adopt rules to enforce and administer Occupations Code, Chapter 2001; and under Occupations Code, §2001.057, which authorizes the Commission to adopt rules to govern the operations of the bingo advisory committee, and to prohibit the committee's involvement in committee member selection.

The Department also proposes repeals under Government Code, §2001.004, which requires the Department to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The statutory provisions affected by the proposed repeals are in Government Code, Chapter 2001, and Occupations Code, Chapters 51 and 2001. No other statutes, articles, or codes are affected by the proposed repeals.

§141.101. Advisory Opinions.

§141.102. Bingo Advisory Committee.

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 July 6, 2026.

TRD-202602764
Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
Earliest possible date of adoption: August 16, 2026
For further information, please call: (512) 344-5392

♦ ♦ ♦

16 TAC §141.101, §141.102

STATUTORY AUTHORITY

The Department proposes the amendments and new rules under Occupations Code, §51.203 which authorizes the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department; under Occupations Code, §51.207 which authorizes the Commission to adopt rules to require an applicant or license holder to provide an e-mail address to the department and to require that any correspondence sent or received by the Department be delivered electronically; under Occupations Code, §51.4011 which authorizes the Commission to adopt rules to allow a license holder to place a license issued by the Department on inactive status by submitting a form before license expiration and paying the required fee; under Occupations Code, §2001.054, which authorizes the Commission to adopt rules to enforce and administer Occupations Code, Chapter 2001; under Occupations Code, §2001.0541, which authorizes the Commission to adopt rules and guidelines as necessary to comply with Chapter 53 when using criminal history record information to issue or renew a bingo license or to list or renew the listing of an individual in the registry of approved bingo workers; under Occupations Code, §2001.057, which authorizes the Commission to adopt rules to govern the operations of the bingo advisory committee; and to prohibit the committee's involvement in committee member selection; under Occupations Code, §2001.215, which authorizes the Commission to adopt rules to require a holder of a manufacturer's or distributor's license to keep records and file reports; and under Occupations Code, §2001.451, which authorizes the Commission to adopt rules to allow a licensed authorized organization to retain an increased amount of operating capital if the organization has conducted bingo for less than one year, has been closed for at least six months, has experienced circumstances beyond the control of the organization which require additional operating capital, or provides a credible business plan that requires additional operating capital.

The Department also proposes amendments under Government Code, §411.0845, which authorizes the Department of Public Safety to maintain an electronic clearinghouse and subscription service for persons entitled to obtain criminal history records and updates; and Government Code, §411.093, which establishes the Department's statutory entitlement to receive criminal history background information on an applicant or holder for a license or registration issued by the Department.

The Department also proposes repeals, amendments, and new rules under Government Code, §2001.004, which requires the Department to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The statutory provisions affected by the proposed rules are in Government Code, Chapters 411 and 2001, and Occupations Code, Chapters 51, 52, 53, 55, and 2001. No other statutes, articles, or codes are affected by the proposed rules.

Section 80 of Senate Bill 3070, 89th Legislature, Regular Session (2025), provides additional rulemaking authority for the proposed amendment and new section by requiring the Commission to adopt rules to implement the Act as soon as practicable.

§141.101. Advisory Opinions.

(a) A person authorized under Occupations Code, §2001.059(a) must submit an advisory opinion request by email to advisory.opinion@tdlr.texas.gov.

(b) The request must:

(1) include the name, email address, and mailing address of the requestor;

(2) state the question the commission is being asked to answer;

(3) cite Occupations Code, §2001.059, and the Occupations Code, Chapter 2001 section or rule to be interpreted; and

(4) provide specific facts on which the advisory opinion is to be based.

(c) Upon receipt, the director will review the request to determine whether:

(1) the request falls within Occupations Code, Chapter 2001;

(2) the request can be answered by reference to the plain language of a statute section or rule;

(3) a prior determination exists that would answer the question; or

(4) additional information is required.

(d) If the director determines the Charitable Bingo Operations Division has no jurisdiction or the request can be answered by referring to a statute, rule, or previous opinion, the director shall notify the requestor by email.

(e) If additional information is required, the director shall request the information from the requestor by email within the period required under Occupations Code, §2001.059(b).

(1) If the requestor does not provide additional information within ten days and the director determines that the request does not contain sufficient facts to provide an answer, the director will close the advisory opinion request file and notify the requestor that no opinion can be provided due to the requestor's failure to supply sufficient facts.

(2) If the requestor provides sufficient information within the ten-day period, the director shall accept the advisory opinion request.

(f) The director shall notify the requestor of the date the advisory opinion request is accepted, and of the advisory opinion number.

(g) The director shall:

(1) refer an accepted request for an advisory opinion to the appropriate staff for review and written comment;

(2) post the advisory opinion request on the department website; and

(3) notify license holders by email of the opportunity to submit a written comment within a designated 30-day period.

(h) The commission shall consider the request and issue an advisory opinion consistent with the requirements of Occupations Code, §2001.059.

(i) The department shall publish an advisory opinion approved by the commission on the department website.

§141.102. Bingo Advisory Committee.

(a) Occupations Code, §§2001.057, 51.209, and 51.2094 apply to the bingo advisory committee.

(b) An individual may apply for an open position on the bingo advisory committee by completing an online application on the department website. An applicant for membership must provide complete and accurate information on the department's application form.

(c) An individual is not qualified to be a bingo advisory committee member if convicted of a crime listed in §141.702 (relating to Disqualifying Convictions and Criminal History Guidelines).

(d) If a license is required to hold a bingo advisory committee member position, the license must be issued by the Charitable Bingo Operations Division and must be in good standing. A license is in good standing if:

(1) the license holder is not delinquent in any prize fee payment, or

(2) the license is active and not expired, suspended, or revoked.

(e) A member representing the public must reside in Texas and may not be an individual required by statute to be listed on a conductor, commercial lessor, manufacturer, or distributor license application.

(f) The department shall evaluate a bingo advisory committee membership application to determine if the applicant meets the requirements in subsection (c) and the applicable eligibility requirements in subsections (d) or (e). The department shall only submit an eligible applicant to the commission for consideration.

(g) Bingo advisory committee members serve staggered six-year terms, with the terms of three members expiring on September 1 of each odd-numbered year.

(1) If a vacancy occurs during a member's term, the commission's presiding officer, with the commission's approval, shall appoint a replacement to fill the unexpired term.

(2) The commission may remove a bingo advisory committee member consistent with Occupations Code, §51.209(b).

(h) A bingo advisory committee meeting must be open to the public consistent with Government Code, Chapter 551. The bingo advisory committee presiding officer must request the department to post a notice on the department website at least 10 days prior to the date of each meeting. The notice must include the day, time, meeting location, and agenda items.

(i) The bingo advisory committee may meet in person or by a method consistent with Occupations Code, §51.209(a-2).

(j) The bingo advisory committee presiding officer must designate a member to conduct a meeting or general business in the presiding officer's absence.

(k) The bingo advisory committee must have a quorum of five members present at a meeting to conduct official business.

(1) An action requires a majority vote of members present and voting.

(2) A member may not vote by proxy.

(l) The bingo advisory committee shall keep minutes of each meeting including all formal action taken.

(1) A transcript may serve as the minutes of the meeting.

(2) The Committee must approve the minutes at its next meeting, and the department shall post the approved minutes on the department's website.

(m) The bingo advisory committee shall report at least annually on the following:

(1) adjusted gross receipts;

(2) net receipts;

(3) charitable distributions;

(4) expenses;

(5) attendance; and

(6) any other matter requested by the commission.

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

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Texas Department of Licensing and Regulation
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SUBCHAPTER D. LICENSING REQUIREMENTS

16 TAC §§141.400, 141.443, 141.451, 141.453

STATUTORY AUTHORITY

The Department proposes amendments and new rules under Occupations Code, §51.203 which authorizes the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department; under Occupations Code, §51.207 which authorizes the Commission to adopt rules to require an applicant or license holder to provide an e-mail address to the Department and to require that any correspondence sent or received by the Department be delivered electronically; under Occupations Code, §51.4011 which authorizes the Commission to adopt rules to allow a license holder to place a license issued by the Department on inactive status by submitting a form before license expiration and paying the required fee; under Occupations Code, §2001.054, which authorizes the Commission to adopt rules to enforce and administer Occupations Code, Chapter 2001; under Occupations Code, §2001.0541, which authorizes the Commission to adopt rules and guidelines as necessary to comply with Chapter 53 when using criminal history record information to issue or renew a bingo license or to list or renew the listing of an individual in the registry of approved bingo workers; under Occupations Code, §2001.057, which authorizes the Commission to adopt rules to govern the operations of the bingo advisory committee; and to prohibit the committee's involvement in committee member selection; under Occupations Code, §2001.215, which authorizes the Commission to adopt rules to require a holder of a manufacturer's or distributor's license to keep records and file reports; and under Occupations Code, §2001.451, which authorizes the Commission to adopt rules to allow a licensed authorized organization to retain an increased amount of operating capital if the organization has conducted bingo for less than one year, has been closed for at least six months, has experienced circumstances beyond the control of the organization which require additional operating capital, or provides a credible business plan that requires additional operating capital.

The Department also proposes amendments under Government Code, §411.0845, which authorizes the Department of Public Safety to maintain an electronic clearinghouse and subscription service for persons entitled to obtain criminal history records and updates; and Government Code, §411.093, which establishes the Department's statutory entitlement to receive criminal history background information on an applicant or holder for a license or registration issued by the Department.

The Department also proposes amendments and new rules under Government Code, §2001.004, which requires the Department to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The statutory provisions affected by the proposed rules are in Government Code, Chapters 411 and 2001, and Occupations Code, Chapters 51, 52, 53, 55, and 2001. No other statutes, articles, or codes are affected by the proposed rules.

§141.400. General Licensing Requirements [~~Provisions~~].

(a) A [~~Any~~] person who wants to engage in a bingo activity requiring a license under Occupations Code, Chapter 2001, must [~~related activity shall~~] apply for a license by following the instructions on the department website for completing and submitting the applicable application form to the department [~~Commission for a license~~]. All submitted information [~~The application must be on a form prescribed by the Commission and all required information~~] must be legible, correct and complete. An [~~The initial submittal of an~~] application is complete [~~incomplete~~] if the applicant provides [~~following information is not provided~~]:

(1) all [~~All~~] information requested on the application form and applicable supplemental forms;

(2) all [~~All supplemental~~] information requested during the pre-licensing investigation period;

(3) the [~~The applicable~~] license fee, if applicable [~~fee for a lessor, distributor, or manufacturer~~]; and

(4) all required authorized [~~Authorized~~] signatures [~~as required by the Commission~~].

(b) The department considers all information [~~Information~~] submitted by an applicant [~~on an applicable form shall be considered~~] to be part of the application. [~~Supplemental information should be submitted on a form prescribed by the Commission and all information required must be correct and complete.~~]

(c) Information submitted by an applicant in a format other than on a department form [~~an applicable form must be legible and~~] must include the following:

(1) the name and address of the organization as it appears on the application;

(2) the Texas taxpayer identification number or federal employer identification number; or, if sole owner, the individual's social security number;

(3) a statement identifying the information submitted; and

(4) the signature, printed name, and telephone number of the person authorized to submit the information. [~~information; and~~]

[~~(5) all supplemental information requested during the pre-licensing investigation period.~~]

(d) The department will review an application within [~~Within~~] 21 [~~calendar~~] days of receipt. [~~after the Commission has received an original application, the Commission will review the application and notify the applicant if additional information is required.~~]

(e) If an application is incomplete, the department [~~Commission~~] will notify the applicant and, if applicable, the applicant's commercial lessor [~~bingo hall~~]. The applicant must provide the requested information within 21 days after notification [~~calendar days of such notification~~]. If the applicant fails to respond [~~Failure to respond~~] within this timeframe, the department [~~timeframe~~] will consider [~~result in~~] the application [~~being deemed incomplete and~~] withdrawn and refund the application fee, if applicable. The department will not return the application or [~~and~~] any submitted documentation to the applicant [~~will not be returned~~].

(f) An authorized organization [~~For an application to conduct bingo, an organization~~] may [~~choose to~~] submit an [~~the~~] application for an original license [~~form~~] without [~~including~~] a bond or other security; information regarding previously held licenses; justice precinct, city or county certification; and information on intended playing location, days, times, and starting date.

(1) All other information requested on the application and the accompanying supplements must be complete and in compliance with Occupations Code, Chapter 2001, and related rules [~~all other requirements of the Bingo Enabling Act and the Charitable Bingo Administrative Rules~~].

(2) Within the [a] number of [~~calendar~~] days specified [~~required by the Commission~~] on the applicable forms, the authorized organization must remit the required bond or other security to the department [~~Commission~~] and submit the remaining information and certification [~~inform the Commission~~] on the applicable supplemental forms [~~of the intended playing location, days, times, and starting date of the occasions~~]. If the organization fails to remit [~~provide~~] the required bond or other security and to provide [as ~~well as~~] complete and accurate supplemental [~~supplement~~] forms within the required timeframe, the department [~~Commission~~] will consider the application withdrawn [~~deny the application~~].

(3) An authorized organization that has submitted [~~the appropriate bond or other security and~~] a complete application[~~, including all applicable supplemental forms,~~] must also submit [~~updated,~~] certified meeting minutes, current as of the submission of the applicable supplemental information, stating that the authorized organization voted to conduct bingo at the licensed location.

(g) Prior to issuing [~~the issuance of~~] a license, the department [~~Commission~~] may require an applicant to attend a pre-licensing interview or may perform an inspection under §141.705 (relating to Inspection of Premises).

(1) The department [~~Commission~~] will identify one or more individuals [~~the person or persons for the applicant~~] who must attend the pre-licensing interview. At the interview, the department will review [~~The pre-licensing interview will consist of, at a minimum, the following~~]:

(A) [~~(1)~~] Occupations Code, Chapter 2001 [~~review of the Bingo Enabling Act~~];

(B) [~~(2)~~] the applicable rules in Chapter 141; [~~review of the Charitable Bingo Administrative Rules;~~]

(C) [~~(3)~~] license holder [~~licensee~~] responsibilities;

(D) [(4)] license application types and processing requirements [~~process pertaining to the different types of license application~~]; and

(E) [~~(5)~~] bingo bookkeeping and record keeping requirements. [as ~~it involves bingo; and~~]

(2) [~~(6)~~] Each individual representing the applicant at the pre-licensing interview must sign a statement [~~from the person or persons attending the pre-licensing interview~~] that the individual is [~~they are~~] aware of and will comply with the provisions of Occupations Code, Chapter 2001 [~~the Bingo Enabling Act~~] and the applicable rules in Chapter 141 [~~Charitable Bingo Administrative Rules~~].

(h) The department [~~Commission~~] may deny an application based on information obtained during a pre-licensing interview or a premises inspection that indicates the applicant's non-compliance with Occupations Code, Chapter 2001 or the applicable rules in Chapter 141. [~~the provisions of the Bingo Enabling Act and/or the Charitable Bingo Administrative Rules in connection with a pre-licensing interview and/or location inspection.~~]

[~~(i) [Each licensed authorized organization issued a temporary authorization is required to file timely and complete required reports, as applicable to the type of licensing activity requested.]~~]

(i) [~~(j)~~] A license applicant may withdraw an application at any time prior to the approval or denial of the application by submitting a written request to the department. Once the withdrawal [~~written~~] request [~~for withdrawal~~] is received by the department, [~~Commission, all processing of the application will cease and~~] the withdrawal is considered final and the license fee, if applicable, will be refunded consistent with the provisions of Occupations Code, Chapter 2001. [~~License application fees for withdrawn license applications will be refunded, as provided for in the Bingo Enabling Act.~~] The license applicant may reapply for a license by submitting a [~~If the organization wants to reapply for a license, a complete~~] new application and [~~new~~] license fee, if applicable[~~, are required~~].

(j) [~~(k)~~] [~~Voluntary surrender of a license.~~]

[~~(1)~~] A license holder may cancel its license by completing and submitting the applicable form to the department. [~~licensee may surrender its license for cancellation provided it has completed and submitted to the Commission the prescribed form.~~]

[~~(2) If surrendering a license to conduct bingo, the prescribed form must be signed by the bingo chairperson.~~]

[~~(3) If surrendering any other type of license, the prescribed form must be signed by the sole owner, or by two officers, directors, limited liability corporation members, or partners of the organization.~~]

(1) [~~(4)~~] The license cancellation will be [~~cancellation of the license shall be final and~~] effective on the date the license holder notifies the department or on the requested effective date if a future date is requested. [~~upon receipt by the Charitable Bingo Operations Division of a copy of the resolution, or other authoritative statement of the licensee requesting cancellation of the license and providing a requested effective date.~~]

[~~(A) The cancellation is effective as of the date identified in the letter provided that the date has not passed.~~]

[~~(B) If no date is identified in the letter, or the date has passed, the effective date shall be the date the Commission receives the letter.~~]

(2) [~~(5)~~] Notwithstanding cancellation of the license, the license holder [~~licensee~~] must file all reports and returns, [~~reports, returns~~] and make all prize fee or other payments [~~remittances~~] required by law.

(3) [~~(6)~~] The license holder must destroy [~~licensee shall surrender~~] the license [~~to the Commission~~] on or before the effective date of the license cancellation [~~surrender~~].

(4) [~~(7)~~] The department will notify [~~Commission will send~~] the license holder that the license has been cancelled [~~licensee a letter confirming the surrender and resulting cancellation of the license~~].

(k) [~~(l)~~] [~~Administrative Hold.~~] A licensed authorized organization or commercial lessor, other than an association of licensed authorized organizations, may request to place its regular license in administrative hold [~~at any time~~].

(1) The [~~placement of a license in~~] administrative hold shall be effective on the first day of the license period for which the administrative hold is requested.

(2) The license holder [~~licensee~~] shall submit [~~the license in administrative hold, or~~] a certified statement that the license is not available, to the department [~~Commission~~] no later than seven [~~(7) calendar~~] days after the effective date of the [~~placement of the license in~~] administrative hold.

(3) Once the license has been placed in administrative hold, all bingo activity such as leasing or conducting bingo [~~(i.e. leasing, conducting bingo)~~] must cease until the license holder [~~licensee~~] files an amendment and the amended license is issued by the department [~~Commission~~] and received by the license holder [~~licensee~~]. A licensed authorized organization with its regular license in administrative hold may not conduct bingo under a temporary license.

(4) Notwithstanding placement of the license in administrative hold, the license holder must: [~~licensee must file with the Commission:~~]

(A) file with the department all applicable reports and[~~,~~] returns; [~~and remittances required by law; and~~]

(B) pay any prize fees owed; and

(C) [~~(B)~~] submit a timely and complete license renewal application [~~for renewal of the license each time the license is ripe for renewal~~].

(5) If at the time of license renewal, a licensed authorized organization does not have a designated bingo playing location, the department will place that license [~~will be placed~~] in administrative hold.

(6) Except for licensed commercial lessors subject to Occupations Code, §2001.152(b) [~~of the Occupation Code~~], a license may not be in administrative hold for more than 12 [~~twelve (12)~~] consecutive quarters.

(7) The fee for a license in administrative hold is set in §141.404(d)(3) (relating to License Classes and Fees) [~~§402.404(d)(3) of this Chapter~~].

(8) A license may be removed from administrative hold at any time during a license period. To remove a license from administrative hold, the license holder [~~licensee~~] must file a license amendment application as provided in Occupations Code, §2001.306 [~~of the Occupations Code~~] and §141.410 (relating to Amendment of a License - General Provisions) [~~§402.410 of this Chapter~~].

(l) The department shall obtain a fingerprint-based criminal record history from the Department of Public Safety's criminal history clearinghouse for:

(1) [~~(m)~~] each individual [~~Each person~~] required to be named in an application for a license under Occupations Code, Chapter 2001, [~~the Bingo Enabling Act~~] other than a temporary license under Occupations Code, §2001.103; and [~~will have a criminal record history inquiry at state and/or national level conducted. Such inquiry may require submission of fingerprint card(s). FBI fingerprint cards are required for an individual listed in an application for a distributor or manufacturer's license and for an individual listed on an application who is not a Texas resident. A criminal record history inquiry at the state and/or national level may be conducted on~~]

(2) the operator and officer or director required to be named in an application for a [~~non-regular~~] temporary license under Occupations Code, §2001.103. [~~the Bingo Enabling Act.~~]

(m) [~~(n)~~] [~~Representation; personal receipt of documents. For purposes of this subsection, an individual shall be recognized by the Commission as an applicant or licensee's authorized representative only if the applicant or licensee has filed with the Commission a form prescribed by the Commission identifying the individuals currently listed as directors, officers, or operators, or if they are identified on the completed Authorization of Representation for Bingo Licenses form. A person is not an authorized representative of the applicant or licensee unless specifically named on a form prescribed by the Commission as part of the application, or on the Authorization of Representation for Bingo Licenses form that is on file with the Commission.~~] Only an individual [~~those persons specifically~~] named on an application [a] form prescribed by the department [~~Commission~~] or on the "Authorization of Representation for Bingo Licenses" [~~Authorization of Representation for Bingo Licenses~~] form as an authorized representative [~~shall be recognized by the Commission concerning any matter relating to the licensing process or license. Only the applicant or licensee or its authorized representative~~] may receive [~~from the Commission~~] information or documents relating to the application or license from the department without being required to submit a request under Government Code, Chapter 552 [~~the Public Information Act~~].

§141.443. Transfer of a [~~Grandfathered Lessor's~~] Commercial Lessor License.

(a) Consistent with Occupations Code, §2001.160, a licensed commercial lessor may request department approval to transfer a commercial lessor license by submitting a completed transfer application form to the department.

[~~(a) "Grandfathered Lessor's License" means a commercial lessor license that was in effect on June 10, 1989, and that has been in effect continuously since that date.~~]

(b) The department's [~~Commission's~~] approval to transfer a grandfathered commercial lessor's license [~~Grandfathered Lessor's License from a current license holder~~] to a new license holder does not transfer the grandfathered leasing rights. [~~The new license holder's authority under the transferred license shall be subject to the eligibility requirements set forth in Bingo Enabling Act §2001.152(a) (and any successor statute thereto).~~]

(c) When a commercial lessor license is held by a legal entity, a change in name or ownership is not considered a license transfer if that entity's taxpayer number remains the same.

[~~(c) A change in the name or the ownership of a legal entity that holds a grandfathered license does not constitute a transfer of the license if the entity's Comptroller's Taxpayer Number remains the same.~~]

§141.451. Operating Capital.

(a) Definitions. The following words or terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Average unit member operating capital--An amount equal to the allowable retained operating capital of the unit divided by the number of unit members.

(2) Bingo account--A licensed authorized organization's or unit's [~~The~~] bingo checking account, bingo savings account, and bingo fund petty cash [~~if bingo funds, of a licensed authorized organization or unit~~].

[~~(3) Quarterly report--The Texas Bingo Quarterly Report.~~]

(3) [~~(4)~~] Retained operating capital limit--The department-authorized maximum amount of funds that may be retained in the bingo account of a licensed authorized organization or unit.[~~, which is equal to the organization's or unit's actual quarterly average bingo expenses, excluding prizes paid, for the preceding license period but does not exceed $50,000 per organization.~~]

(b) Maximum Balance. The bingo account balance of a licensed authorized organization, reconciled to include outstanding checks and deposits in transit, on the last day of each calendar quarter may not exceed the total of:

(1) the organization's or unit's retained operating capital limit;

(2) bingo prize fees [~~held in the bingo account~~] to be paid to the department [~~Commission~~] and local governments, or to be retained under Occupations Code, [~~Bingo Enabling Act~~] §2001.502(b)(3); and

(3) net proceeds from the conduct of bingo for the current quarter.

(c) Reported Balance. [~~Bingo account funds may be transferred between the bingo checking account, bingo savings account, and petty cash, where applicable.~~] A licensed authorized organization or unit must include all [~~All~~] funds from the bingo checking account, bingo savings account, and bingo petty cash [~~shall be included~~] in the bingo account balance reported on the applicable quarterly report on the last day of each calendar quarter, including funds in transit between the various accounts.

(d) Licensed Authorized Organization's Calculations.

(1) The retained operating capital limit for a licensed authorized organization with a regular license will be calculated for each [~~12-month~~] period of the license.

(2) The retained operating capital limit for a licensed authorized organization submitting the first renewal of its license to conduct bingo will be calculated based on the quarterly reports for the eight [~~three (3)~~] calendar quarters immediately preceding the license start date.

(3) The retained operating capital limit is effective for the eight [~~four (4)~~] calendar quarters beginning on the first day of the calendar quarter immediately following the license start date.

(e) Accounting Unit's Calculations.

(1) The retained operating capital limit for an accounting unit will be calculated based on the quarterly reports for the four [~~(4)~~] quarter period beginning October 1 through September 30 [~~of each year~~].

(2) The retained operating capital limit for an accounting unit is effective from January 1 through December 31 of each year.

(f) Retained Operating Capital Limit.

(1) A licensed authorized organization's or unit's most recent quarterly report information at the time of the calculation will be used to calculate its retained operating capital limit. Prize fees are not included in calculation of operating capital if they are held in escrow for payment [~~remittance~~] to the department [~~commission~~] or local governments or retained by a licensed organization under Occupations Code, [~~Bingo Enabling Act~~] §2001.502(b)(3).

[~~(g)~~] [~~Retained Operating Capital Limits.~~]

(2) [~~(1)~~] The retained operating capital in the bingo account of a licensed authorized organization may not exceed $100,000 [~~a total of $50,000~~] for the first year of licensure.

(3) [~~(2)~~] The retained operating capital in the bingo account of a newly formed unit may not exceed the total of the retained operating capital limits of all the licensed authorized organizations forming the unit.

(4) [~~(3)~~] If a licensed authorized organization joins a unit, the retained operating capital in the unit's bingo account may be increased by an amount that is equal to the average unit member operating capital, not to exceed $100,000 [~~a total of $50,000~~].

(5) [~~(4)~~] If a licensed authorized organization withdraws from a unit and will no longer utilize unit accounting, its retained operating capital limit will be equal to the average unit member operating capital of the unit prior to withdrawal, not to exceed $100,000 [~~a total of $50,000~~].

(6) [~~(5)~~] If a unit member withdraws, [~~Upon withdrawal of a unit member,~~] the retained operating capital in the bingo account of that [~~a~~] unit shall [~~must~~] be decreased by an amount [~~that is~~] equal to the average unit member operating capital on [~~by~~] the last day of the calendar quarter immediately following the unit member's withdrawal date.

(7) A licensed authorized organization or unit may apply to increase its retained operating capital limit under §141.453 (relating to Request for Operating Capital Increase).

(g) Operating Capital Limit Notification. A licensed authorized organization or unit may view the authorized operating capital limit in the department's online portal.

[~~(h) Recalculation of Operating Capital.~~]

[~~(1) A licensed authorized organization or unit that files an original or amended quarterly report for a period used to calculate its retained operating capital limit may submit a written request to the Commission to re-calculate the limit.~~]

[~~(2) A request to re-calculate a retained operating capital limit must include:~~]

[~~(A) the reason for the request identifying the specific quarter that the original or amended quarterly report was filed; and~~]

[~~(B) the signature of the bingo chairperson if the request is submitted by a licensed authorized organization~~]~~, the unit manager if the unit is managed by a unit manager, or the designated agent if the unit is not managed by a unit manager.~~]

[~~(i) A licensed authorized organization or unit may apply for an increase in its retained operating capital limit.~~]

[~~(j) The failure of a licensed authorized organization or unit to receive notification from the Commission of its retained operating capital limit by the effective date does not relieve the organization or unit from complying with the retained operating capital limit.~~]

[~~(k) All net proceeds in excess of the retained operating capital limit must be disbursed in accordance with the Act and Rules.~~]

§141.453. Request for Operating Capital Increase.

(a) Definitions. The following words or terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Force majeure--An unforeseen event beyond the control of the license holder that makes compliance with Occupations Code, Chapter 2001, or applicable rules in Chapter 141, impossible. An unforeseen event includes: [~~Some unforeseen event beyond the control of the licensed authorized organization or unit that results in non-compliance with specific sections of the Act or Rules.~~]

(A) a natural disaster such as a flood, hurricane, or wildfire;

(B) a wide-spread disease outbreak such as an epidemic or pandemic;

(C) a war, riot, strike, or act of terrorism; or

(D) a government-imposed facility or road closure.

(2) Request to increase [~~exceed~~] the operating capital limit--A department form which a licensed authorized organization must complete and submit to request approval [~~An application to the Bingo Operations Director in accordance with §2001.451(h)(2)(B) and (j) of the Act~~] to increase the retained operating capital limit for one organization or unit under Occupations Code, §§2001.451(h), 2001.451(j), or 2001.451(k).

(3) Retained operating capital--The amount of operating capital the licensed authorized organization or unit retains in its [~~the organization's or unit's~~] bingo account.

(b) Applying for a Request to Increase [~~Exceed~~] Operating Capital Limit.

(1) A licensed authorized organization or unit must submit a request [~~requesting~~] to increase its operating capital limit to the department [~~must submit a written request~~] prior to the end of the quarter for which the increase [~~in its retained operating capital limit~~] is being requested.

(2) The retained operating capital limit may not be increased for the purpose of decreasing a licensed authorized organization's or unit's disbursement of net proceeds for charitable purposes.

(3) A request to increase [~~exceed~~] the operating capital limit must include the following:

(A) the total amount of retained operating capital requested;

(B) the reason for the request;

(C) the period for the increase; and

(D) if the request is to exceed the $100,000 operating capital limit, one [~~either~~] of the following:

(i) a credible business plan; [~~or~~]

(ii) if licensed less than one year or closed for six months or more, a detailed explanation and supporting documentation; or

(iii) [~~(ii)~~] [~~if the request is due to force majeure,~~] documentation from government or recognized news [~~outside~~] sources supporting force majeure or evidence of circumstances beyond the control of the licensed authorized organization. [~~Examples of acceptable documents include newspaper articles, copies of local ordinance changes, police or fire department reports, notification of road construction, or photographs.~~]

(4) A credible business plan for the organization's bingo operation must [~~may~~] include the following:

(A) the stated charitable donation project goal [~~of the organization as it applies to the request~~];

[~~(B) a detailed description of the charitable activities of the organization for the four quarters immediately preceding the request;~~]

(B) [~~(C)~~] a detailed description of the proposed charitable activities for the time period of the request;

(C) [~~(D)~~] a cost for the project goal; and

(D) [~~(E)~~] the period of time required to accomplish the project goal.

[~~(c) An organization that has been licensed to conduct bingo for less than one year may provide a detailed explanation of why the increase in the operating capital limit is necessary in lieu of a credible business plan.~~]

(c) [~~(d)~~] The department [~~Commission~~] may request additional information or documentation [~~as needed to consider the request to exceed the operating capital limit~~].

[~~(e)~~] The licensed authorized organization or unit must provide all information or documentation requested by the department [~~Commission~~] within 21 [~~calendar~~] days [~~of notice from the Commission~~]. Failure to provide information or documentation [~~requested by the Commission~~] within that [~~the~~] time frame [~~indicated~~] may result in disapproval of the request.

(d) [~~(f)~~] [~~Criteria for Approval.~~] The department [~~Commission~~] shall consider the following criteria in approving a request to increase [~~in the approval of requests to exceed~~] the operating capital limit:

(1) the reason or circumstances beyond the control of the licensed authorized organization [~~organization, including force majeure,~~] that necessitates the increase in retained operating capital;

(2) the project goal and eventual charitable use of bingo proceeds as required [~~applicable to the organization's charitable purposes as defined~~] in Occupations Code, §2001.454 [~~of the Act~~];

(3) the necessity of the project goal;

(4) the amount of net proceeds from the licensed authorized organization's or unit's bingo operations during the past one or more years; and

(5) the length of time the licensed authorized organization has conducted bingo and its compliance history.

(e) [~~(g)~~] The department [~~Within 21 calendar days of receipt of the written request to exceed the operating capital limit and all required attachments and documentation, the Commission~~] will notify the organization or unit in writing of the decision to approve or disapprove the request within 21 days of receiving the information necessary to evaluate the request.

(f) [~~(h)~~] An organization or unit may not increase its retained operating capital until [~~it is~~] notified by the department that the request is approved [~~Commission of the approval of the request~~].

[~~(i) An organization or unit whose circumstances or credible business plan changes may submit a new request.~~]

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

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General Counsel
Texas Department of Licensing and Regulation
Earliest possible date of adoption: August 16, 2026
For further information, please call: (512) 344-5392

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SUBCHAPTER E. BOOKS AND RECORDS

16 TAC §141.514

STATUTORY AUTHORITY

The Department proposes amendments and new rules under Occupations Code, §51.203 which authorizes the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department; under Occupations Code, §51.207 which authorizes the Commission to adopt rules to require an applicant or license holder to provide an e-mail address to the Department and to require that any correspondence sent or received by the Department be delivered electronically; under Occupations Code, §51.4011 which authorizes the Commission to adopt rules to allow a license holder to place a license issued by the Department on inactive status by submitting a form before license expiration and paying the required fee; under Occupations Code, §2001.054, which authorizes the Commission to adopt rules to enforce and administer Occupations Code, Chapter 2001; under Occupations Code, §2001.0541, which authorizes the Commission to adopt rules and guidelines as necessary to comply with Chapter 53 when using criminal history record information to issue or renew a bingo license or to list or renew the listing of an individual in the registry of approved bingo workers; under Occupations Code, §2001.057, which authorizes the Commission to adopt rules to govern the operations of the bingo advisory committee; and to prohibit the committee's involvement in committee member selection; under Occupations Code, §2001.215, which authorizes the Commission to adopt rules to require a holder of a manufacturer's or distributor's license to keep records and file reports; and under Occupations Code, §2001.451, which authorizes the Commission to adopt rules to allow a licensed authorized organization to retain an increased amount of operating capital if the organization has conducted bingo for less than one year, has been closed for at least six months, has experienced circumstances beyond the control of the organization which require additional operating capital, or provides a credible business plan that requires additional operating capital.

The Department also proposes amendments under Government Code, §411.0845, which authorizes the Department of Public Safety to maintain an electronic clearinghouse and subscription service for persons entitled to obtain criminal history records and updates; and Government Code, §411.093, which establishes the Department's statutory entitlement to receive criminal history background information on an applicant or holder for a license or registration issued by the Department.

The Department also proposes repeals, amendments, and new rules under Government Code, §2001.004, which requires the Department to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The statutory provisions affected by the proposed rules are in Government Code, Chapters 411 and 2001, and Occupations Code, Chapters 51, 52, 53, 55, and 2001. No other statutes, articles, or codes are affected by the proposed rules.

§141.514. Electronic Funds [~~Fund~~] Transfers.

(a) Electronic Funds Transfer [~~Fund Transfers~~]. An electronic funds transfer or EFT is the digital movement of money from one bank account to another. [~~Electronic fund transfers (EFT) refers to the transfer of funds using a computer system, electronic terminal, telephone, mobile phone, or other non-paper based method that may be used for both credit transfers, such as deposits into an account, and debit transfers, such as deposits into an account, and debit transfers, such as payments from an account.~~]

(b) Controls Over Electronic Funds [~~Fund~~] Transfers.

(1) Licensed authorized organizations or units must [~~shall~~] use [~~for all EFT transactions~~] the same financial policies, procedures, and controls that govern disbursement by check and the receipt of funds into the bingo bank account for an EFT transaction consistent with the requirements of Occupations Code, §2001.452, §141.505 [~~(See §2001.452 of the Bingo Enabling Act and §402.505 of this chapter~~] (relating to Permissible Expense), and §141.506 [~~§402.506 of this chapter~~] (relating to Disbursement Records Requirements)[~~)~~].

(2) The licensed authorized organization or unit must [~~shall~~] implement the following controls for EFT transactions.

(A) Only an authorized person is [~~person(s) shall be~~] allowed to execute an EFT transaction on behalf of the organization or unit.

(B) The licensed authorized organization or unit must document in writing a change in a person [~~shall maintain documentation of approval of changes in the person(s)~~] authorized to execute an EFT such as through [~~electronic funds transfers. Documentation may include but is not limited to:~~] meeting minutes, bank account signature cards, or copies of financial institution applications authorizing online banking. [~~to the financial institution to authorize individuals access to perform on-line banking in association with the bingo bank account or unit bank account.~~]

(3) The bingo chairperson, or in the case of an accounting unit, the individual authorized in writing by each unit member's bingo chairperson, and bookkeeper must [~~shall~~] review accounting records and bank statements to ensure that only authorized EFTs are executed. Each EFT must [~~shall~~] be accounted for when completing monthly bank reconciliations.

(c) Recordkeeping for Electronic Funds Transfers.

(1) EFT receipts into the bingo bank account must [~~shall~~] be recorded in the accounting records. At a minimum the organization or unit must record the following information [~~regarding EFT receipts~~]:

(A) payer name;

(B) amount paid;

(C) date paid;

(D) purpose of the funds received; and

(E) the EFT confirmation receipt, if provided.

(2) The organization or unit must [~~shall~~] maintain in its accounting records a copy of each EFT payment transaction together with the invoice or billing statement. The following information must be maintained supporting the payment:

(A) payee name;

(B) amount paid;

(C) date paid;

(D) account number from which the transfer is made;

(E) nature of payment;

(F) the name of the person executing the EFT transaction on behalf of the organization or unit; and

(G) the EFT confirmation receipt, if provided.

(3) All records relating to electronic fund transfers into or out of the bingo checking account of a licensed authorized organization or unit must be retained for a period of not less than 48 months [~~four years~~].

[~~(d) Discrepancies or Misapplication of Electronic Fund Transfers. The bingo chairperson or other person authorized to sign on the bingo bank account shall notify the organization's financial institution immediately to report problems or if it is suspected that someone has access to the bingo bank account without authorization.~~]

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

Filed with the Office of the Secretary of State on July 6, 2026.

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Deanne Rienstra
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Texas Department of Licensing and Regulation
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16 TAC §141.515

STATUTORY AUTHORITY

The Department proposes amendments and new rules under Occupations Code, §51.203 which authorizes the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department; under Occupations Code, §51.207 which authorizes the Commission to adopt rules to require an applicant or license holder to provide an e-mail address to the Department and to require that any correspondence sent or received by the Department be delivered electronically; under Occupations Code, §51.4011 which authorizes the Commission to adopt rules to allow a license holder to place a license issued by the Department on inactive status by submitting a form before license expiration and paying the required fee; under Occupations Code, §2001.054, which authorizes the Commission to adopt rules to enforce and administer Occupations Code, Chapter 2001; under Occupations Code, §2001.0541, which authorizes the Commission to adopt rules and guidelines as necessary to comply with Chapter 53 when using criminal history record information to issue or renew a bingo license or to list or renew the listing of an individual in the registry of approved bingo workers; under Occupations Code, §2001.057, which authorizes the Commission to adopt rules to govern the operations of the bingo advisory committee; and to prohibit the committee's involvement in committee member selection; under Occupations Code, §2001.215, which authorizes the Commission to adopt rules to require a holder of a manufacturer's or distributor's license to keep records and file reports; and under Occupations Code, §2001.451, which authorizes the Commission to adopt rules to allow a licensed authorized organization to retain an increased amount of operating capital if the organization has conducted bingo for less than one year, has been closed for at least six months, has experienced circumstances beyond the control of the organization which require additional operating capital, or provides a credible business plan that requires additional operating capital.

The Department also proposes amendments under Government Code, §411.0845, which authorizes the Department of Public Safety to maintain an electronic clearinghouse and subscription service for persons entitled to obtain criminal history records and updates; and Government Code, §411.093, which establishes the Department's statutory entitlement to receive criminal history background information on an applicant or holder for a license or registration issued by the Department.

The Department also proposes repeals, amendments, and new rules under Government Code, §2001.004, which requires the Department to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The statutory provisions affected by the proposed rules are in Government Code, Chapters 411 and 2001, and Occupations Code, Chapters 51, 52, 53, 55, and 2001. No other statutes, articles, or codes are affected by the proposed rules.

§141.515. Equipment and Supply Transactions.

(a) Occupations Code, §2001.407 applies to all equipment and supply transactions.

(b) A licensed authorized organization that receives a card-minding device from another licensed authorized organization must:

(1) maintain a record showing receipt of the card-minding device;

(2) provide a copy of the record to the licensed authorized organization from which the card-minding device was received; and

(3) each licensed authorized organization must maintain related receipts and records for 48 months.

(c) A licensed authorized organization must submit a form to the department to request approval to sell unused or reusable hard bingo cards, or a used bingo flash board or blower, prior to selling these items to another licensed authorized organization. A licensed authorized organization may not sell any other bingo supplies or bingo equipment to another licensed authorized organization.

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

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SUBCHAPTER G. COMPLIANCE AND ENFORCEMENT

16 TAC §141.702

STATUTORY AUTHORITY

The Department proposes amendments and new rules under Occupations Code, §51.203 which authorizes the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department; under Occupations Code, §51.207 which authorizes the Commission to adopt rules to require an applicant or license holder to provide an e-mail address to the Department and to require that any correspondence sent or received by the Department be delivered electronically; under Occupations Code, §51.4011 which authorizes the Commission to adopt rules to allow a license holder to place a license issued by the Department on inactive status by submitting a form before license expiration and paying the required fee; under Occupations Code, §2001.054, which authorizes the Commission to adopt rules to enforce and administer Occupations Code, Chapter 2001; under Occupations Code, §2001.0541, which authorizes the Commission to adopt rules and guidelines as necessary to comply with Chapter 53 when using criminal history record information to issue or renew a bingo license or to list or renew the listing of an individual in the registry of approved bingo workers; under Occupations Code, §2001.057, which authorizes the Commission to adopt rules to govern the operations of the bingo advisory committee; and to prohibit the committee's involvement in committee member selection; under Occupations Code, §2001.215, which authorizes the Commission to adopt rules to require a holder of a manufacturer's or distributor's license to keep records and file reports; and under Occupations Code, §2001.451, which authorizes the Commission to adopt rules to allow a licensed authorized organization to retain an increased amount of operating capital if the organization has conducted bingo for less than one year, has been closed for at least six months, has experienced circumstances beyond the control of the organization which require additional operating capital, or provides a credible business plan that requires additional operating capital.

The Department also proposes amendments under Government Code, §411.0845, which authorizes the Department of Public Safety to maintain an electronic clearinghouse and subscription service for persons entitled to obtain criminal history records and updates; and Government Code, §411.093, which establishes the Department's statutory entitlement to receive criminal history background information on an applicant or holder for a license or registration issued by the Department.

The Department also proposes repeals, amendments, and new rules under Government Code, §2001.004, which requires the Department to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The statutory provisions affected by the proposed rules are in Government Code, Chapters 411 and 2001, and Occupations Code, Chapters 51, 52, 53, 55, and 2001. No other statutes, articles, or codes are affected by the proposed rules.

§141.702. Disqualifying Convictions and Criminal History Guidelines.

(a) The department [~~Commission~~] shall determine, consistent with the requirements of Occupations Code, Chapters 53 and 2001, [~~Occupations Code,~~] whether a criminal conviction affects [~~convictions affect~~] the eligibility of an applicant for an original [~~a new~~] or renewal license or listing in the registry of approved bingo workers [~~under the Bingo Enabling Act (BEA)~~]. The director [~~of the Charitable Bingo Operations Division (Director)~~] shall have the authority to make an eligibility determination [~~such determinations pursuant to this section. The Commission will not apply Chapter 53, Occupations Code, to officers, directors, or shareholders of, or other individuals associated with, an applicant that is a non-individual business entity~~].

(b) Occupations Code, §§ 2001.105(b), 2001.154(a), 2001.202, and 2001.207 restrict the eligibility for certain persons to hold a license based on a gambling, gambling-related, or criminal fraud conviction. [~~If any of the following persons have been convicted of a gambling or gambling-related offense, or criminal fraud, the applicant for a license or a listing in the registry of approved bingo workers will not be eligible for a new or renewal license or registry listing, as applicable: the applicant; or for an applicant for a license, any person whose conviction of any such offense would render the applicant ineligible under the eligibility standards for the particular type of license (i.e., BEA §2001.105(b) for authorized organizations, BEA §2001.154(a)(5) for commercial lessors, BEA §2001.202(9) for manufacturers, and BEA §2001.207(9) for distributors). Such a conviction (which shall not include deferred adjudications and/or nolo contendere pleas) shall be a permanent bar to the applicant obtaining a license or registry listing.~~]

(1) The department considers a disqualifying [~~Commission deems any~~] gambling or gambling-related conviction [~~offense~~] to be a conviction of an offense under:

(A) [~~any offense listed in~~] Penal Code, Chapter 47[~~, Gambling~~];

(B) [~~the offense of~~] Penal Code, §71.02(a)(2)[~~, Engaging in Organized Criminal Activity~~]; or

(C) the laws of another state, the United States, or a foreign jurisdiction, if the offense contains elements that are substantially similar to the elements of a crime in subparagraph (A) or (B) of this paragraph [~~any offense committed, including in another state or Federal jurisdiction, involving substantially similar conduct as an offense cited in Penal Code Chapter 47 or §71.02(a)(2)~~].

(2) Except for Class C misdemeanors, the department considers a disqualifying criminal fraud conviction [~~The Commission deems any offense involving criminal fraud~~] to be a conviction under [~~any offense listed in the following Penal Code Chapters and as described below, with the exception of Class C misdemeanors~~]:

(A) Penal Code, Chapter 32[~~, Fraud~~];

(B) Penal Code, Chapter 35[~~, Insurance Fraud~~];

(C) Penal Code, Chapter 35A[~~, Medicaid Fraud~~]; or

(D) the laws of another state, the United States, or a foreign jurisdiction, if the offense contains elements that are substantially similar to the elements of a crime in subparagraph (A), (B), or (C) of this paragraph. [~~Any offense committed, including in another state or Federal jurisdiction, involving substantially similar conduct as an applicable offense under these enumerated Penal Code, Chapters 32, 35, or 35A.~~]

(c) Under Occupations Code, §51.2011, the commission has a duty to exercise strict control and close supervision over the conduct of charitable bingo to ensure that bingo is fairly conducted and the proceeds derived from bingo are used for an authorized purpose. Because bingo games are largely cash-based operations providing opportunities for individuals to have access to cash or products that may be exchanged for cash, the department finds that under the factors listed in Occupations Code, §53.022, convictions for offenses that call into question an applicant's honesty, integrity, or trustworthiness in handling funds or dealing with the public, directly relate to the duties and responsibilities of license holders and bingo workers. Such offenses include crimes under the laws of another state, the United States, or a foreign jurisdiction, if the offense contains elements that are substantially similar to the elements of an offense under Texas law. This list of offenses is in addition to offenses that are independently disqualifying under Occupations Code, §53.021, and include the following:

(1) Penal Code, Chapter 30, except:

(A) Penal Code, §30.05; and

(B) Penal Code, §30.06;

(2) Penal Code, Chapter 31, except:

(A) Penal Code, §31.07;

(B) Penal Code, §31.12;

(C) Penal Code, §31.13; and

(D) Penal Code, §31.14;

(3) Penal Code, Chapter 33, except:

(A) Penal Code, §33.05; and

(B) Penal Code, §33.07;

(4) Penal Code, Chapter 34;

(5) Penal Code, Chapter 36, except Penal Code, §36.07;

(6) Penal Code, Chapter 37;

(7) Penal Code, Chapter 71;

(8) Tex. Health and Safety Code, Chapter 481; and

(9) offenses of attempting or conspiring to commit any of the above offenses.

[~~(c) For criminal convictions that do not fall under the categories addressed in subsection (b) of this section, the Commission may determine an applicant to be ineligible for a new or renewal license or a registry listing based on a criminal conviction for:~~]

[~~(1) An offense that directly relates to the duties and responsibilities of the licensed or registered activity;~~]

[~~(2) An offense under Article 42A.054 of the Code of Criminal Procedure; or~~]

[~~(3) A sexually violent offense, as defined by Article 62.001 of the Code of Criminal Procedure.~~]

(d) The list of offenses in subsection (c) is intended to provide guidance and is not exhaustive of the offenses that may relate to a license or registry listing under Occupations Code, Chapter 2001. After due consideration of the circumstances of the criminal act and its relationship to the position of trust involved in the regulated occupation, the department may find that an offense not described in subsection (c) also makes a person ineligible to hold a license or be a registered bingo worker based on the criteria in Occupations Code, §53.022.

[~~(d) For offenses that do not fall under subsection (b) or (c) of this section, such as offenses for which a person pleaded nolo contendere and/or received deferred adjudication and court supervision, and except as provided in subsection (a) of this section, the Commission may apply the provisions of Chapter 53, Occupations Code, to determine whether or not the applicant is eligible for a new or renewal license, or registry listing, under the BEA. For purposes of applying Chapter 53, the Commission may consider an applicant's deferred adjudication for a gambling or gambling-related offense, or a criminal fraud offense, to be a conviction in accordance with §53.021(d), Occupations Code.~~]

(e) Upon notification of the department's intent to deny an original or renewal application or registry listing, an applicant may provide documentation of mitigating factors for the department to consider consistent with Occupations Code, §53.023. An applicant must provide documentation to the department no later than 30 days after the department notifies the applicant of its intent to deny the application or listing, unless the department agrees to extend the deadline in writing.

[~~(e) Because the Commission has a duty to exercise strict control and close supervision over the conduct of Charitable Bingo to ensure that bingo is fairly conducted and the proceeds derived from bingo are used for an authorized purpose, and, because bingo games are largely cash-based operations providing opportunities for individuals to have access to cash and/or products that may be exchanged for cash, the Commission finds that prohibited acts under the BEA and convictions for offenses that call into question an applicant's honesty, integrity, or trustworthiness in handling funds or dealing with the public, directly relate to the duties and responsibilities of licensed and registered activities under the BEA. The Commission deems convictions (including deferred adjudications and/or nolo contendere pleas) for certain misdemeanor and felony offenses to directly relate to the fitness of a new or renewal applicant for a license or registry listing under the BEA. Such offenses include the following:~~]

[~~(1) Penal Code, Chapter 30, Burglary and Criminal Trespass, with the exception of:~~]

[~~(A) Penal Code, §30.05, Criminal Trespass; and~~]

[~~(B) Penal Code, §30.06, Trespass by Holder of License to Carry Concealed Handgun;~~]

[~~(2) Penal Code, Chapter 31, Theft, with the exception of:~~]

[~~(A) Penal Code, §31.07, Unauthorized Use of a Vehicle;~~]

[~~(B) Penal Code, §31.12, Theft of or Tampering with Multichannel Video or Information Services;~~]

[~~(C) Penal Code, §31.13, Manufacture, Distribution, or Advertisement of Multichannel Video or Information Services Device; and~~]

[~~(D) Penal Code, §31.14, Sale or Lease of Multichannel Video or Information Services Device;~~]

[~~(3) Penal Code, Chapter 33, Computer Crimes, with the exception of:~~]

[~~(A) Penal Code, §33.05, Tampering With Direct Recording Electronic Voting Machine; and~~]

[~~(B) Penal Code, §33.07, Online Impersonation;~~]

[~~(4) Penal Code, Chapter 34, Money Laundering;~~]

[~~(5) Penal Code, Chapter 36, Bribery and Corrupt Influence, with the exception of Penal Code, §36.07, Acceptance of Honorarium;~~]

[~~(6) Penal Code, Chapter 37, Perjury and Other Falsification;~~]

[~~(7) Penal Code, Chapter 71, Organized Crime;~~]

[~~(8) Tex. Health and Safety Code, Chapter 481, Manufacture, Delivery, or Possession with Intent to Deliver Controlled Substances; and~~]

[~~(9) Any offense committed, including in another state or Federal jurisdiction involving substantially similar conduct as an of-~~

~~fense in the applicable sections of Penal Code, Chapters 30, 31, 33, 34, 36, 37, 71, Tex. Health and Safety Code, Chapter 481, or the BEA.~~]

(f) If the department determines that an applicant is not eligible for an original or renewal license or registry listing because of a disqualifying criminal conviction or other criminal offense, the department shall deny the license or registry listing and notify the applicant by certified mail, regular mail, and email, if available.

[~~(f) In determining whether a criminal conviction directly relates to the duties and responsibilities of the licensed or registered activity under the BEA, the following factors will be considered:~~]

[~~(1) The nature and seriousness of the crime;~~]

[~~(2) The relationship of the crime to the purposes for which the individual seeks to engage in the regulated conduct;~~]

[~~(3) The extent to which the regulated conduct might offer an opportunity to engage in further criminal activity of the same type as the previous conviction;~~]

[~~(4) The relationship of the conviction to the capacity required to perform the regulated conduct; and~~]

[~~(5) Any other factors appropriate under Chapters 53 or the BEA, including whether a history of multiple convictions or serious conviction(s) would cause an applicant to pose a threat to the safety of bingo participants or workers.~~]

(g) An applicant may contest a denial of a license or registry listing or suspension under §141.700 (relating to Denials; Suspensions; Revocations; Hearings).

[~~(g) Except for convictions involving gambling or gambling-related offenses, a conviction, deferred adjudication, or nolo contendere plea for a Class C misdemeanor, or traffic offenses, and similar offenses in other state or Federal jurisdictions with a similar range of punishment as a Class C misdemeanor, will not be considered to be a disqualifying offense for purposes of this section.~~]

[~~(h) If the Commission determines that an applicant has a criminal conviction directly related to the duties and responsibilities of the licensed occupation, the Commission shall consider the following in determining whether to take an action against the applicant:~~]

[~~(1) the extent and nature of the person's past criminal activity;~~]

[~~(2) the age of the person when the crime was committed;~~]

[~~(3) the amount of time that has elapsed since the person's last criminal activity;~~]

[~~(4) the conduct and work activity of the person before and after the criminal activity;~~]

[~~(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release;~~]

[~~(6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and~~]

[~~(7) other evidence of the person's fitness, including letters of recommendation and veteran's status, including discharge status.~~]

[~~(i) Upon notification of the Commission's intent to deny a new or renewal application or registry listing, an applicant may provide documentation of mitigating factors that the applicant would like the Commission to consider regarding its application. Such documentation must be provided to the Commission no later than 30 days after the Commission provides notice to an applicant of a denial, unless the deadline is extended in writing or through e-mail by authorized Commission staff.~~]

[~~(j) Upon the Commission's determination that an applicant is not eligible for a new or renewal license or registry listing because of a disqualifying criminal conviction or other criminal offense, the Commission shall take action authorized by statute or Commission rule.~~]

[~~(k) A denial or suspension of a new or renewal application under this section may be contested by the applicant pursuant to §402.700 of this chapter.~~]

[~~(l) The Director shall issue guidelines relating to the practice of the Commission under Chapter 53, Occupations Code, and this section, and may issue amendments to the guidelines as the Director deems appropriate, consistent with §53.025.~~]

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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Deanne Rienstra
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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 51. EXECUTIVE

SUBCHAPTER E. LEAVE POOLS

The Texas Parks and Wildlife Department proposes the repeal of 31 TAC §§51.141 - 51.143 and new §51.141, concerning Leave Pools. The proposed new rule would consolidate all provisions governing leave pools administered by the agency in a single, generic regulation applicable to all leave pools.

The proposed repeals and new rule either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the repeal and new rule as proposed are in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rules.

Mr. Macdonald also has determined that for each of the first five years the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be execution of the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rules as proposed.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small businesses, microbusinesses, and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rules do not affect small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rules as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not limit, expand, or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rules may be submitted to Robert Macdonald, (512) 389-4775, email: robert.macdonald@tpwd.texas.gov. Comments also may be submitted via the department's website at http://www.tpwd.texas.gov/business/feedback/public_comment/.

31 TAC §§51.141 - 51.143

The repeals are proposed under the authority of Government Code, §661.002, which requires the governing body of each state agency to adopt rules to prescribe procedures relating to the operation of the agency's sick leave pool; Government Code, §661.022, which requires the governing body of each state agency to adopt rules to prescribe procedures relating to the operation of the agency's family leave pool; and Parks and Wildlife Code, §11.0183, which requires the commission to adopt rules to create and administer a peace officer legislative leave pool.

The proposed repeals affect Government Code, Chapter 661, and Parks and Wildlife Code, Chapter 11.

§51.141. Sick Leave Pool.

§51.142. Family Leave Pool.

§51.143. Peace Officer Legislative Leave Pool.

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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James Murphy
General Counsel
Texas Parks and Wildlife Department
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For further information, please call: (512) 389-4774

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31 TAC §51.141

The new rule is proposed under the authority of Government Code, §661.002, which requires the governing body of each state agency to adopt rules to prescribe procedures relating to the operation of the agency's sick leave pool; Government Code, §661.022, which requires the governing body of each state agency to adopt rules to prescribe procedures relating to the operation of the agency's family leave pool; and Parks and Wildlife Code, §11.0183, which requires the commission to adopt rules to create and administer a peace officer legislative leave pool.

The proposed new rule affects Government Code, Chapter 661, and Parks and Wildlife Code, Chapter 11.

§51.141. Leave Pools.

(a) The following leave pools are established for the benefit of eligible department employees.

(1) Sick Leave Pool. Provides for alleviation of hardship caused to an employee and their family if catastrophic illness or injury forces the employee to exhaust all leave time earned by the employee and lose compensation from the state.

(2) Family Leave Pool. Provides flexibility in bonding and caring for children during a child's first year following birth, adoption, or foster placement, and caring for a seriously ill family member or the employee.

(3) Peace Officer Legislative Leave Pool. Provides peace officers commissioned by the department with the opportunity to use annual leave or compensatory time donated to the pool for use as legislative leave on behalf of a law enforcement association.

(b) The director of human resources is designated as the pool administrator for each pool established under this section.

(c) The pool administrator, with the advice and consent of the executive director, shall establish operating procedures consistent with the requirements of this section and applicable law governing operation of each pool.

(d) Donations to each pool are strictly voluntary.

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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James Murphy
General Counsel
Texas Parks and Wildlife Department
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For further information, please call: (512) 389-4774

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SUBCHAPTER H. GENERAL PLAN FOR PRESCRIBED BURNING ON TPWD LANDS

31 TAC §51.170

The Texas Parks and Wildlife Department proposes an amendment to 31 Texas Administrative Code §51.170, concerning General Plan for Prescribed Burning on TPWD Lands. The proposed amendment would eliminate superfluous provisions that are not required by statute and need not be prescribed by rule.

The proposed amendment either implements or is consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rule as proposed is in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rule.

Mr. Macdonald also has determined that for each of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be execution of the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rule as proposed.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rules do not affect small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will, neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not limit, expand, or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Robert Macdonald, (512) 389-4775, email: robert.macdonald@tpwd.texas.gov. Comments also may be submitted via the department's website at http://www.tpwd.texas.gov/business/feedback/public_comment/.

The amendment is proposed under Parks and Wildlife Code, §11.353, which requires the commission to adopt, and requires the department to implement, a general plan for the use of beneficial prescribed burns on department lands.

The proposed amendment affects Parks and Wildlife Code, Chapter 11.

§51.170. General Plan for Prescribed Burning on TPWD Lands.

(a) The department's [~~It is the intent of the department that the department's~~] General Plan for Prescribed Burning on TPWD Lands (Plan) is adopted by reference and complies [~~comply~~] with the requirements of the prescribed burn plan required by Parks and Wildlife Code, §11.353 [~~§11.351~~].

[~~(b) The department's General Plan for Prescribed Burning on TPWD Lands is adopted by reference.~~]

(b) [~~(c)~~] For the benefit of interested parties, the [~~The~~] department will maintain the current version of the [~~General~~] Plan, including [~~for Prescribed Burning on TPWD Lands on the department's website at www.tpwd.texas.gov along with the~~] contact information of appropriate department staff, on the department website at www.tpwd.texas.gov [~~for the benefit of interested parties~~].

(c) [~~(d)~~] When [~~The department will publish notice in the *Texas Register* and seek input from interested parties when~~] major modifications to the [~~General~~] Plan [~~for Prescribed Burning on TPWD Lands~~] (such as changes in procedures or notification processes) are contemplated, the department will provide notice of opportunity for public comment in the *Texas Register* and on the department website [~~. Public notice of an opportunity to comment will be provided~~] at least 30 days prior to the effective date of any changes to the Plan [~~policy~~]. The public notice will describe the proposed modifications and the reasons for the modifications, and how comments on the proposed modifications may be submitted to the department.

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

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James Murphy
General Counsel
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SUBCHAPTER J. CONTRACT DISPUTE RESOLUTION

The Texas Parks and Wildlife Department proposes the repeal of 31 TAC §§51.203, 51.208, 51.211, 51.216, 51.218, 51.221, 51.222, and 51.225, and amendments to §§51.201, 51.202, 51.205, 51.207, 51.209, 51.210, 51.213 - 51.215, and 51.220, concerning Contract Dispute Resolution. In general, the proposed repeals and amendments eliminate recapitulation of statutory provisions that stand alone and therefore need not be in rule, consolidate current provisions of the rules in fewer sections of the Texas Administrative Code, and make opportunistic nonsubstantive changes as needed to maintain grammatical sense structural parallelism.

The proposed amendment to §51.201, concerning Definitions, would make minor grammatical changes.

The proposed amendment to §51.202, concerning Prerequisites to Suit, would add the provisions of current §51.203, concerning Sovereign Immunity, which is proposed for repeal, as new subsection (b), retitle the section accordingly, and replace references to "chapter" with references to "subchapter," for formal accuracy.

The proposed amendment to §51.205, concerning Agency Counterclaim, would capitalize the first letter of subsection (a) to correct a grammatical error in the current rule and alter subsection (d) to reference the 60-day term identified in statute.

The proposed amendment to §51.207, concerning Duty to Negotiate, would incorporate the provisions of current §51.208, concerning Timetable, which is proposed for repeal, as new subsections (b) - (i), make conforming changes to internal citations and references to statutory requirements, where necessary, and retitle the section accordingly.

The proposed amendment to §51.209, concerning Conduct of Negotiation, would alter internal citations to reflect the proposed repeal of §51.225, concerning Alternative Dispute Resolution.

The proposed amendment to §51.210, concerning Negotiation Settlements, would incorporate the provisions of current §51.211, concerning Settlement Agreement, which is proposed for repeal, as new subsections (b) - (d), and retitle the section accordingly.

The proposed amendment to §51.213, concerning Request for Contested Case Hearing, would alter internal citations to reflect the proposed amendment to §51.207, concerning Duty to Negotiate.

The proposed amendment to §51.214, concerning Mediation Timetable, would incorporate the provisions of current §51.216, concerning Agreement to Mediate, which is proposed for repeal, as new subsections (c) and (d), conform time periods to those stipulated by statute, and retitle the section accordingly.

The proposed amendment to §51.215, concerning Conduct of Mediation, would incorporate the provisions of current §51.218(a), concerning Confidentiality of Mediation and Final Settlement Agreement, which is being proposed for repeal, as new subsection (d) for topical consistency.

The proposed amendment to §51.220, concerning Settlement Approval Procedures, would incorporate the provisions of current §51.221, concerning Initial Settlement Agreement, which is proposed for repeal, as new subsection (b); the provisions of §51.222, concerning Final Settlement Agreement, which is proposed for repeal, as new subsection (c); and the provisions of current §51.218(b), concerning Confidentiality of Mediation and Final Settlement Agreement (which is proposed for repeal), as new subsection (d), and retitle the section accordingly. The proposed amendment inserts the words "initial" and "final" where needed to reflect the fact that those phases of the process would be in one section rather than separate sections and therefore should be identified where applicable.

The proposed repeals and amendments either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rules as proposed are in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rules as proposed, as the proposed amendments are nonsubstantive.

Mr. Macdonald also has determined that that for each of the first five years that the rules as proposed are in effect the public benefit anticipated as a result of enforcing or administering the proposed rules will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic impacts to persons required to comply with the rules as proposed.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, and rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General issued guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small businesses. Those guidelines state that an agency need only consider a proposed rule's "direct adverse economic impacts" to small businesses and micro-businesses to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rules do not affect small businesses and micro-businesses; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will not create a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation, expand an existing regulation, or repeal the function of any current regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rules may be submitted to Robert Macdonald, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4775; email: robert.macdonald@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

31 TAC §§51.201, 51.202, 51.205, 51.207, 51.209, 51.210, 51.213 - 51.215, 51.220

The amendments are proposed under the authority of Government Code, §2260.052(c), which requires each unit of state government with rulemaking authority to develop rules to govern the negotiation and mediation of contract claims against the state, and Parks and Wildlife Code, §11.0171, which requires the commission to adopt by rule policies and procedures for soliciting and awarding contracts.

The proposed amendments affect Government Code, Chapter 2260 and Parks and Wildlife Code, Chapter 11.

§51.201. Definitions.

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

(1) - (3) (No change.)

(4) Contractor--Independent contractor who has entered into a contract directly with the department. The term does not include:

(A) the [~~The~~] contractor's subcontractor, officer, employee, agent or other person furnishing goods or services to a contractor;

(B) an [~~An~~] employee of the department; or

(C) a [~~A~~] student at an institution of higher education.

(5) - (12) (No change.)

§51.202. Prerequisites to Suit; Sovereign Immunity.

(a) The procedures contained in this subchapter [~~chapter~~] are exclusive and required prerequisites to suit under Civil Practice and Remedies Code, Chapter 107, and Government Code, Chapter 2260.

(b) This subchapter does not waive the department's sovereign immunity to suit or liability.

§51.205. Agency Counterclaim.

(a) The [~~the~~] department in asserting a counterclaim under the Government Code, Chapter 2260, shall file notice of the counterclaim as provided by this section.

(b) - (c) (No change.)

(d) The notice of counterclaim shall be delivered to the contractor no later than 60 [~~90~~] days after the department's receipt of the contractor's notice of claim.

(e) (No change.)

§51.207. Duty to Negotiate; Timetable.

(a) The parties shall negotiate in accordance with this section [~~the timetable set forth in §51.208 of this title (relating to Timetable)~~] to attempt to resolve all claims and counterclaims. No party is obligated to settle with the other party as a result of the negotiation.

(b) Following receipt of a contractor's notice of claim, the executive director of the department or other representative designated in the contract shall review the contractor's claim(s) and the department's counterclaim(s), if any, and initiate negotiations with the contractor to attempt to resolve the claim(s) and counterclaim(s).

(c) The parties shall begin negotiations within a reasonable period of time, not to exceed 120 days following the date the department receives the contractor's notice of claim.

(d) The parties may conduct negotiations according to an agreed schedule as long as they begin negotiations no later than the deadline set forth in subsection (c) of this section.

(e) Subject to subsection (f) of this section, the parties shall complete the negotiations that are required by this chapter as a prerequisite to a contractor's request for contested case hearing no later than 270 days after the department receives the contractor's notice of claim.

(f) The parties may agree in writing to extend the time for negotiations on or before the 270th day after the department receives the contractor's notice of claim. The agreement shall be signed by representatives of the parties with authority to bind each respective party and shall provide for the extension of the statutory negotiation period until a date certain. The parties may enter into a series of written extension agreements that comply with the requirements of this section.

(g) The contractor may request a contested case hearing before the State Office of Administrative Hearings ("SOAH") pursuant to §51.213 of this title (relating to Request for Contested Case Hearing) after the 270th day after the department receives the contractor's notice of claim, or the expiration of any extension agreed to under subsection (f) of this section.

(h) The parties may agree to mediate the dispute at any time before the 120th day after the department receives the contractor's notice of claim or before the expiration of any extension agreed to by the parties pursuant to subsection (f) of this section. The mediation shall be governed by the provisions of this subchapter.

(i) Nothing in this section is intended to prevent the parties from agreeing to commence negotiations earlier than the deadlines established in subsections (c) and (d) of this section, or from continuing or resuming negotiations after the contractor requests a contested case hearing before SOAH.

§51.209. Conduct of Negotiation.

(a) (No change.)

(b) The parties may conduct negotiations with the assistance of one or more neutral third parties. If the parties choose to mediate their dispute, the mediation shall be conducted in accordance with this subchapter. Parties may choose an assisted negotiation process other than mediation, including without limitation, processes such as those described in §51.224 of this title (relating to Assisted Negotiation Processes) [~~and §51.225 of this title (relating to Alternative Dispute Resolution)~~].

(c) - (d) (No change.)

§51.210. Negotiation Settlements [~~Settlement Approval Procedures~~].

(a) The parties' settlement approval procedures shall be disclosed prior to, or at the beginning of, negotiations. To the extent possible, the parties shall select negotiators who are knowledgeable about the subject matter of the dispute, who are in a position to reach agreement, and who can credibly recommend approval of an agreement.

(b) A settlement agreement may resolve an entire claim or any designated and severable portion of a claim.

(c) To be enforceable, a settlement agreement must be in writing and signed by representatives of the contractor and the department who have authority to bind each respective party.

(d) A partial settlement does not waive a party's rights under the Government Code, Chapter 2260, as to the parts of the claims or counterclaims that are not resolved.

§51.213. Request for Contested Case Hearing.

(a) If a claim for breach of contract is not resolved in its entirety through negotiation, mediation or other assisted negotiation process in accordance with this chapter on or before the 270th day after the department receives the notice of claim, or after the expiration of any extension agreed to by the parties pursuant to §51.207(f) of this title (relating to Duty to Negotiate; Timetable) [~~§51.208(f) of this title (relating to Timetable)~~], the contractor may file a request with the department for a contested case hearing before SOAH.

(b) A request for a contested case hearing shall state the legal and factual basis for the claim, and shall be delivered to the executive director of the department or other officer designated in the contract to receive notice within a reasonable time after the 270th day or the expiration of any written extension agreed to pursuant to §51.207(f) [~~§51.208(f) of this subchapter~~].

(c) - (d) (No change.)

§51.214. Agreement to Mediate; [~~Mediation~~] Timetable.

(a) The contractor and the department may agree to mediate the dispute at any time before the 120th [~~270th~~] day after the department receives a notice of claim of breach of contract, or before the expiration of any extension agreed to by the parties in writing.

(b) (No change.)

(c) Parties may agree to use mediation as an option to resolve a breach of contract claim at the time they enter into the contract and include a contractual provision to do so. The parties may mediate a breach of contract claim even absent a contractual provision to do so if both parties agree.

(d) Any agreement to mediate should include consideration of the following factors:

(1) The source of the mediator. Potential sources of mediators include governmental officers or employees who are qualified as mediators under Civil Practice and Remedies Code, §154.052, private mediators, SOAH, the Center for Public Policy Dispute Resolution at The University of Texas School of Law, an alternative dispute resolution system created under Civil Practice and Remedies Code, Chapter 152, or another state or federal agency or through a pooling agreement with several state agencies. Before naming a mediator source in a contract, the parties should contact the mediator source to be sure that it is willing to serve in that capacity. In selecting a mediator, the parties should use the qualifications set forth in §51.217 of this title (relating to Qualifications and Immunity of Mediator).

(2) The time period for the mediation. The parties should allow enough time in which to make arrangements with the mediator and attending parties to schedule the mediation, to attend and participate in the mediation, and to complete any settlement approval procedures necessary to achieve final settlement. While this time frame can vary according to the needs and schedules of the mediator and parties, it is important that the parties allow adequate time for the process.

(3) The location of the mediation.

(4) Allocation of costs of the mediator.

(5) The identification of representatives who will attend the mediation on behalf of the parties, if possible, by name or position within the governmental unit or contracting entity.

(6) The settlement approval process in the event the parties reach agreement at the mediation.

§51.215. Conduct of Mediation.

(a) - (c) (No change.)

(d) A mediation conducted under this section is confidential in accordance with Government Code, §2009.054.

§51.220. Mediation Settlements [~~Settlement Approval Procedures~~].

(a) The parties' settlement approval procedures shall be disclosed by the parties prior to the mediation. To the extent possible, the parties shall select representatives who are knowledgeable about the subject matter of the dispute, who are in a position to reach agreement, and who can credibly recommend approval of an agreement.

(b) Any initial settlement agreement reached during the mediation shall be signed by the representatives of the contractor and the department, and shall describe any procedures required to be followed by the parties in connection with final approval of the agreement.

(c) A final settlement agreement reached during, or as a result of mediation, that resolves an entire claim or any designated and severable portion of a claim shall be in writing and signed by representatives of the contractor and the department who have authority to bind each respective party.

(1) If the settlement agreement does not resolve all issues raised by the claim and counterclaim, the agreement shall identify the issues that are not resolved.

(2) A partial settlement does not waive a contractor's rights under the Government Code, Chapter 2260, as to the parts of the claim that are not resolved.

(d) The confidentiality of a final settlement agreement to which the department is a signatory that is reached as a result of the mediation is governed by 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.

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James Murphy
General Counsel
Texas Parks and Wildlife Department
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31 TAC §§51.203, 51.208, 51.211, 51.216, 51.218, 51.221, 51.222, 51.225

The repeals are proposed under the authority of Government Code, §2260.052(c), which requires each unit of state government with rulemaking authority to develop rules to govern the negotiation and mediation of contract claims against the state, and Parks and Wildlife Code, §11.0171, which requires the commission to adopt by rule policies and procedures for soliciting and awarding contracts.

The proposed repeals affect Government Code, Chapter 2260 and Parks and Wildlife Code, Chapter 11.

§51.203. Sovereign Immunity.

§51.208. Timetable.

§51.211. Settlement Agreement.

§51.216. Agreement to Mediate.

§51.218. Confidentiality of Mediation and Final Settlement Agreement.

§51.221. Initial Settlement Agreement.

§51.222. Final Settlement Agreement.

§51.225. Alternative Dispute Resolution.

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

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SUBCHAPTER L. VENDOR DISPUTE RESOLUTION

31 TAC §51.350

The Texas Parks and Wildlife Department proposes an amendment to 31 TAC §51.350, concerning Vendor Dispute Resolution. The proposed amendment would modernize and update rule language

The proposed amendment either implements or is consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rule as proposed is in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rule.

Mr. Macdonald also has determined that for each of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be execution of the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rule as proposed.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. The department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rule does not affect small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not limit, expand, or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Robert Macdonald, (512) 389-4775, email: robert.macdonald@tpwd.texas.gov. Comments also may be submitted via the department's website at http://www.tpwd.texas.gov/business/feedback/public_comment/.

The amendment is proposed under Government Code, §2155.076, which requires the department as a state agency to adopt rules for resolving vendor protests relating to purchasing issues.

The proposed amendment affects Government Code, Chapter 2155.

§51.350. Vendor Dispute Resolution.

(a) (No change.)

(b) A [~~If the~~] vendor seeking termination of [~~wants~~] the solicitation or the award process [~~to be terminated, he~~] must make that request in the [~~his~~] protest and state the reasons for such termination [~~of the process~~]. The director [~~will review such request and~~], after consultation with the issuing division and the appropriate manager, shall make a written determination within three business days of receipt of the request [~~to terminate from the vendor~~].

(c) - (d) (No change.)

(e) If the protest is not resolved by mutual agreement, the director will issue a written determination on the protest:

(1) if the director determines that no violation of rules or statutes has occurred, [~~he shall so inform~~] the protesting [~~party,~~] and [~~the~~] other interested parties shall be informed in writing of [~~by letter which sets forth~~] the reasons for the determination; or

(2) if the director determines that a violation of the rules or statutes has occurred in a case where a contract has been awarded, [~~he will so inform~~] the protesting [~~party~~] and [~~the~~] other interested parties shall be informed in writing of [~~by letter which sets forth~~] the reasons for the determination, which may include ordering the contract void.

(f) - (h) (No change.)

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

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General Counsel
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SUBCHAPTER M. INVESTMENT OF LIFETIME LICENSE ENDOWMENT

31 TAC §51.400

The Texas Parks and Wildlife Department (the department) proposes an amendment to 31 TAC §51.400, concerning Investment of Lifetime License Endowment. The proposed amendment would add a citation to the applicable statute.

The proposed amendment either implements or is consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rule as proposed is in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the proposed rule.

Mr. Macdonald also has determined that for each of the first five years that the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rule as proposed.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses. As required by Government Code, §2006.002(g), in April 2008, the Office of the Attorney General issued guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small businesses. These guidelines state that "[g]enerally, there is no need to examine the indirect effects of a proposed rule on entities outside of an agency's regulatory jurisdiction." The guidelines state that an agency need only consider a proposed rule's "direct adverse economic effects" to small businesses and micro-businesses to determine if any further analysis is required. The guidelines also list examples of the types of costs that may result in a "direct economic impact." Such costs may include costs associated with additional recordkeeping or reporting requirements; new taxes or fees; lost sales or profits; changes in market competition; or the need to purchase or modify equipment or services. The department has determined that the rule as proposed will not affect small businesses, micro-businesses, or rural communities, since the rule does not impose any direct economic impacts on any business or community; therefore, the department has not prepared the economic impact statement or regulatory flexibility analysis described in Government Code, Chapter 2006.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not expand, limit, or repeal an existing regulation; not increase the number of individuals subject to regulation; and neither positively nor adversely affect the state's economy.

Comments on the proposed rule may be submitted to Robert Macdonald, (512) 389-4775, e-mail: robert.macdonald@tpwd.texas.gov. Comments also may be submitted via the department's website at http://www.tpwd.texas.gov/business/feedback/public_comment/.

The amendment is proposed under the authority of Parks and Wildlife Code, §11.065, which requires the commission to adopt rules for the investment of the lifetime license endowment account.

The proposed rule affects Parks and Wildlife Chapter 11.

§51.400. Investment of Lifetime License Endowment Fund.

The Executive Director is authorized to invest the Lifetime License Endowment Fund in accordance with:

(1) Parks and Wildlife Code, §11.065; and

(2) the investment policy approved by the commission.

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

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James Murphy
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SUBCHAPTER O. ADVISORY COMMITTEES

31 TAC §§51.601, 51.606 - 51.615, 51.631, 51.671 - 51.673

The Texas Parks and Wildlife Department (the department) proposes amendments to 31 Texas Administrative Code §§51.601, 51.606 - 51.615, 51.631, and 51.671 - 51.673, concerning Advisory Committees.

The proposed amendments would establish an expiration date of July 1, 2030, for the following advisory committees: White-tailed Deer Advisory Committee (WTDAC), Migratory Game Bird Advisory Committee (MGBAC), Upland Game Bird Advisory Committee (UGBAC), Private Lands Advisory Committee (PLAC), Bighorn Sheep Advisory Committee (BSAC), Wildlife Diversity Advisory Committee (WDAC), Mule Deer Advisory Committee (MDAC), Urban Outreach Advisory Committee (UOAC), Accessibility Advisory Committee (AAC), Boating and Waterways Advisory Committee (BWAC), Freshwater Fisheries Advisory Committee (FFAC), State Parks Advisory Committee (SPAC), Coastal Resources Advisory Committee (CRAC), and Oyster Advisory Committee (OAC). The department believes that these advisory committees continue to perform a valuable service for the department; therefore, the department wishes to continue these advisory committees.

Parks and Wildlife Code, §11.0162, authorizes the chair of the Texas Parks and Wildlife Commission to "appoint committees to advise the commission on issues under its jurisdiction." Government Code, Chapter 2110, requires that rules be adopted regarding each state agency advisory committee. Unless otherwise provided by specific statute, the rules must (1) state the purpose of the committee; (2) describe the manner in which the committee will report to the agency; and (3) establish the date on which the committee will automatically be abolished, unless the advisory committee has a specific duration established by statute.

The proposed amendment to §51.601, concerning General Requirements, would establish the duration of committee member terms in generic language and provide for committee members to serve beyond the expiration date of their terms until a replacement is appointed by the chair, and replace the word "Chairman" with the word "chair" (which is done throughout the rules as well), which is intended to replace archaic language with generic references in a spare style to reflect modern usage and code construction practices.

The proposed amendment to §51.611, concerning Wildlife Diversity Advisory Committee (WDAC), renames the committee and makes conforming changes to references accordingly, which is necessary to avoid potential confusion.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years the amendments are in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Macdonald also has determined that for each of the first five years the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the rules as proposed will be to ensure proper management and effective use of department advisory committees.

There will be no adverse economic effect on persons required to comply with the amendments as proposed.

The department has determined that small or microbusinesses and rural communities will not be affected by the proposed rules. Accordingly, the department has not prepared a regulatory flexibility analysis under Government Code, Chapter 2006.

The department has not filed a local impact statement with the Texas Workforce Commission as required by the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0241, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not expand, limit, or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and neither positively nor negatively affect the state's economy.

Comments on the proposed rules may be submitted to Robert Macdonald, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4775; by email at robert.macdonald@tpwd.texas.gov, or via the department website at www.tpwd.texas.gov.

The amendments are proposed under the authority of Parks and Wildlife Code, §11.0162 and Government Code, §2110.005 and §2110.008.

The proposed amendments affect Parks and Wildlife Code, §11.0162 and Government Code, §2110.005 and §2110.008.

§51.601. General Requirements.

(a) Definitions. The following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise.

(1) (No change.)

(2) Chair [~~Chairman~~]--the chair [~~chairman~~] of the Texas Parks and Wildlife Commission.

(3) - (5) (No change.)

(b) Creation. The chair [~~Chairman~~] may appoint advisory committees to advise the commission on issues within the jurisdiction of the department or the commission.

(c) - (d) (No change.)

(e) Membership. The chair [~~chairman~~] may, in his or her sole discretion, appoint individuals to serve on an advisory committee. Membership in an advisory committee will not exceed 24 (excluding ex officio members). Unless otherwise provided by specific statute, membership of each advisory committee shall be balanced to ensure representation of industries or occupations regulated or directly affected by the department and consumers of services provided by the department or by the industries or occupations regulated by the department to which the advisory committee relates. Each advisory committee shall include at least one department employee as an ex officio member. Members may be subject to removal and/or replacement at the discretion of the chair [~~Chairman~~].

(f) Term of members.

(1) Unless expressly provided in this subchapter or other law, the term of an advisory committee member shall be four years from the date of appointment. [~~the term of advisory committee members shall be as follows:~~]

[~~(1) The term of each member of an agency advisory committee who was appointed prior to January 1, 2022 will expire on July 1, 2026.~~]

(2) A committee member may continue to serve after the expiration date of a term until the chair appoints a replacement.

[~~(2) The term of each member of an agency advisory committee member appointed on or after January 1, 2022 will expire July 1, 2026.~~]

(g) Presiding officer. The presiding officer of each advisory committee shall be selected by the members of the advisory committee from its membership. The chair [~~chairman~~] may make a recommendation to the advisory committee regarding the presiding officer.

(h) Subcommittees. The chair [~~chairman~~] may also appoint one or more subcommittees of an advisory committee, so long as the membership of the advisory committee, including any subcommittees does not exceed 24.

(i) (No change.)

(j) Reports. On or before October 1 of each year of its existence, each advisory committee shall submit a report to the department. Upon receipt of the report, the department shall evaluate the advisory committee's work, usefulness and costs related to the committee's existence, including the cost of agency staff time spent in support of the committee's activities. Each report shall included the following:

(1) - (2) (No change.)

(3) other information determined by the advisory committee or the chair [~~chairman~~] to be appropriate and useful.

(k) - (m) (No change.)

§51.606. White-tailed Deer Advisory Committee (WTDAC).

(a) - (c) (No change.)

(d) The WTDAC shall expire on July 1, 2030 [~~2026~~].

§51.607. Migratory Game Bird Advisory Committee (MGBAC).

(a) - (c) (No change.)

(d) The MGBAB shall expire on July 1, 2030 [~~2026~~].

§51.608. Upland Game Bird Advisory Committee (UGBAC).

(a) - (c) (No change.)

(d) The UGBAC shall expire on July 1, 2030 [~~2026~~].

§51.609. Private Lands Advisory Committee (PLAC).

(a) The PLAC is created to advise the department on all matters pertaining to wildlife programs, management, and research on private lands in Texas, including the following:

(1) - (3) (No change.)

(4) any other matters at the request of the chair [~~chairman~~].

(b) - (c) (No change.)

(d) The PLAC shall expire on July 1, 2030 [~~2026~~].

§51.610. Bighorn Sheep Advisory Committee (BSAC).

(a) - (c) (No change.)

(d) The BSAC shall expire on July 1, 2030 [~~2026~~].

§51.611. Wildlife Conservation [~~Diversity~~] Advisory Committee (WCAC) [~~(WDAC)~~].

(a) The WCAC [~~WDAC~~] shall advise the department on matters pertaining to management, research, and outreach activities related to furbearers, nongame, and rare species in the State of Texas, including the following:

(1) development and implementation of the wildlife conservation-related [~~diversity related~~] projects, grants, and policy;

(2) wildlife [~~diversity~~] conservation and regulations; and

(3) technical guidance and outreach [~~education and communications~~] with various constituent groups and individuals interested in wildlife conservation [~~diversity~~] in the state of Texas.

(b) The composition of the WCAC [~~WDAC~~] shall represent landowner and conservation organizations in Texas.

(c) The WCAC [~~WDAC~~] shall comply with the requirements of §51.601 of this title (relating to General Requirements).

(d) The WCAC [~~WDAC~~] shall expire on July 1, 2030 [~~2026~~].

§51.612. Mule Deer Advisory Committee (MDAC).

(a) - (c) (No change.)

(d) The MDAC shall expire on July 1, 2030 [~~2026~~].

§51.613. Urban Outreach Advisory Committee (UOAC).

(a) - (c) (No change.)

(d) The UOAC shall expire on July 1, 2030 [~~2026~~].

§51.614. Accessibility Advisory Committee (AAC).

(a) - (c) (No change.)

(d) The AAC shall expire on July 1, 2030 [~~2026~~].

§51.615. Boating and Waterways Advisory Committee (BWAC).

(a) - (c) (No change.)

(d) The BWAC shall expire on July 1, 2030 [~~2026~~].

§51.631. Freshwater Fisheries Advisory Committee (FFAC).

(a) (No change.)

(b) The FFAC shall consist of individuals representing the state's freshwater angling public, the aquaculture industry, the freshwater fishing industry, fisheries educators, and conservation groups. Each member shall serve two-year or four-year terms as designated by the chair [~~chairman~~], and terms may be staggered to ensure continuity.

(c) (No change.)

(d) The FFAC shall expire on July 1, 2030 [~~2026~~].

§51.671. State Parks Advisory Committee (SPAC).

(a) The SPAC is appointed to advise the chair [~~chairman~~] and the commission regarding state parks.

(b) (No change.)

(c) The SPAC shall expire on July 1, 2030 [~~2026~~].

§51.672. Coastal Resources Advisory Committee (CRAC).

(a) The CRAC is created to advise the chair [~~chairman~~] and the commission on issues that cross fishery and geographic boundaries on the coast of Texas.

(b) - (c) (No change.)

(d) The CRAC shall expire on July 1, 2030 [~~2026~~].

§51.673. Oyster Advisory Committee (OAC).

(a) - (c) (No change.)

(d) The OAC shall expire on July 1, 2030 [~~2026~~].

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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James Murphy
General Counsel
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CHAPTER 52. STOCKING POLICY

31 TAC §§52.101 - 52.105, 52.201, 52.202, 52.301, 52.401

The Texas Parks and Wildlife Department proposes the repeal of 31 TAC §§52.101 - 52.105, 52.201, 52.202, 52.301, and 52.401, concerning Stocking Policy.

Chapter 52 was promulgated in 1990 as a result of irregularities in department stocking activities. It was intended as a symbolic response to reassure the public that public resources would not be used for political or personal purposes. The department has determined that because the rules do not provide any substantive benefit beyond what is already implicit in as well as explicitly articulated by current statutory law, they should be repealed and replaced by department policy.

The proposed repeals either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Dr. David Yoskowitz, PhD, Executive Director of the Texas Parks and Wildlife Department, has determined that for each of the first five years that the repeals as proposed are in effect, there will be no fiscal implications to state or local government.

There will be no impact on persons required to comply with the repeals as proposed.

Dr. Yoskowitz also has determined that for each of the first five years that the repeals as proposed are in effect: the public benefit anticipated as a result of enforcing or administering the proposed repeals will be execution of the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed repeals will not result in any direct economic costs to any small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the repeals as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed repeals.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed repeals.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The repeals as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of a fee; create a new regulation; not expand an existing regulation; repeal existing rules; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed repeals may be submitted to Robert Macdonald, Regulations Coordinator, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4775; email: Robert.macdonald@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

The repeals are proposed under Parks and Wildlife Code, §§1.012, 12.001, 12.013, 12.015, and 66.015, which provide the Parks and Wildlife Commission with the authority to promulgate regulations governing the stocking of wildlife in the state.

The proposed repeals affect Parks and Wildlife Code, Chapters 1, 12, and 66.

§52.101. Purpose and Scope.

§52.102. Definitions.

§52.103. Goals.

§52.104. Policy of the Department.

§52.105. Powers and Duties of the Executive Director.

§52.201. Departmental Stocking under Federal Funding Guidelines.

§52.202. Conditions for Stockings Made or Authorized by the Department.

§52.301. Non-Federally Funded Departmental Stocking.

§52.401. Fish Stocking in Private Waters.

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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James Murphy

General Counsel

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CHAPTER 53. FINANCE

The Texas Parks and Wildlife Department proposes amendments to 31 TAC §§53.1, 53.2, 53.10, 53.11, 53.60, 53.100, and 53.120, concerning Finance.

The proposed amendment to §53.1, concerning Applicability; Definitions, would add new subsection (b)(4) to clarify that stamps, stamp endorsements, and endorsements, as those terms are used in the subchapter, are synonymous terms. Stamps were historically issued in physical form; the agency has since discontinued the issuance of physical stamps and instead issues licenses bearing endorsements to indicate the purchase of stamps required for hunting and fishing activities.

The proposed amendment to §53.2, concerning License Issuance Procedures, Fees, Possession, and Exemption Rules, would eliminate the current 20-day period of validity of confirmation numbers for license purchases made electronically, and eliminate unnecessary language regarding the use of wireless devices to prove licensure. The department has determined that the intent of the 20-day period of validity was to create a temporary pathway (while awaiting fulfillment of license tags) for providing satisfaction to the department that a person engaging in hunting or fishing activities for which a license is required has in fact acquired the necessary license. The department has determined that such a time limit is not strictly necessary, but notes that a confirmation number in and of itself is not complete proof of lawful conduct, as certain tags may be required in addition to the appropriate license. With respect to the use of wireless devices to prove licensure, the department has determined that the language proposed for removal is unnecessary because it essentially repeats language that is already in statute and need not be repeated in rule.

The proposed amendments to §53.10, concerning Public Hunting and Fishing Permits and Fees, and §53.11, concerning Commercial Hunting Licenses and Permits, would function collectively to implement a universal fee of $50 for all permits involving the use of protected wildlife in dog training events. The Texas Legislature during the most recent regular session enacted Senate Bill 2801, which added new Parks and Wildlife Code Chapter 43, Subchapter J, to create a new type of field trial permit limited to the pursuit of squirrels, furbearing animals, and nongame wildlife on privately owned land or public lands authorized by the department by rule. The fee for the permit is set by statute at $50. The department already issues two types of "field trial" permits (one for private bird hunting areas, and the other for public hunting lands) and has determined that having three kinds of permits with the same or similar name that are valid for at least four different regulatory scenarios under multiple fee standards could create confusion that is avoidable; therefore, the proposed amendments would replace the current fee values for other types of similar permits with the $50 fee established by S. B. 2801.

The proposed amendment to §53.60, concerning Stamps, would eliminate subsections (d) and (e), which are no longer relevant because the department long ago ceased issuance of physical stamps; thus, the department no longer has physical stamps to sell as collectibles.

The proposed amendment to §53.100, concerning Bonded Title--Acceptable Situations, would replace a reference to a legacy database with a generic reference to data systems used for boat titling and registration, which will preclude having to go through rulemaking in the future when acronyms change. The proposed amendment to §53.120, concerning License Format and Legibility, would reword paragraph (1) to remove a redundancy and eliminate paragraph (2)(A), which has been determined unnecessary because the intent of the provisions can be better addressed through procurement specifications.

The amendments as proposed either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the proposed amendments to §53.10 and §53.11 are in effect, there will be minor fiscal implications to the department as a result of administering the rules. The department estimates a revenue reduction of approximately $700 per year resulting from the reduction of the fee for the current Private Bird Hunting Area Field Trial Permit (from $63 to $50). The department has issued an average of 56 such permits per year for the last five years. The department estimates a revenue reduction of zero dollars as a result of the proposed fee reduction for the Competitive Hunting Dog Trial Permit, as the department has not issued any in the last three years. There will be no other fiscal impacts to other units of state or local government as a result of administering or enforcing any of the remaining proposed rules.

There will be no adverse economic effects for persons required to comply with the rules as proposed.

Mr. Macdonald also has determined that for each of the first five years that the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be a uniform fee for similar types of low-demand permits issued by the department and rules that implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses. As required by Government Code, §2006.002(g), in April 2008, the Office of the Attorney General issued guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small businesses. Those guidelines state that an agency need only consider a proposed rule's "direct adverse economic impacts" to small businesses and micro-businesses to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the rules as proposed do not directly regulate any small business, microbusiness, or rural community; therefore, there will be no adverse economic impact on small businesses, microbusinesses, or rural communities as a result of the proposed rules.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rules as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; affect the amount of a fee, by reducing the fees for Private Bird Hunting Area Field Trial Permits and Competitive Hunting Dog Event Permits); not create a new regulation; not expand an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rules may be submitted to Robert Macdonald, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4775-; email: robert.macdonald@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

SUBCHAPTER A. FEES

DIVISION 1. LICENSE, PERMIT, AND BOAT AND MOTOR FEES

31 TAC §§53.1, 53.2, 53.10, 53.11

The amendments are proposed under the authority of Parks and Wildlife Code, §42.010, which requires the department to prescribe the form and issuance of hunting licenses authorized under Parks and Wildlife Code, Chapter 42; §42.0177, which authorizes the commission to modify or eliminate the tagging, carcass, final destination, and final processing requirements of Chapter 42; §42.006, which authorizes the commission to prescribe requirements relating to possessing a license issued under Chapter 42 by rule; §43.0764, which authorizes the commission to establish a fee for a field trial permit held on a licensed private bird hunting area; §46.0085, which authorizes the department to prescribe the form and issuance of fishing licenses and tags; §50.004, which requires the department to issue and prescribe the form and manner of issuance for combination hunting and fishing licenses, including identification and compliance requirements; §81.403, which authorizes the commission to issue a permit authorizing access to public hunting land or for specific hunting, fishing, recreational, or other use and to impose a fee; and §81.405, which authorizes the commission to adopt rules governing recreational activities in wildlife management areas.

The proposed amendments affect Parks and Wildlife Code, Chapters 42, 43, 46, 50, and 81.

§53.1. Applicability; Definitions.

(a) (No change.)

(b) The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise.

(1) - (3) (No change.)

(4) Stamp (stamp endorsement, endorsement)--An authorization required to be possessed under Parks and Wildlife Code, Chapter 43, in addition to a hunting or fishing license, for the lawful take of specific wildlife resources.

(5) [~~(4)~~] Virtual documentation--An electronic record obtained from and maintained by the department indicating the purchase, possession, or acquisition of a digital product.

§53.2. License Issuance Procedures, Fees, Possession, and Exemption Rules.

(a) Hunting license.

(1) (No change.)

(2) A person may hunt in this state without having a valid physical hunting license in immediate possession if that person has acquired a license electronically and has either:

(A) (No change.)

(B) a valid confirmation number in possession while awaiting fulfilment of the physical license. [~~Confirmation numbers shall only be valid for 20 days from date of purchase.~~]

(3) - (4) (No change.)

(b) Fishing license; Tags.

(1) A person may fish in this state without having a valid physical fishing license in immediate possession if that person:

(A) (No change.)

(B) has acquired a license electronically and has either:

(i) (No change.)

(ii) a valid confirmation number in possession while awaiting fulfilment of the physical license. [~~Confirmation numbers shall only be valid for 20 days from date of purchase.~~]

(2) (No change.)

(c) - (g) (No change.)

(h) A person who has purchased a valid physical hunting, fishing, or combination hunting and fishing license product but is not in physical possession of that physical license product in any circumstance for which physical possession of the license product is required may use a wireless communications device [~~(laptop, cellphone, smart phone, electronic tablet, phablet, or similar device)~~] to satisfy applicable license possession requirements.

[~~(1) Upon request for proof of licensure by a department employee in the performance of official duties, a person may display one of the following images via a wireless communications device:~~]

[~~(A) an image of information from the Internet website of the department or mobile application verifying issuance of the license valid for the activity or circumstance for which proof of licensure has been requested; or~~]

[~~(B) a display image of a digital photograph of the applicable license issued to the person.~~]

(1) [~~(2)~~] If a person displays a photograph of the license, the [~~The~~] requirements of [~~paragraph (1)(B) of~~] this subsection are satisfied by separate digital images of the entirety of the front and back of the license. The images must be of a resolution, contrast, and image size sufficient to allow definitive verification of the information on the license.

(2) [~~(3)~~] This subsection applies only to proof of licensure and does not relieve any person from any legal requirement or obligation to be in physical possession of a stamp, stamp endorsement, tag, or permit.

§53.10. Public Hunting and Fishing Permits and Fees.

(a) - (c) (No change.)

(d) Competitive hunting dog events and field trials on public lands - $50. [~~Competitive hunting dog field trial permit fees:~~]

[~~(1) 10 or less participants--$105 per day;~~]

[~~(2) 11-25 participants--$210 per day;~~]

[~~(3) 26-50 participants--$315 per day;~~]

[~~(4) 51-75 participants--$420 per day; and~~]

[~~(5) 76 or more participants--$525 per day.~~]

§53.11. Commercial Hunting Licenses and Permits.

(a) - (d) (No change.)

(e) field trial permit--$50 [~~$63~~];

(f) - (i) (No change.)

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

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SUBCHAPTER B. STAMPS

31 TAC §53.60

The amendment is proposed under Parks and Wildlife Code, §11.027, which authorizes the department to sell any item in the possession of the department in which the state has title, or acquire and resell items if a profit can be made, to provide funding for programs administered by the department; §43.403, which requires the commission to prescribe by regulation the form, design, and manner of issuance of a saltwater sportfishing stamp; §43.654, which requires the commission to prescribe by rule the form, design, and manner of issuance of migratory and upland game bird stamps, and authorizes the issuance and sale of a collector's edition; and §43.804, which requires the commission to prescribe the form, design, and manner of issuance of the freshwater fishing stamp, and authorizes a collectible freshwater fishing stamp.

The proposed amendment affects Parks and Wildlife Code, Chapters 11 and 43.

§53.60. Stamps.

(a) - (c) (No change.)

[~~(d) Obsolete Stamps and Decals.~~]

[~~(1) An obsolete stamp is a stamp that is not valid.~~]

[~~(2) Obsolete stamps and decals shall be sold for informational purposes, at an established fee for collector's edition stamp package, plus a processing charge sufficient to recover shipment, postage, and sales tax.~~]

[~~(e) In addition to the freshwater fishing stamp, the department may make available a collectible freshwater habitat stamp for a fee of $5.~~]

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

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SUBCHAPTER F. BONDED TITLE FOR VESSELS/OUTBOARD MOTORS

31 TAC §53.100

The amendment is proposed under the authority of Parks and Wildlife Code, §31.0465, which authorizes the department by rule to define acceptable situations in which certificates of title may be issued after the filing of a bond.

The proposed amendment affects Parks and Wildlife Code, Chapter 31.

§53.100. Bonded Title--Acceptable Situations.

(a) - (c) (No change.)

(d) For a bonded title situation involving an abandoned vessel or outboard motor, the requirements of this subsection apply, in addition to any other requirements of this section or Parks and Wildlife Code, Chapter 31, Subchapters B and B-1.

(1) - (2) (No change.)

(3) The department may employ internal data management systems [~~the department's Boat Registration Information and Titling System (BRITS)~~] and the Vessel Identification System (VIS) operated by the United States Coast Guard to determine the most recent owner of record of a vessel or outboard motor.

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

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SUBCHAPTER H. LICENSE STANDARDS

31 TAC §53.120

The amendment is proposed under Parks and Wildlife Code, §12.703, which requires the commission to specify standards for licenses issued by an electronic point-of-sale system, including the legibility of the licenses.

The proposed amendment affects Parks and Wildlife Code, Chapter 12.

§53.120. License Format and Legibility.

The provisions of this section apply only to licenses sold through the department's electronic point-of-sale system and do not apply to licenses sold directly via the Internet for printing by the customer.

(1) All [~~Except as provided in this section, all~~] licenses issued by the department or an agent of the department will conform to format requirements established by the department for a given license year.

(2) [~~In negotiating contract provisions regarding the license sales system, the department will consider the following guidelines regarding license format and legibility:~~]

[~~(A) Licenses issued by the department or an agent of the department should be:~~]

[~~(i) printed on durable paper (or plastic);~~]

[~~(ii) waterproof;~~]

[~~(iii) tear resistant; and~~]

[~~(iv) printed in a fashion that renders the text indelible.~~]

[~~(B)~~] License print should be:

(A) [~~(i)~~] a size that is reasonable, within the constraints of the overall size of the license;

(B) [~~(ii)~~] in no case a font size less than 6pt; and

(C) [~~(iii)~~] a color that contrasts with the background.

(3) [~~(C)~~] Information on the license, including tags, will be presented in a consistent and orderly manner and will meet any Texas statutory requirement and/or Texas Parks and Wildlife Commission regulation.

(4) [~~(D)~~] The executive director may waive the provisions of this section singly or entirely in the event that unforeseeable circumstances or emergencies make it impractical to comply without jeopardizing the ability of the public to purchase and immediately enjoy the privileges of licensure.

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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James Murphy
General Counsel
Texas Parks and Wildlife Department
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For further information, please call: (512) 389-4775

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SUBCHAPTER A. FEES
DIVISION 1. LICENSE, PERMIT, AND BOAT AND MOTOR FEES

31 TAC §53.15

The Texas Parks and Wildlife Department proposes an amendment to 31 TAC §53.15, concerning Miscellaneous Fisheries and Wildlife Licenses and Permits. The proposed amendment would acknowledge recent rulemaking by the Parks and Wildlife Commission authorizing the issuance of permits for the commercial culture of dotted duckweed. Under current rule, the department allows the commercial culture of one species of controlled exotic plant (water spinach), which is reflected in the department's permit fee rules. The permit *per se* is generic (i.e., it is a class of permit and is not restricted strictly to water spinach). As a result, the fee schedule must be altered to reflect the fact that the permit can now also be issued for the cultivation of dotted duckweed. Additionally, the amendment would refer to the permit by its full technical name, the "exotic aquatic plant commercial culture permit."

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the proposed amendment is in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rule.

There will be no adverse economic effects for persons required to comply with the rule as proposed.

Mr. Macdonald also has determined that for each of the first five years that the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be accurate regulations.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses. As required by Government Code, §2006.002(g), in April 2008, the Office of the Attorney General issued guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small businesses. Those guidelines state that an agency need only consider a proposed rule's "direct adverse economic impacts" to small businesses and micro-businesses to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the rule as proposed affects only internal administrative terminology and does not directly regulate any small business, microbusiness, or rural community; therefore, there will be no adverse economic impact on small businesses, microbusinesses, or rural communities as a result of the proposed rules and neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, are required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee (but adds another regulated species to the applicability of an existing permit and fee); not create a new regulation; not expand an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rules may be submitted to Robert Macdonald, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4775-; email: robert.macdonald@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

The amendment is proposed under the authority of Parks and Wildlife Code, §66.0072, which requires the commission to adopt rules to implement that section.

The proposed amendment affects Parks and Wildlife Code, Chapter 66.

§53.15. Miscellaneous Fisheries and Wildlife Licenses and Permits.

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

(g) Controlled Exotic Species (fish, shellfish and aquatic plants):

(1) exotic aquatic plant commercial [~~water spinach~~] culture permit (water spinach, dotted duckweed)--$263;

(2) exotic fish or shellfish commercial aquaculture permit:

(A) - (D) (No change.)

(3) - (6) (No change.)

(h) (No change.)

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

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CHAPTER 55. LAW ENFORCEMENT
SUBCHAPTER C. DEPUTY AND SPECIAL GAME WARDEN COMMISSION

31 TAC §55.63

The Texas Parks and Wildlife Department (the department) proposes an amendment to 31 TAC §55.63, concerning Special Game Wardens. The proposed amendment would update a reference to the state agency governing the certification of peace officers in Texas and add language to accommodate future name changes.

The proposed amendment either implements or is consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rule as proposed is in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the proposed rule.

Mr. Macdonald also has determined that for each of the first five years that the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rule as proposed.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General issued guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. The guidelines state that an agency need only consider a proposed rule's "direct adverse economic effects" to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the rule as proposed will not result in any direct economic costs to any small businesses, micro-businesses, or rural communities; therefore, the department has not prepared the economic impact statement or regulatory flexibility analysis described in Government Code, Chapter 2006.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not expand, limit, or repeal an existing regulation; not increase the number of individuals subject to regulation; and neither positively nor adversely affect the state's economy.

Comments on the proposed rule may be submitted to Assistant Commander Kevin Winters, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4628; email: kevin.winters@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

The amendment is proposed under the authority of Parks and Wildlife Code, §11.0201, which requires the commission to by rule establish standards governing the conduct and duties of special game wardens.

The proposed amendment affects Parks and Wildlife Code, Chapter 11.

§55.63. Special Game Wardens.

The following provisions are applicable to special game wardens, in addition to the provisions of Parks and Wildlife Code, §11.0201.

(1) - (3) (No change.)

(4) Compensation: Special game wardens on active status may be compensated not to exceed the salary of a game warden IV and may claim per diem or other expenses authorized by the Director. Special game wardens on inactive status may not be compensated by salary, but may claim per diem expenses for in-service training required by the Texas Commission on Law Enforcement or successor agency [~~Officer Standards and Education~~].

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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James Murphy
General Counsel
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SUBCHAPTER E. SHOW, TEST, AND DEMONSTRATION OF VESSELS

31 TAC §55.130

The Texas Parks and Wildlife Department (the department) proposes an amendment to 31 Texas Administrative Code §55.130, concerning Show, Test, and Demonstration of Vessels. The proposed amendment would correct references to reflect the proper title for persons authorized to enforce marine safety laws.

The proposed amendment either implements or is consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rule as proposed is in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the proposed rule.

Mr. Macdonald also has determined that for each of the first five years that the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rule as proposed.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rule will not result in any direct economic costs to any small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not expand, limit, or repeal an existing regulation; not increase the number of individuals subject to regulation; and neither positively nor adversely affect the state's economy.

Comments on the proposed rule may be submitted to Assistant Commander Cody Jones, Boating Law Administrator, at (512)

389-4624, email: cody.jones@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

The amendment is proposed under the authority of Parks and Wildlife Code, Chapter 31, Subchapter B, which authorizes the commission to establish rules concerning the issuance and price of validation cards and decals permitting the limited and temporary use of vessels for recreational purposes or participation in contests or events and to adopt rules regarding dealer's, distributor's, and manufacturer's licenses, including application forms, application and renewal procedures, and reporting and recordkeeping requirements.

The proposed amendment affects Parks and Wildlife Code Chapter 31, Subchapter B.

§55.130. Show, Test, or Demonstration of Vessel.

(a) - (c) (No change.)

(d) A validation card must immediately be made available for inspection upon the request of any peace officer, marine safety enforcement officer, or department employee acting within the scope of [~~their~~] official duties.

(e) (No change.)

(f) A licensee shall maintain at the licensee's place of business a current daily log accounting for each use of each validation card issued to the licensee. The log shall be retained for a period of two years and must immediately be made available for inspection during normal business hours at the request of any peace officer, marine safety enforcement officer, or department employee acting within the scope of their official duties. The log shall indicate, for each use of a validation card:

(1) - (5) (No change.)

(g) - (h) (No change.)

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

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SUBCHAPTER F. FLOATING CABINS

31 TAC §55.201, §55.207

The Texas Parks and Wildlife Department (the department) proposes amendments to 31 TAC §55.201 and §55.207, concerning Floating Cabins. The proposed amendment to §55.201, concerning Definitions, would eliminate paragraph (2), which is being relocated to §55.207, concerning Specifications for Marine Sanitation Devices, reword the section to refer to a statutory citation, and eliminate a definition that need not be repeated in rule. The proposed amendments are nonsubstantive.

The proposed amendments either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rules as proposed are in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the proposed rules.

Mr. Macdonald also has determined that for each of the first five years that the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rules as proposed.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's "direct adverse economic impacts" to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed repeals will not result in any direct economic costs to any small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rules as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not expand, limit, or repeal an existing regulation; not increase the number of individuals subject to regulation; and neither positively nor adversely affect the state's economy.

Comments on the proposed rules may be submitted to Assistant Commander Cody Jones, Boating Law Administrator, at (512) 389-4624, email: cody.jones@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

The rules are proposed under the authority of Parks and Wildlife Code, §32.005, which authorizes the commission to adopt rules necessary to implement Parks and Wildlife Code, Chapter 32.

The proposed rules affect Parks and Wildlife Code, Chapter 32.

§55.201. Definitions.

This subchapter applies to floating cabins as defined by Parks and Wildlife Code, §32.001. [~~The following words or terms, when used in this subchapter, shall have the following meanings, except where context clearly indicates otherwise:~~]

[~~(1) Floating Cabin--means a structure securely moored in the coastal water of this state used for habitation or shelter and not routinely used for transportation. The term includes all mooring lines, anchors, anchor lines, spuds, and pilings and any other tethering devices. The term does not include a structure permitted by the General Land Office under Chapter 33, Natural Resources Code.~~]

[~~(2) Portable Marine Sanitation Device--A device that is designed to facilitate the transport of sewage for onshore disposal.~~]

§55.207. Specifications for Marine Sanitation Devices.

Floating Cabins required to be permitted by Parks and Wildlife Code, Chapter 32, shall have sewage disposal devices and equipment meeting the following requirements:

(1) For the purposes of this section, Portable Marine Sanitation Device means a device that is designed to facilitate the transport of sewage for onshore disposal. A Portable Marine Sanitation Device shall meet the following specifications:

(A) - (B) (No change.)

(2) (No change.)

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

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James Murphy
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SUBCHAPTER I. DISPOSITION OF DANGEROUS WILD ANIMALS

31 TAC §§55.501, 55.503, 55.505

The Texas Parks and Wildlife Department (the department) proposes amendments to 31 TAC §§55.501, 55.503, and 55.505, concerning Disposition of Dangerous Wild Animals. The proposed amendments would alter references to "conviction" to refer instead to "final conviction" and remove archaic capitalization conventions with respect to references to the department. Under Parks and Wildlife Code, Chapter 12, the term "final conviction" is defined and the department has determined that it is useful to align the terminology of Subchapter I with that statutory standard.

The proposed amendments either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rules as proposed are in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the proposed rules.

Mr. Macdonald also has determined that for each of the first five years that the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rules as proposed.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, microbusinesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rules will not result in any direct economic costs to any small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rules as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not expand, limit, or repeal an existing regulation; not increase the number of individuals subject to regulation; and neither positively nor adversely affect the state's economy.

Comments on the proposed rules may be submitted to Assistant Commander Kevin Winters, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4628; email: kevin.winters@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

The amendments are proposed under the authority of Parks and Wildlife Code, §62.104, which requires the commission to adopt rules for the final disposition of a carcass, hide, part, product, or live animal seized by the department as provided by law.

The proposed amendments affect Parks and Wildlife Code, Chapter 62.

§55.501. Application.

(a) (No change.)

(b) For purposes of this subchapter, "finally convicted" means found guilty by a judge or jury, a plea of guilty or nolo contendere, or placed on deferred adjudication.

§55.503. Disposition of Live Animals.

(a) A game warden, or other authorized department [~~Department~~] employee, or a licensed veterinarian acting under the direction of a game warden, may euthanize a dangerous wild animal to eliminate its suffering due to illness or injury, or if the department [~~Department~~] is unable to locate a suitable place for the animal under subsection (b) of this section.

(b) If a person is finally convicted of a violation of Chapter 62, Subchapter F, Parks and Wildlife Code, the dangerous wild animal may be transferred to a sanctuary, or to a person with a permit that allows for possession of the animal.

(c) If no person is finally convicted of a violation of Chapter 62, Subchapter F, Parks and Wildlife Code, the dangerous wild animal shall be disposed of according to the instructions of the court.

§55.505. Disposition of Carcass, Hide, or Part of Animal, or Product Made from Animal.

(a) If a person is finally convicted of a violation of Chapter 62, Subchapter F, Parks and Wildlife Code, the department [~~Department~~] may destroy, or keep, or place on loan for use in an educational display, a carcass, hide, or part of or product made from a dangerous wild animal.

(b) If no person is finally convicted of a violation of Chapter 62, Subchapter F, Parks and Wildlife Code, the carcass, hide, or part of or product made from a dangerous wild animal shall be disposed of according to the instructions of the court, if any, or returned to the person from whom it was seized.

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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James Murphy

General Counsel

Texas Parks and Wildlife Department

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SUBCHAPTER J. CONTROLLED EXOTIC SNAKES

The Texas Parks and Wildlife Department (the department) proposes the repeal of 31 Texas Administrative Code §55.656 and amendments to §§55.651, 55.653, and 55.657, concerning Controlled Exotic Snakes.

The proposed amendment to §55.651, concerning Definitions, would define "animal control authority" as "the local governmental entity responsible for regulating and/or enforcing laws applicable to the possession, control, welfare, and disposition of animals." The department has received numerous requests from various law enforcement and first-responder entities for assistance in identifying places and locations where persons may be holding dangerous exotic snakes, because first-responders find it helpful to know about the possibility of encountering such animals in the course of their duties, and because there may be local ordinances and laws that apply to such situations. Therefore, the rules as proposed would require permittees to notify the local animal control authority of the existence and location of facilities and an unambiguous definition of that term is necessary to facilitate compliance and enforcement.

The proposed amendment to §55.653, concerning Permit Issuance and Period of Validity, would require permittees to notify the appropriate local animal control authority of the location within the jurisdiction of the animal control authority where controlled exotic snakes are held under a permit, within 21 days of the effective date of the subsection or the issuance of a permit under the subchapter, as applicable, and to obtain and retain proof that the required notification was executed. As noted earlier in this preamble, the department believes it is prudent to create a mechanism for first responders to be aware of situations in which captive dangerous snakes are present and could be encountered. To do so, the proposed amendment would establish a notification requirement and specify criteria for determining compliance.

The proposed amendment to §55.657, concerning Violations and Penalties, would eliminate subsection (a), which is duplicative of statute and need not be repeated in rule.

The proposed repeal is necessary because the section is duplicative of statute and need not be repeated in rule.

The proposed repeal and amendments either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rules as proposed are in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the proposed rules. The department has determined that the response required upon being notified by a permittee is negligible in terms of cost.

Mr. Macdonald also has determined that for each of the first five years that the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be minimal adverse economic effect on persons required to comply with the rules as proposed. Persons who possess controlled exotic snakes would be required to notify the local animal control authority of the location where controlled exotic snakes possessed under a permit are kept; however, the department has determined that compliance with the requirement requires very little effort and for all practical purposes, no expense.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rules will not result in any direct economic costs to any small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rules as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; create a new regulation (requiring notification of local animal control authorities); not expand, limit, or repeal the function of an existing regulation; not increase the number of individuals subject to regulation; and neither positively nor adversely affect the state's economy.

Comments on the proposed rule may be submitted to Assistant Commander Kevin Winters, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4628; email: kevin.winters@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

31 TAC §§55.651, 55.653, 55.657

The amendments are proposed under the authority of Parks and Wildlife Code, §43.855, which authorizes the commission to adopt rules to implement Parks and Wildlife Code, Chapter 43, Subchapter V, including rules to govern the possession or transport of a snake covered by the subchapter and other matters the commission considers necessary.

The proposed amendments affect Parks and Wildlife Code, Chapter 43.

§55.651. Definitions.

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

(1) Animal control authority--The local governmental entity responsible for regulating and/or enforcing laws applicable to the possession, control, welfare, and disposition of animals.

(2) [~~(1)~~] Commercial possession--The possession of a controlled exotic snake for the purpose of sale.

(3) [~~(2)~~] Controlled exotic snake--Any live snake that is:

(A) - (C) (No change.)

(4) [~~(3)~~] Possession--Actual care, custody, or control.

(5) [~~(4)~~] Recreational possession--The possession or transportation of a controlled exotic snake for any purpose other than sale.

(6) [~~(5)~~] Sale--The transfer of ownership or the right of possession or the offer to transfer ownership or the right of possession of a controlled exotic snake to a person for a monetary consideration.

§55.653. Permit Issuance and Period of Validity.

(a) - (b) (No change.)

(c) Within 21 days of the effective date of this subsection or the issuance of a permit under this subchapter, as applicable, a permittee shall notify the appropriate local animal control authority of the location(s) within the jurisdiction of the local animal control authority where a controlled exotic snake possessed by the permittee is kept by the permittee. The permittee shall obtain, from the animal control authority, written documentation of the notification required by this subsection, which shall be maintained by the permittee and produced upon request of a department employee acting in the scope of official duty.

(d) [~~(c)~~] A person who sells a controlled exotic snake or snakes to another person for purposes of recreational possession shall inform the purchaser at the time of the sale that:

(1) - (2) (No change.)

§55.657. Violations and Penalties.

[~~(a) A person may not intentionally, knowingly, recklessly, or with criminal negligence release or allow the release from captivity of a snake covered by this subchapter.~~]

(a) [~~(b)~~] A person who violates any provision of the subchapter is subject to the penalties prescribed by Parks and Wildlife Code, §43.856.

(b) [~~(c)~~] The provisions of Parks and Wildlife Code, Chapter 43, Subchapter V and this subchapter may be enforced by any Texas peace officer.

(c) [~~(d)~~] It is a defense to prosecution under §55.652 of this title (relating to Permit Required) that the person charged produces in court an appropriate permit issued to the person and valid when the offense was committed.

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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James Murphy
General Counsel
Texas Parks and Wildlife Department
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For further information, please call: (512) 389-4775

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31 TAC §55.656

The repeal is proposed under the authority of Parks and Wildlife Code, §43.855, which authorizes the commission to adopt rules to implement Parks and Wildlife Code, Chapter 43, Subchapter V, including rules to govern the possession or transport of a snake covered by the subchapter and other matters the commission considers necessary.

The proposed repeal affects Parks and Wildlife Code, Chapter 43.

§55.656. Inspection; Seizure.

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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James Murphy

General Counsel

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CHAPTER 59. PARKS

SUBCHAPTER A. PARK ENTRANCE AND PARK USER FEES

31 TAC §59.4

The Texas Parks and Wildlife Department proposes an amendment to 31 TAC §59.4, concerning Park Entrance and Park User Fees.

The proposed amendment would adjust the fee range for group overnight use of certain facilities to align the lower limits with current values. The proposed amendment also would make a minor word change for improved clarity.

The proposed amendment either implements or is consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rule as proposed is in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rule as proposed.

Mr. Macdonald also has determined that for each of the first five years that the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rule as proposed.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. The department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rule would result in no direct economic effect on any small businesses, micro-businesses, or rural community; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not limit, expand, or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Kimberly McNeeley, (512) 389-4415, e-mail: kimberly.mcneeley@tpwd.texas.gov. Comments also may be submitted via the department's website at http://www.tpwd.texas.gov/business/feedback/public_comment/.

The amendment is proposed under Parks and Wildlife Code, §11.027(e), which authorizes the commission to establish by rule a fee for entering, reserving, or using a facility or property owned or managed by the department; §13.015(a), which authorizes the commission to set park user fees for park services; and §13.0191, which authorizes the department to set fees for the use of a facility or lodging at a state park in an amount to recover the direct and indirect costs of providing the facility or lodging and provide a reasonable rate of return to the department.

The proposed amendment affects Parks and Wildlife Code, Chapters 11 and 13.

§59.4. Activity and Facility Use Fees.

(a) (No change.)

(b) Fee ranges - facility use:

(1) - (3) (No change.)

(4) group overnight use facility <u>or area</u> (bunkhouses, barracks, campsites, shelters), variable by facility type or number of occupants - <u>$50</u> [~~$100~~] - $1,500;

(5) - (8) (No change.)

(c) - (e) (No change.)

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

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SUBCHAPTER B. LOCAL PARK PLANNING ASSISTANCE

31 TAC §59.11, §59.12

The Texas Parks and Wildlife Department proposes amendments to 31 TAC §59.11, concerning Limitations, and §59.12, concerning Application for Assistance. The proposed amendments would align the application process with existing grant processes and modernize language.

The proposed amendments either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the proposed amendments are in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rules.

Mr. Macdonald also has determined that for each of the first five years the proposed rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rules as proposed.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. The department considers "direct economic impact "to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rule does not affect small businesses or micro-businesses, and any effect on rural communities will be positive; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not directly impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rules as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not limit, expand, or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rules may be submitted to Kimberly McNeeley, (512) 389-4415, email: kimberly.mcneeley@tpwd.texas.gov. Comments also may be submitted via the department's website at http://www.tpwd.texas.gov/business/feedback/public_comment/.

The amendments are proposed under Local Government Code, §331.010, which provides that the department may cooperate with a municipality or county in the acquisition and establishment of parks and playgrounds, and may adopt rules for the acquisition, establishment, and operation of the parks and playgrounds with the municipality or county as the department and the municipality or county consider advisable.

The proposed amendments affect Local Government Code, Chapter 331.

§59.11. Limitations.

(a) (No change.)

(b) Basic site planning information is defined as information provided by the department to assist applicants in defining project scope, identifying appropriate facilities, and developing site plans consistent with departmental standards and grant program requirements [~~the dissemination of minimal oral, written or graphic data needed by an applicant to reasonably define the scope of recreational activities desired or needed for a particular site and the basic kinds and quantities of facilities needed to provide such recreational activities~~].

§59.12. Application for Assistance.

(a) An eligible entity may apply for park planning assistance by submitting an application in the form and manner prescribed by the department [~~The governing body of the city or county must adopt a resolution directing the highest administrative official to request park planning assistance. This resolution vests that official with full authority to act for purposes of the request, if approved~~].

(b) The department shall notify the applicant of the status within 30 days of receipt of the application [~~A letter from the authorized administrative official to the executive director, accompanied by a copy of the resolution authorizing the request, constitutes the method of applying for park planning assistance~~].

[~~(c) Within 30 days of receipt, the executive director or his designee shall notify the applicant of the status of the request.~~]

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

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SUBCHAPTER C. ACQUISITION AND DEVELOPMENT OF HISTORIC SITES, BUILDINGS AND STRUCTURES

31 TAC §59.42

The Texas Parks and Wildlife Department proposes an amendment to 31 TAC §59.42, concerning Land Acquisition Guidelines (Including Donations). In general, the proposed amendment reduces wordiness and eliminates repetition while preserving the gist and intent of the current guidelines without compromising effectiveness. In particular, the proposed amendment would broaden the criteria for land acquisition to allow for consideration of more properties that could be suitable as a site for parklands.

The proposed amendment either implements or is consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rule as proposed is in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rule.

Mr. Macdonald also has determined that for each of the first five years that the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rule, as the proposed amendment does not affect individual persons.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. The department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the rule as proposed will result in no direct economic effect on any small businesses, micro-businesses, or rural community, as the proposed amendment is purely an internal administrative provision; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rules as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not limit, expand, or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Kimberly McNeeley, (512) 389-4415, e-mail: kimberly.mcneeley@tpwd.texas.gov. Comments also may be submitted via the department's website at http://www.tpwd.texas.gov/business/feedback/public_comment/.

The amendment is proposed under Parks and Wildlife Code, §13.001, which requires the commission to adopt rules governing the acquisition and development of recreational areas, natural areas, or historical sites.

The proposed rule affects Parks and Wildlife Code, Chapter 13.

§59.42. Land Acquisition Guidelines (Including Donations).

(a) The commission finds that there are many factors that affect the suitability of land for use as a state park, natural area or historic site, and objectively quantifying the relative value of one tract over another can be difficult or impossible. Nonetheless, all potential acquisitions (including donations) are evaluated for their attributes with respect to the categories delineated in this section. The relative importance of each parameter within the categories will vary from proposal to proposal, depending upon the specific needs and goals of the department at the time of consideration.

(1) Consistency with the Land and Water Resources Conservation and Recreation Plan.

(2) Location near or adjacent to existing state park properties.

(3) Ability to provide meaningful outdoor recreation opportunities for the public.

(4) Presence of important natural features, habitats, or ecosystems.

(5) Presence of significant cultural, historical, or interpretive resources.

(6) Addresses gaps in recreational opportunities or resource representation within the state park system.

(7) Provides additional benefits such as but not limited to viewsheds, wildlife corridors, watersheds, or buffers from incompatible land uses.

(8) The department shall consider the size of a parcel of land as it relates to the factors listed in paragraphs (1) - (5) of this subsection.

(A) Small parcels (less than 500 acres) should normally be contiguous to existing properties in the state park system to be considered, unless the value of the parcel in terms of the criteria listed in paragraphs (1) - (5) of this subsection is such that the department has a compelling interest in acquiring the land.

(B) Large parcels (greater than 500 acres) need not be contiguous to existing properties within the state park system to be considered for acquisition.

(9) Other relevant factors, including but not limited to cost, funding availability, access, restrictions, operational feasibility, and long-term sustainability.

[~~(1) Contribution to Land and Water Resources Conservation and Recreation Plan. The department will consider whether the addition of land for inclusion in the state parks system is consistent with the department's Land and Water Resources Conservation and Recreation Plan.~~]

[~~(2) Contiguity with existing land in the state parks system. The land is near, adjacent to, or within the boundaries of an existing unit of the state parks system.~~]

[~~(3) Recreational value. The land possesses a high potential for providing popular, strategic, or critical opportunities for recreational enjoyment of the natural world by the public. Such potential is characterized by:~~]

[~~(A) water features such as springs, creeks, bayous, rivers, lakes, or coastline;~~]

[~~(B) landforms such as mountains, hills, canyons, etc., that are suitable for hiking, camping, or other types of outdoor use that are typically sought after or enjoyed by the public;~~]

[~~(C) underground features such as caves, caverns, or sinkholes;~~]

[~~(D) significant aesthetic resources, such as views or panoramas; or~~]

[~~(4) Natural resource value. The land:~~]

[~~(A) contains a high-value natural feature or features;~~]

[~~(B) is habitat for rare or endangered species of plants or animals;~~]

[~~(C) reflects a representative ecosystem of the state or could be restored or managed to reflect a natural ecosystem; or~~]

[~~(D) significant geological or paleontological resources.~~]

[~~(5) Historical or Interpretive value. The land provides significant cultural or historical resources or interpretive value consistent with the department's Land and Water Resources Conservation and Recreation Plan.~~]

[~~(6) The land fills a gap in the inventory of natural or cultural resources or recreational opportunities offered by the state park system.~~]

[~~(7) Ancillary values. The land offers or contains significant or valuable:~~]

[~~(A) viewsheds;~~]

[~~(B) wildlife corridors;~~]

[~~(C) watersheds; or~~]

[~~(D) buffers for existing parkland from development or other incompatible land uses.~~]

[~~(8) Size. The department shall consider the size of a parcel of land as it relates to the factors set forth in paragraphs (1)-(5) of this subsection.~~]

[~~(A) Small parcels (less than 500 acres) should normally be contiguous to existing properties in the state park system to be considered, unless the value of the parcel in terms of the criteria listed in paragraphs (1) - (5) of this subsection is such that the department has a compelling interest in acquiring the land.~~]

[~~(B) Large parcels (greater than 500 acres) need not be contiguous to existing properties within the state park system to be considered for acquisition, provided that acquisition is consistent with the department's Land and Water Resources Conservation and Recreation Plan.~~]

[~~(9) Other criteria. The department will consider other criteria, including, but not limited to cost effectiveness, source or availability of funding, access, deed restrictions, potential threats to future operations from mineral activity, use agreements, previous land uses, operating and maintenance costs or any other factors would make the use of the land undesirable, impractical, or problematic~~].

(b) (No change.)

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

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SUBCHAPTER F. STATE PARK OPERATIONAL RULES

31 TAC §59.134

The Texas Parks and Wildlife Department proposes an amendment to 31 TAC §59.134, concerning Rules of Conduct in Parks. The proposed amendment would provide for electronic means of notification in addition to verbal and written media and replace references to "permits" with references to authorizations by the department, in order to increase efficiency and accuracy. The proposed amendment also would delegate certain authorities to park superintendents and their designees (or the department generally) rather than the director, in order to provide faster response times. Additionally, the proposed amendment would reword subsection (g)(5) to restate the terms of the provision another way with fewer words and alter subsection (l)(3) to require a permit from the from the Texas Historical Commission rather than the permission of the department to disturb or remove cultural resources.

The proposed amendment either implements or is consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rule as proposed is in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rule.

Mr. Macdonald also has determined that for each of the first five years that the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rule, as the proposed amendment applies only to internal operational procedures of the department.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. The department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rule would result in no direct economic effect on any small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not limit, expand, or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Kimberly McNeeley, (512) 389-4415, e-mail: kimberly.mcneeley@tpwd.texas.gov. Comments also may be submitted via the department's website at http://www.tpwd.texas.gov/business/feedback/public_comment/.

The amendment is proposed under Parks and Wildlife Code, Chapter 13, which authorizes the commission to promulgate rules governing the conservation, preservation, and use of state property; the activities of park users (including camping, swimming, boating, fishing, or other recreational activities); the regulation of traffic and parking; and conduct which endangers the health or safety of park users or their property.

The proposed amendment affects Parks and Wildlife Code, Chapter 13.

§59.134. Rules of Conduct in Parks.

(a) Abandoned and unattended property. It is an offense for any person to:

(1) - (2) (No change.)

(3) leave property unattended in a state park without having received prior verbal or electronic permission from the park superintendent or designee [~~director~~] or to leave a vehicle unattended after the closing hour, unless such person is legally in the park after closing, and unless he has parked the vehicle in a place designated by the director or he has prior verbal or electronic permission from the park superintendent or designee [~~director~~].

(b) Alcoholic beverages.

(1) (No change.)

(2) Exceptions. The provisions delineated in paragraph (1) of this subsection do not apply to an alcoholic beverage:

(A) consumed or displayed by an individual in accordance with the terms and conditions of a special event authorization issued by the department, which may be issued electronically [~~director~~];

(B) consumed or displayed by an individual within an area for which such consumption or display is authorized pursuant to a concession agreement or authorization issued by the department, which may be issued electronically [~~director~~]; or

(C) sold by a concessionaire under the terms and conditions of a concession agreement or special event authorization issued by the department, which may be issued electronically [~~director~~], provided:

(i) - (ii) (No change.)

(D) (No change.)

(c) Animals. Except as provided in this subsection, it is an offense for any person to bring into a state park, possess while in a state park, or release into a state park any species of animal. A pet, equine, or llama may be brought into and possessed within a state park as provided in this subsection.

(1) - (2) (No change.)

(3) Wildlife. It is an offense for any person to:

(A) harm, harass, disturb, trap, confine, catch, possess, or remove any wildlife, or portions of wildlife from a unit of the state park system, except by a permit issued by the department, which may be issued electronically, [~~director~~] or as provided by the Parks and Wildlife Code, Chapter 62, Subchapter D;

(B) release or introduce any species of animal life within a park (including waters within a park), except as authorized by the Parks and Wildlife Code and written order of the Executive Director or designee, which may be issued electronically; or

(C) feed or offer food to any wildlife or exotic wildlife, or to leave food unsecured in a manner that makes the food available to wildlife or exotic wildlife, unless specifically authorized by the department, which may be done electronically. The feeding of birds may be permitted on a park-by-park basis as prescribed by the department.

(d) Arms and Firearms. It is an offense for any person to display or discharge an arm or firearm in a state park, except while:

(1) - (4) (No change.)

(5) the person has been authorized to do so by written order of the department, which may be issued electronically [~~director~~].

(e) Closed Area. It is an offense for any person to:

(1) (No change.)

(2) enter or remain in an area of a state park that has been closed by the director or their designee for any reason, including security, safety, preservation, or restoration.

(f) (No change.)

(g) Facilities Use. It is an offense for any person to:

(1) (No change.)

(2) keep, use, or arrange a motor vehicle, trailer, camping, or other equipment except as specified by the department [~~director~~]. All vehicles and trailers are restricted to designated roads and parking areas, unless otherwise specified by the department [~~permit~~];

(3) - (4) (No change.)

(5) continue to occupy a facility past the established check-out time [~~when a check-out time has been established by the director~~]; or

(6) engage in camping except as authorized by permit, which may be issued electronically, in areas designated or marked for that purpose.

(h) Fires, Firewood, Smoking and Fireworks. Portable gas-fueled camp stoves may be used in designated campsites or picnic areas; however, it is an offense for any person to:

(1) (No change.)

(2) gather firewood except when authorized by the department [~~permit~~];

(3) (No change.)

(4) possess within a state park any fireworks, explosives, or similar devices capable of explosion, or to discharge, set off, or cause to be discharged in or into a state park any such device or substance, except with written authorization from the department, which may be issued electronically [~~director~~].

(i) Metal detector. It is an offense for any person to operate or use a metal detector, except as authorized by the park superintendent or designee [~~permit~~].

(j) (No change.)

(k) Motor Vehicle Use, Possession and Operation.

(1) Operation. It is an offense for any person to:

(A) (No change.)

(B) operate a motor vehicle in a state park if the motor vehicle is not licensed and inspected as required by the Texas Transportation Code or other law regarding the operation of motor vehicles, except as specifically authorized by permit, which may be issued electronically; or

(C) (No change.)

(2) - (5) (No change.)

(l) Natural and Cultural Resources.

(1) Plant life. It is an offense for any person to willfully mutilate, injure, destroy, pick, cut, remove, or introduce any plant life except by permit issued by the department, which may be issued electronically [~~director~~].

(2) Geological features. It is an offense for any person to take, remove, destroy, deface, tamper with, or disturb any rock, earth, soil, gem, mineral, fossil, or other geological deposit except by permit issued by the department, which may be issued electronically [~~director~~].

(3) Cultural resources. It is an offense for any person to take, remove, destroy, deface, tamper with, disturb, or otherwise adversely impact any prehistoric or historic resource, including but not limited to, buildings, structures, cultural features, rock art, or artifacts, except under an antiquities permit issued by the Texas Historical Commission, which may be issued electronically [~~by written order of the director~~].

(m) Peace and quiet. It is an offense for any person to:

(1) - (2) (No change.)

(3) use electronic equipment, including electrical speakers, at a volume which emits sound beyond the immediate individual camp or picnic site at any time without specific permission of the department, which may be issued electronically [~~director~~]; or

(4) (No change.)

(n) (No change.)

(o) Soliciting. It is an offense for any person to solicit funds or donation of any item, or offer to sell any goods, wares, merchandise, liquid, or edibles, or render any service for hire, or distribute written material, in a state park, except by authority of a concession agreement with the department, which may be issued electronically [~~approved by the director~~].

(p) Water Recreation. It is an offense for any person to:

(1) - (4) (No change.)

(5) moor, dock, or berth a boat or any other object between the hours of 10 p.m. and 6 a.m., except in mooring areas designated by the department [~~director~~]; or

(6) moor, dock, or berth a commercial vessel at any part of a state park except by authorization from the department, which may be issued electronically [~~permit from the director~~].

(q) (No change.)

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

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James Murphy
General Counsel
Texas Parks and Wildlife Department
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CHAPTER 60. MAINTENANCE REVIEWS

The Texas Parks and Wildlife Department proposes the repeal of 31 TAC §60.4 and §60.10 and amendments to §§60.2, 60.3, and 60.11, concerning Maintenance Reviews.

In 2007, the 80th Texas Legislature enacted House Bill 12, which required the commission to establish by rule an equipment review system through which the department annually determines whether any of the department's maintenance equipment has become outdated equipment. The bill also required the commission to establish by rule a maintenance provider review system through which the department annually determines whether a department maintenance task could be performed more cost-effectively by a third-party contractor. The rules in 31 TAC Chapter 60 implemented the requirements of H.B. 12.

The proposed amendments and repeals would function collectively to make grammatical corrections, eliminate duplication of terminology and redundant or self-evident provisions of law, and reorganize agency rules into fewer sections of the Texas Administrative Code.

The proposed repeals and amendments either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rules as proposed are in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the rules as proposed.

Mr. Macdonald also has determined that for each of the first five years that the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be execution of the recommendation of the Texas Regulatory Efficiency Office.

The rules as proposed will not result in adverse economic impacts to persons required to comply.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, and rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General issued guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small businesses. Those guidelines state that an agency need only consider a proposed rule's "direct adverse economic impacts" to small businesses and micro-businesses to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rules do not affect small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rules as proposed, if adopted, will not create a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not expand an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Robert Macdonald, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4775; email: robert.macdonald.texas.gov or via the department website at www.tpwd.texas.gov.

SUBCHAPTER A. MAINTENANCE EQUIPMENT REVIEW

31 TAC §60.2, §60.3

The amendments are proposed under the authority of Parks and Wildlife Code, §11.251, which requires the commission to establish by rule an equipment review system through which the department annually determines whether equipment has become outdated.

The proposed amendments affect Parks and Wildlife Code, Chapter 11.

§60.2. Definitions.

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

(1) (No change.)

[~~(2) Commission--Texas Parks and Wildlife Commission.~~]

[~~(3) Department--Texas Parks and Wildlife Department.~~]

<u>(2)</u> [~~(4)~~] Department purpose--Any function of the department required or authorized by state or federal law.

<u>(3)</u> [~~(5)~~] Fair market value--The price at which a piece of maintenance equipment would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

<u>(4)</u> [~~(6)~~] Maintenance cost--The annual cost to repair or otherwise keep a piece of maintenance equipment in working order, but

does not include routine maintenance, such as oil changes, tire replacement, and lubrication, that are part of a scheduled regime of equipment care.

[~~(7) Maintenance equipment--Personal property owned by the department that is used to administer, operate, preserve, repair, expand, or otherwise maintain real property, including improvements and fixtures, owned or operated by the department.~~]

[~~(8) Operational--The condition of being currently in use or functionally capable of being used.~~]

(5) [~~(9)~~] Outdated equipment--Capitalized maintenance equipment that:

(A) - (C) (No change.)

[~~(10) Replacement cost--The cost of replacing maintenance equipment with maintenance equipment having similar functionality.~~]

§60.3. Maintenance Equipment Review System.

(a) (No change.)

(b) Within 60 days after the completion of the report described in subsection (a) of this section, the department shall initiate the process to sell or otherwise dispose of outdated equipment that meets any of the following three criteria:

(1) (No change.)

(2) the equipment no longer serves a department purpose;

(3) (No change.)

(c) The department shall sell or dispose of outdated equipment identified for sale or disposition pursuant to this subchapter in accordance with applicable law.

(d) The provisions of this subchapter do not prevent the department from disposing of any property as otherwise may be provided for by law.

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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31 TAC §60.4

The repeal is proposed under the authority of Parks and Wildlife Code, §11.251, which requires the commission to establish by rule an equipment review system through which the department annually determines whether equipment has become outdated.

The proposed repeal and amendments affect Parks and Wildlife Code, Chapter 11.

§60.4. Sale of Outdated Equipment.

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

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SUBCHAPTER B. MAINTENANCE PROVIDER REVIEW

31 TAC §60.10

The repeal is proposed under the authority of Parks and Wildlife Code, §11.252, which requires the commission to establish by rule a maintenance provider review system through which the department annually determines whether a department maintenance task could be performed more cost-effectively by a third-party contractor.

The proposed repeal and amendments affect Parks and Wildlife Code, Chapter 11.

§60.10. Definitions.

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

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31 TAC §60.11

The amendment is proposed under the authority of Parks and Wildlife Code, §11.252, which requires the department to establish by rule a maintenance provider review system through which the department annually determines whether a department maintenance task could be performed more cost-effectively by a third-party contractor.

The proposed amendment affects Parks and Wildlife Code, Chapter 11.

§60.11. Maintenance Provider Review System.

(a) - (b) (No change.)

(c) For the purposes of this subchapter:

(1) "capitalized personal property" means personal property having an acquisition value of $5,000 or more; and

(2) "maintenance service" means the administration, operation, preservation, repair, and expansion of capitalized personal property or real property owned or operated by the department.

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

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CHAPTER 61. DESIGN AND CONSTRUCTION
SUBCHAPTER E. LOCAL PARKS AND RECREATION GRANT PROGRAM
31 TAC §§61.133 - 61.136

The Texas Parks and Wildlife Department (the department) proposes amendments to 31 TAC §§61.133 - 61.136, concerning Local Parks and Recreation Grant Program.

The proposed amendment to §61.133, concerning General Provisions, would replace the word "sponsor" with the word "recipient" in subsection (g) to more accurately reflect the fact that once a grant has been awarded, the sponsor becomes a recipient.

The proposed amendment to §61.134, concerning Local Park and Recreation Grant Program, would decrease the point range for and condense and simplify the provisions of subsection (b)(8). The proposed amendment would increase the point range in subsection (b)(9) to offset the proposed decrease of the point range in subsection (b)(8).

The proposed amendment to §61.135, concerning Grants for Community Outreach Outdoor Programs (CO-OP), would increase the total and individual point ranges in subsection (b)(1) and decrease the point range in subsection (b)(2) accordingly, while condensing it by eliminating subparagraphs (B) and (C) and rewording current subparagraph (A) to eliminate redundant language. The proposed amendment also would increase point ranges in subsection (b)(3)(A) and (b)(5)(B). The proposed amendment also would increase the total and individual point ranges in subsection (b)(3) and (5) to offset the alterations made to the point ranges in subsection (b)(2).

The proposed amendment to §61.136, concerning Small Community Grant Program, would decrease the point range in and condense and simplify the provisions of subsection (b)(7). The proposed amendment would increase the point range of subsection (b)(8) to offset the proposed decrease of the point range in subsection (b)(7).

The proposed amendments either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rules as proposed are in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the proposed rules.

Mr. Macdonald also has determined that for each of the first five years that the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be no adverse economic effect on persons required to comply with the rules as proposed.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rules will not result in any direct economic costs to any small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not expand, limit, or repeal an existing regulation; not increase the number of individuals subject to regulation; and neither positively nor adversely affect the state's economy.

Comments on the proposed rules may be submitted to Kimberly McNeeley, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4415; email: kimberly.mcneeley@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

The amendments are proposed under the authority of Parks and Wildlife Code, Chapter 24, which requires the department to adopt regulations for grant assistance to local governmental entities.

The proposed amendments affect Parks and Wildlife Code, Chapter 24.

§61.133. General Provisions.

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

(g) Projects funded under this subchapter shall be pursued by the recipient [~~sponsor~~] in accordance with the timelines established by the department for each project, unless the department determines that circumstances beyond the recipient's [~~sponsor's~~] control warrant timeline extension. Failure to meet timelines or timeline extensions shall be grounds for the department to initiate cancellation of the affected project.

(h) (No change.)

§61.134. Local Parks and Recreation Grant Program

(a) (No change.)

(b) Scoring Criteria.

(1) - (7) (No change.)

(8) Under-served Populations (Total Range: 0-5 [~~0-10~~] points). The proposed project increases opportunity and improves access to parks and recreation facilities for low-income citizens, defined as the percentage of households making less than $35,000 per year, based on economic and demographic data for the service area from the most recent federal census data [~~under-served populations~~].

(A) Project improves opportunities for low-income citizens, defined as the percent of households making less than $35,000 per year, based on economic and demographic data for the service area from the most recent federal census data; and/or]

(B) Project improves opportunities for ethnic minority citizens, defined as the percent of a population that does not select "white alone" on the US Census, based on economic and demographic data for the service area from the most recent census data; determined by multiplying the sum of percentage of population qualifying as low-income and percentage of population qualifying as minority by 5.]

(9) Accessibility (Total Range: 0-10 [~~0-5~~] points). The proposed project provides park and recreation opportunities for physically/mentally challenged citizens that exceed federal and state required accessibility standards.

(10) - (13) (No change.)

§61.135. Grants for Community Outreach Outdoor Programs (CO-OP).

(a) (No change.)

(b) Scoring Criteria:

(1) CO-OP Priorities (Total Range: 0-25 [~~0-15~~] points).

(A) The quality and efficacy of proposed project outcomes relative to CO-OP priorities. (0-10 [~~0-8~~] point range)

(B) The quality of the proposed project's involvement of participants in sustained direct connections to the department, including department sites, programs, and personnel. (0-15 [~~0-7~~] point range)

(2) Under-served Populations (Total Range: 0-5 [~~0-30~~] points).

[~~(A)~~] The extent to which the proposed project includes under-served [~~target~~] populations, including [~~female, ethnic minority,~~] low-income[~~,~~] and physically or mentally challenged populations. [~~(0-6 point range per target population for a maximum of 24 points.)~~]

[~~(B) A clearly articulated plan demonstrating a reasonable probability that the proposed project will reach the target demographic. (0-3 point range)~~]

[~~(C) A feasible plan to track and report demographic information. (0-3 point range)~~]

(3) Expected Impact (Total Range: 0-40 [~~0-30~~] points). The expected project results in terms of participant and environmental impact, including:

(A) A project narrative illustrating goals that are feasible, fully developed, specific, measurable, attainable, relevant, and present a high potential for success. (0-15 [~~0-5~~] point range)

(B) - (E) (No change.)

(4) (No change.)

(5) Organizational Capacity (Total Range: 0-10 [~~0-5~~] points). The applicant demonstrates the capacity to manage and implement the grant project:

(A) (No change.)

(B) The applicant demonstrates to the department's satisfaction that qualified staff and resources are in place to manage the grant from inception to completion, or, alternatively, evidence that the applicant is partnered with an entity to provide staff and/or resources necessary to manage the grant from inception to completion. (0-7 [~~0-2~~] point range)

(C) (No change.)

(6) (No change.)

§61.136. Small Community Grant Program.

(a) (No change.)

(b) Scoring Criteria:

(1) - (6) (No change.)

(7) Under-served Populations (Total Range: 0-5 [~~0-10~~] points). The proposed project increases opportunity and improves access to parks and recreation facilities for low-income citizens, defined as the percentage of households making less than $35,000 per year, based on economic and demographic data for the service area from the most recent federal census data. [~~under-served populations.~~]

[~~(A) Project improves opportunities for low-income citizens, defined as the percent of households making less than $35,000 per year, based on economic and demographic data for the service area from the most recent federal census data; or~~]

[~~(B) Project improves opportunities for ethnic minority citizens, defined as the percent of a population that does not select "white alone" on the US Census, based on economic and demographic data for the service area from the most recent census data; determined by multiplying the sum of percentage of population qualifying as low-income and percentage of population qualifying as minority by 5.~~]

(8) Accessibility (Total Range: 0-10 [~~0-5~~] points). The proposed project provides park and recreation opportunities for physically/mentally challenged citizens that exceed federal and state required accessibility standards.

(9) - (13) (No change.)

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

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James Murphy
General Counsel
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CHAPTER 65. WILDLIFE
SUBCHAPTER A. STATEWIDE HUNTING PROCLAMATION
DIVISION 2. OPEN SEASONS AND BAG LIMITS

31 TAC §65.42

The Texas Parks and Wildlife Department proposes an amendment to 31 TAC §65.42, concerning Deer. The proposed amendment would alter provisions governing the take of mule deer by archery equipment to eliminate calendar conflict and allow the use of firearms for the take of white-tailed deer on high-fenced properties in Collin, Dallas, Grayson, and Rockwall counties that are enrolled in the department's Managed Lands Deer Program (MLDP).

Under current rule, the take of white-tailed deer in Collin, Dallas, Grayson, and Rockwall counties is restricted to lawful archery equipment, including on properties enrolled in the MLDP (a habitat improvement program in which participants agree to a harvest quota specified by the department in exchange for enhanced bag limits and extended season dates). The department has received a petition for rulemaking requesting that firearms be made lawful means for the harvest of deer on MLDP properties in the affected counties, provided the property is surrounded by a high fence. The department has determined that there is no biological reason to restrict the means of take for white-tailed deer in Collin, Dallas, Grayson, and Rockwall counties generally, and certainly not on high-fenced properties enrolled in the MLDP; therefore, the department proposes to allow any lawful means for the take of white-tailed deer in the affected counties, provided the property is enrolled in the MLDP and surrounded by a fence of least seven feet in height that is capable of retaining deer at all times. The seven-foot value was selected because it is a generally accepted standard and is the standard used in other department regulations governing deer management.

In a previous rulemaking, the commission lengthened archery seasons for mule deer. In the process, an inadvertent calendar conflict was created with other mule deer seasons, which could cause confusion. The proposed amendment would remedy that issue.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rules as proposed are in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rules as proposed.

There will be no effect on persons required to comply with the rules as proposed with respect to mule deer harvest and the rule as proposed requires no person to take white-tailed deer in Collin, Dallas, Grayson, or Rockwall counties; however, persons who wish to take or allow the take of white-tailed deer by firearm in the affected counties would not be able to do so unless the property is surrounded by a fence of at least seven feet in height. The department estimates that the cost of fencing meeting the requirements of the rule as proposed is approximately $55,000 per mile, which could be higher or lower depending on terrain.

Mr. Macdonald also has determined that for each of the first five years that the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be accurate rules free of conflict and increased flexibility in the choice of means of take in certain counties.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses. Those guidelines state that an agency need only consider a proposed rule's "direct adverse economic impacts" to small businesses and micro-businesses to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services.

The department has determined that the proposed rule regulates various aspects of recreational license privileges that allow individual persons to pursue and harvest wildlife resources in this state and therefore does not directly affect small businesses, micro-businesses, or rural communities. Therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of a fee; not limit or repeal an existing rule or create a new regulation, but will liberalize means and methods for the take of white-tailed deer in four counties; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rules may be submitted to Kory Gann, Big Game Program Director, at (512) 389-4363, email: kory.gann@tpwd.texas.gov, or via the department website at www.tpwd.texas.gov.

The amendment is proposed under the authority of Parks and Wildlife Code, Chapter 61, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

The proposed amendment affects Parks and Wildlife Code, Chapter 61.

§65.42. Deer.

(a) (No change.)

(b) White-tailed deer. The open seasons and bag limits for white-tailed deer shall be as follows.

(1) (No change.)

(2) North Zone. The general open season for the counties listed in this paragraph is from the first Saturday in November through the first Sunday in January.

(A) - (G) (No change.)

(H) In Collin, Dallas, Grayson, and Rockwall counties there is a general open season:

(i) - (ii) (No change.)

(iii) lawful means are restricted to lawful archery equipment, except on properties subject to the provisions of §65.29 of this title (relating to Managed Lands Deer (MLD) Programs), where any lawful means may be used, provided the property is completely surrounded by a fence of not less than seven feet in height that is capable of retaining deer at all times under reasonable and ordinary circumstances[~~, including properties for which MLDP tags have been issued~~]; and

(iv) all deer harvested on properties not subject to the provisions of §65.29 of this title [~~(relating to Managed Lands Deer (MLD) Programs)~~] must be reported via the department's internet or mobile application within 24 hours of the time of kill, including deer harvested during any special season established by subsection (b)(5) - (7) of this section.

(c) Mule Deer.

(1) - (4) (No change.)

(5) Archery-only open seasons and bag and possession limits shall be as follows.

(A) In Andrews, Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Childress, Cochran, Coke, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Stonewall, Swisher, Terry, Wheeler, and Yoakum counties:

(i) from the Saturday closest to September 30 through the Friday immediately prior to Thanksgiving Day [~~for 56 consecutive days~~]; and

(ii) (No change.)

(B) In Crane, Crockett, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Midland, Presidio, Reagan, Reeves, Upton, Val Verde, Ward, and Winkler counties:

(i) from the Saturday closest to September 30 through Thanksgiving Day [~~for 62 consecutive days~~]; and

(ii) (No change.)

(C) In Brewster, Pecos, and Terrell counties:

(i) from the Saturday closest to September 30 through Thanksgiving Day [~~for 62 consecutive days~~].

(ii) (No change.)

(D) (No change.)

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

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SUBCHAPTER I. DEPREDATION PERMITS

The Texas Parks and Wildlife Department proposes the repeal of 31 TAC §65.224 and §65.226, amendments to 31 TAC §65.221 and §65.227, and new §65.224 and §65.226, concerning Depredation Permits. The proposed rules eliminate language that is redundant or duplicative of statutory provisions, reword administrative provisions for simplicity, and provide for the department to prescribe additional methods of take of wildlife under a permit issued under the subchapter. Under current rule, the means of take under a depredation permit for terrestrial wildlife other than alligators is limited to centerfire firearms, rimfire firearms, and shotguns.

The passage of H.B. 2842 by the most recent regular session of the Texas Legislature altered the Parks and Wildlife Code to provide a pathway for political subdivisions, state and federal agencies, public institutions of higher education, and property owners' associations to address public safety and habitat impacts caused by wildlife overpopulations in areas where traditional hunting activities are inadequate for that purpose. Proposed new §65.226, regarding Means and Methods, would simply replace the current species-by-species enumeration of restrictions with a general mechanism for the department to prescribe or allow modalities for lethal take (such as air rifles and archery equipment) as appropriate or necessary.

The remaining components of the proposed rules eliminate language that is either redundant or already in statute and therefore unnecessary, or reword provisions to improve readability.

Kory Gann, Big Game Program Leader, Wildlife Division, has determined that for each of the first five years that the rules as proposed are in effect, there will be no direct fiscal implications to state or local governments as a result of administering or enforcing the rules.

Mr. Gann also has determined that for each of the first five years the proposed repeal rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be additional mechanisms for protection of public safety via supervised control of wildlife population management.

There will be no adverse economic effect on persons required to comply with the rules as proposed.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. The department considers "direct economic impact "to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services.

The department has determined that the proposed rules do not affect small businesses, micro-businesses, or rural communities. Therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rules as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation *per se*; not limit, expand, or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rules may be submitted to Kory Gann, (512) 389-4363, email: kory.gann@tpwd.texas.gov. Comments also may be submitted via the department's website at http://www.tpwd.texas.gov/business/feedback/public_comment/.

31 TAC §§65.221, 65.224, 65.226, 65.227

The amendments and new rules are proposed under the authority of Parks and Wildlife Code, Chapter 43, Subchapter H, authorizes the department to adopt rules to implement that chapter.

The proposed new rules affect Parks and Wildlife Code, Chapter 43.

§65.221. General Provisions.

(a) - (b) (No change.)

[~~(c) A depredation permit may be issued at any time upon a finding by the department that protected wildlife presents a threat to public safety.~~]

(c) [~~(d)~~] Lawful hunting activities may take place on a property for which a depredation permit has been issued.

(d) [~~(e)~~] The department will not issue a permit under this subchapter to control fur-bearing animals. Nuisance fur-bearing animals are addressed by Subchapter Q of this chapter (relating to Statewide Fur-bearing Animal Proclamation).

(e) [~~(f)~~] Nothing in this subchapter shall be construed to relieve any person of any other applicable requirements of federal, state, or local law, including laws prescribing hunting license and hunter education requirements.

[~~(g) Notwithstanding other provisions of this subchapter, the department will not issue a permit under this subchapter for the killing of mule deer, pronghorn antelope, or desert bighorn sheep, except as provided in Parks and Wildlife Code, §43.152(b) and §43.154(a-1).~~]

(f) [~~(h)~~] The department may at any time require an applicant for a depredation permit or a person to whom a depredation permit has been issued to furnish evidence clearly showing serious damage as defined in §65.220(4)(B) and (C) of this title (relating to Definitions).

§65.224. Period of Validity.

(a) The department shall specify the period of validity for a depredation permit.

(b) Regardless of the period of validity specified by the department, a depredation permit issued for agricultural damage is not valid:

(1) unless the crop, or product, for which the permit is issued has been planted and is growing on the property for which the permit is issued; or

(2) after the crop for which the permit is issued has been harvested on the property for which the permit is issued.

§65.226. Means and Methods.

The means and methods for take of wildlife under a permit issued under this subchapter shall be prescribed by the department.

§65.227. Documentation, Reporting, and Recordkeeping.

(a) (No change.)

(b) A person conducting activities under a depredation permit shall maintain an accurate daily log of all activities conducted under a depredation permit. The daily log shall be made available at the request of any department employee acting within the scope of official duties, and shall indicate, at a minimum:

(1) - (2) (No change.)

(3) if the animal is a deer, whether the deer was antlered or antlerless[~~, and if the deer was antlered, the number of antler points on each main beam~~];

(4) - (5) (No change.)

(c) (No change.)

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

Filed with the Office of the Secretary of State on July 6, 2026.

TRD-202602753
James Murphy
General Counsel
Texas Parks and Wildlife Department
Earliest possible date of adoption: August 16, 2026
For further information, please call: (512) 389-4775

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31 TAC §65.224, §65.226

The repeals are proposed under the authority of Parks and Wildlife Code, Chapter 43, Subchapter H, authorizes the department to adopt rules to implement that chapter.

The proposed repeals affect Parks and Wildlife Code, Chapter 43.

§65.224. Period of Validity.

§65.226. Means and Methods.

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 July 6, 2026.

TRD-202602754
James Murphy
General Counsel
Texas Parks and Wildlife Department
Earliest possible date of adoption: August 16, 2026
For further information, please call: (512) 389-4775

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CHAPTER 69. RESOURCE PROTECTION
SUBCHAPTER D. MEMORANDUM OF UNDERSTANDING

31 TAC §69.71

The Texas Parks and Wildlife Department proposes an amendment to §69.71, concerning Memorandum of Understanding between the Texas Parks and Wildlife Department and the Texas Department of Transportation.

The proposed amendment would adopt by reference a Memorandum of Understanding (MOU) between the Texas Parks and Wildlife Department (TPWD) and the Texas Department of Transportation (TxDOT) concerning transportation projects and highway improvement projects ("TxDOT construction projects" or "projects").

Transportation Code, §201.607, requires TxDOT to adopt an MOU with each state agency that has responsibility for the protection of the natural environment, which includes TPWD. Among other things, the MOU must address "the responsibilities of each agency entering into the memorandum relating to the review of the potential environmental . . . effect of a highway project." Transportation Code, §201.607, also requires TxDOT to adopt the memoranda and all revisions by rule and to examine and revise the memoranda every five years. In addition, §201.607 requires each agency that is a party to the MOU to adopt revisions to the MOU by rule.

Under Parks and Wildlife Code, §12.0011, TPWD is the state agency with primary responsibility for protecting the state's fish and wildlife resources. This section also requires TPWD to provide "recommendations that will protect fish and wildlife resources to local, state, and federal agencies that approve, permit, license, or construct developmental projects" and to provide "information on fish and wildlife resources to any local, state, and federal agencies or private organizations that make decisions affecting those resources."

The MOU is intended to implement the statutory obligations of both TxDOT and TPWD regarding review of projects covered by the MOU for impacts to natural resources.

The current MOU between TPWD and TxDOT (43 TAC §§2.201 - 2.207) provides for TPWD review of TxDOT projects that have the potential to affect natural resources within the jurisdiction of TPWD. In accordance with Transportation Code, §201.607, TPWD and TxDOT have examined the current MOU and developed a new MOU. The proposed new MOU was published by TxDOT in the February 13, 2026, issue of the *Texas Register* (51 TexReg 874). The new MOU has been adopted by TxDOT and the notice of adoption was published in the June 5, 2026 issue of the *Texas Register*; (51 TexReg 3812).

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rule as proposed is in effect, there will be no fiscal implications for the department as a result of enforcement or administration of the rule.

There will be no fiscal implications for other units of state or local government.

Mr. Macdonald also has determined that for each of the first five years that the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the rule will be increased efficiency in completing the environmental review of TxDOT projects, more effective coordination between TxDOT and TPWD on the projects, and the ability of TPWD to provide additional protection of natural resources and habitat.

There will be no adverse economic effect on persons required to comply with the rule as proposed.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses. As required by Government Code, §2006.002(g), in April 2008, the Office of the Attorney General issued guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small businesses. These guidelines state that "[g]enerally, there is no need to examine the indirect effects of a proposed rule on entities outside of an agency's regulatory jurisdiction." The guidelines state that an agency need only consider a proposed rule's "direct adverse economic effects" to small businesses and micro-businesses to determine if any further analysis is required. The guidelines also list examples of the types of costs that may result in a "direct economic impact." Such costs may include costs associated with additional recordkeeping or reporting requirements; new taxes or fees; lost sales or profits; changes in market competition; or the need to purchase or modify equipment or services.

The department has determined that because the rule is an adoption by reference of an existing rule promulgated by another state agency, and because that agency determined the MOU will not affect any regulated community, the rule will not affect small businesses, micro-businesses, or rural communities. Therefore, the department has determined that neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, are necessary.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs by the department; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not expand, limit, or repeal an existing regulation; not increase the number of individuals subject to regulation; and neither positively nor adversely affect the state's economy.

Comments on the proposed rule may be submitted to Laura Zebehazy, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4638 (e-mail: laura.zebehazy@tpwd.state.tx.us), or via the department website at www.tpwd.texas.gov.

The amendment is proposed under the authority of Transportation Code, §201.607, which requires TPWD to adopt by rule a memorandum of understanding with the Texas Department of Transportation and each state agency that is responsible for the protection of the natural environment or for the preservation of historical or archeological resources.

The proposed amendment affects Transportation Code, Chapter 201.

§69.71. Memorandum of Understanding between the Texas Parks and Wildlife Department and the Texas Department of Transportation.

The Texas Parks and Wildlife Commission adopts by reference the provisions of 43 TAC §§2.201 - 2.206 [~~§§2.201 - 2.214~~] (relating to Memorandum of Understanding with the Texas Parks and Wildlife Department).

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

Filed with the Office of the Secretary of State on July 6, 2026.

TRD-202602755
James Murphy
General Counsel
Texas Parks and Wildlife Department
Earliest possible date of adoption: August 16, 2026
For further information, please call: (512) 389-4775

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 439. EXAMINATIONS FOR CERTIFICATION

SUBCHAPTER A. EXAMINATIONS FOR ON-SITE DELIVERY TRAINING

37 TAC §439.19

The Texas Commission on Fire Protection (Commission) proposes an amendment to 37 Texas Administrative Code (TAC) §439.19(b), "Examinations," to revise the examination chart. The Commission takes this action under Government Code §419.008(a), which authorizes the Commission to develop and adopt rules necessary to implement its functions and duties relating to fire protection.

BACKGROUND AND PURPOSE

The purpose of the proposed amendment is to enhance flexibility in the fire protection personnel certification process by revising the examination chart in §439.19(b). The amendment creates additional combination examination options for the Basic Structure Fire Suppression curriculum, allowing candidates greater flexibility in the certification pathway. The amendment also consolidates the separate Basic Fire Inspector I and Basic Fire Inspector II examinations into a single Basic Fire Inspector examination, streamlining the inspection certification pathway. The chart has been reformatted to reflect these structural changes, improving clarity and usability for training facilities and candidates.

FISCAL NOTE AND IMPACT ON STATE AND LOCAL GOVERNMENT

Michael Wisko, Agency Chief, has determined that for each year of the first five-year period these amendments are in effect, there will be no fiscal impact on state or local government as a result of enforcing or administering these rules.

PUBLIC BENEFIT AND COST NOTE

Mr. Wisko has also determined that for each of the first five years these amendments are in effect, the anticipated public benefit will be increased flexibility in examination scheduling and delivery options for certification candidates, along with streamlined inspection certification pathways. There are no anticipated economic costs to individuals required to comply with the proposed rules.

LOCAL ECONOMY IMPACT STATEMENT

There is no anticipated effect on local employment or the local economy for the first five years the amendments are in effect; therefore, no local employment impact statement is required under Texas Government Code § 2001.022.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

The Commission has determined that there will be no effect on small or micro-businesses or rural communities as a result of implementing these amendments; therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code § 2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

Under Texas Government Code § 2001.0221, the Commission has determined that during the first five years the amendments are in effect:

The rules will not create or eliminate a government program;

The rules will not create or eliminate any existing employee positions;

The rules will not require an increase or decrease in future legislative appropriations;

The rules will not result in an increase or decrease in fees paid to the agency;

The rules will not create a new regulation;

The rules will not expand, limit, or repeal an existing regulation;

The rules will not increase the number of individuals subject to the rule; and

The rules are not anticipated to have an adverse effect on the state's economy.

TAKINGS IMPACT ASSESSMENT

The Commission has determined that the proposed amendment does not restrict or burden private real-property rights and therefore does not constitute a taking under Texas Government Code § 2007.043.

COSTS TO REGULATED PERSONS

The proposed amendment does not impose additional costs on regulated persons, including another state agency, a special district, or a local government, and therefore are not subject to Texas Government Code § 2001.0045.

ENVIRONMENTAL IMPACT STATEMENT

The Commission has determined that the proposed amendment does not require an environmental impact analysis because the amendment is not a major environmental rule under Texas Government Code § 2001.0225.

REQUEST FOR PUBLIC COMMENT

Comments on the proposed amendment may be submitted in writing within 30 days of publication of this notice in the *Texas Register* to:

Frank King, General Counsel

Texas Commission on Fire Protection

P.O. Box 2286, Austin, Texas 78768

Email: frank.king@tcfp.texas.gov

STATUTORY AUTHORITY

The proposed amendment is authorized by Texas Government Code §419.008(a), which authorizes the Commission to adopt rules for the administration of its statutory responsibilities.

Cross Reference to Statute: Texas Government Code, Chapter 419.

§439.19. Number of Test Questions.

(a) Each examination may have two types of questions: pilot and active. Pilot questions are new questions placed on the examination for statistical purposes only. These questions do not count against an examinee if answered incorrectly. The maximum possible number of pilot questions will be 10% of the number of exam questions, rounded up.

(b) The number of questions on an examination, sectional examination, or retest will be based upon the specific examination, or number of recommended hours for a particular curriculum or section as shown in the table below. Any pilot questions added to an examination, sectional examination, or retest will be in addition to the number of exam questions.
Figure: 37 TAC §439.19(b)
[~~Figure: 37 TAC §439.19(b)~~]

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 July 2, 2026.

TRD-202602719
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Earliest possible date of adoption: August 16, 2026
For further information, please call: (512) 936-3812

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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 10. COMMUNITY DEVELOPMENT

PART 5. OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM OFFICE

CHAPTER 181. TEXAS LEVERAGE FUND PROGRAM

10 TAC §§181.1 - 181.10

The Office of the Governor, Economic Development and Tourism Office ("Office") adopts the repeal of 10 TAC §§181.1 - 181.10, concerning the Texas Leverage Fund Program, without changes to the proposed text as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1784). The repealed sections will not be republished.

REASONED JUSTIFICATION OF ADOPTED REPEAL

The rules in 10 TAC Chapter 181 implement the Texas Leverage Fund program under a 1992 Master Resolution that expired on August 31, 2022, and was not renewed. The Office has completed the winddown of program operations under that Master Resolution-based framework, and the rules are obsolete. The adopted repeal removes regulations that are no longer necessary.

SUMMARY OF COMMENTS

The Office received no comments regarding the proposed repeal.

STATUTORY AUTHORITY

This repeal is adopted under Texas Government Code §489.002, which authorizes the Office to adopt rules necessary to carry out the purposes of Chapter 489.

CROSS REFERENCE TO STATUTE

The adopted repeal affects Texas Government Code §§489.002 and 489.108. No other statutes, articles, or codes are affected by the adopted repeal.

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 30, 2026.

TRD-202602698

Adriana Cruz
Executive Director
Office of the Governor, Economic Development and Tourism Office
Effective date: July 20, 2026
Proposal publication date: March 20, 2026
For further information, please call: (512) 463-2000

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 103. HEALTH AND SAFETY

SUBCHAPTER CC. COMMISSIONERS RULES CONCERNING SAFE SCHOOLS

19 TAC §103.1209

The Texas Education Agency (TEA) adopts an amendment to §103.1209, concerning mandatory school drills. The amendment is adopted with changes to the proposed text as published in the April 10, 2026 issue of the *Texas Register* (51 TexReg 2339) and will be republished. The adopted amendment implements Senate Bill (SB) 57, 89th Texas Legislature, Regular Session, 2025, by establishing requirements to ensure school systems provide equal access to safety during emergency incidents, required drills, and district-approved exercises for students and district personnel with access and functional needs.

REASONED JUSTIFICATION: Section 103.1209 requires that school districts and open-enrollment charter schools conduct emergency drills in accordance with Texas Education Code (TEC), §37.114.

SB 57, 89th Texas Legislature, Regular Session, 2025, amended TEC, §37.1086, to require the commissioner to establish rules related to accommodations for students with an individualized education program or a plan created under the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504, during a mandatory school drill required under TEC, §37.114. The adopted amendment makes the following changes to implement SB 57.

In subsection (b), definitions were added to align with requirements ensuring equal access to safety for students and staff with disabilities during required drills and emergency events.

New subsection (d) was added to ensure students with access and functional needs participate in required drills, and it provides guidance and considerations for ensuring equal access to safety. Further, in response to public comment, subsection (d)(4)(G) was added at adoption, ensuring input from or briefing individuals with close and continuous contact with students with disabilities (e.g., interpreters, private duty nurses, or those responsible for personal care services).

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began April 10, 2026, and ended May 11, 2026. Following is a summary of the public comments received and agency responses.

Comment: Two community members commented in support of inclusive safety practices, encouraging specific guidance on supporting students with communication needs (e.g., considerations for augmentative and alternative communication (AAC) use, staff training, and sensory considerations).

Response: The agency agrees. Inclusive safety practices mandate equal access to safety for individuals with access and functional needs during mandatory drills, approved exercises, and emergency incidents.

Comment: A Texas school administrator commented that, while the intent of the proposed amendment is understandable, the additional rule language introduces more compliance expectations, thereby risking increased administrative burden without significantly improving student safety outcomes. The commenter further stated that the proposal reflects a continued emphasis on procedural and compliance-driven requirements rather than addressing the more pressing needs of public education.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: A Texas school administrator commented that local school systems are best positioned to design and implement effective safety procedures that account for the unique needs of their students and staff. The commenter stated that state mandates in this area limit local flexibility without clear evidence of added value. The commenter urged the agency to limit changes to only what is required by statute and avoid expanding regulatory requirements that do not directly enhance student safety.

Response: The agency disagrees. TEC, §37.1086, requires the agency to establish, by rule, recommendations and guidelines to ensure that students and staff with access and functional needs have equal access to safety during mandatory drills, approved exercises, and emergency incidents. The amendment fulfills this statutory directive.

Comment: State Representative Mary Gonzalez and Disability Rights Texas suggested the amendment include obtaining input from or briefing individuals with close and continuous contact with students with disabilities (e.g., interpreters, private duty nurses, or those responsible for personal care services).

Response: The agency agrees. This suggestion was incorporated as new subsection (d)(4)(G) at adoption.

Comment: The Texas Council of Administrators of Special Education (TCASE) commented that the definition of individuals with access and functional needs creates confusion because there is no associated mechanism with how to determine if an individual meets the criteria. TCASE further commented that TEC, §37.1086, does not require accommodations for students with disabilities, stating the law directs TEA to develop recommended accommodations for students with disabilities during a mandatory school drill and requires districts to document accommodations for students with disabilities in their emergency operations plans (EOPs).

Response: The agency disagrees and has determined the definition is sufficient as proposed. The definition provided clearly identifies the populations requiring consideration for accommodations in emergency preparedness activities.

Comment: TCASE commented that there is no requirement in SB 57 to discuss emergency procedures with parents in an admission, review, and dismissal (ARD) committee meeting. TCASE stated that including this discussion within the ARD meeting will make ARD committee meetings even longer, potentially removing general and special educators from providing services to students while participating in longer IEP meetings.

Response: The agency disagrees and has determined that the rule is sufficient as proposed. The rule encourages discussions regarding emergency procedures with parents and/or those to standing in parental relation because it strengthens preparedness, coordination, and student-specific safety planning.

Comment: TCASE commented that a multihazard emergency operations plan is commonly referred to as the MEOP versus EOP, as outlined in the proposed rule.

Response: The agency disagrees. EOP is a widely recognized term in safety and security contexts, specifically in emergency management, education, and public sector operations.

Comment: TCASE commented that there is no statutory authority for the proposed language stating that only staff members can assume responsibility for assisting students during drills and emergency situations.

Response: The agency disagrees and has determined the language is sufficient as proposed. Staff members receive training in and subsequently implement emergency response protocols during mandatory drills and emergency events.

Comment: TCASE commented that the proposed rule should provide schools with discretion related to the participation of students with disabilities in drills to minimize disruption for the student.

Response: The agency disagrees and has determined that the rule is sufficient as proposed. Students, including those with disabilities, should participate in mandatory drills because drills are the primary mechanism for teaching and reinforcing the skills necessary to respond safely and effectively during actual emergencies.

Response: The agency disagrees that a change should be made at this time. There may be challenges with estimating average daily attendance (ADA) for certain charter schools. Charter FIRST indicator 16 for the 2026-2027 rating year in Figure 19 TAC §109.1001(f)(2) reflects variations for points based on four groups of ADA. The agency will review information related to this indicator as it relates charter schools with student populations from correctional facilities and residential treatment centers. The agency is willing to make adjustments that are deemed necessary if a charter school submits an appeal for the indicator after the preliminary rating is released. The agency has maintained language as proposed concerning Charter FIRST indicator 16 in the figures in subsection (f)(1) and (2).

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §37.114, which requires the commissioner of education to provide best practices for conducting emergency drills and exercises and to designate the number and type of mandatory school drills to be conducted each semester of the school year; and TEC, §37.1086, as amended by Senate Bill 57, 89th Texas Legislature, Regular Session, 2025, which requires the Texas Education Agency to develop by rule recommendations and guidelines regarding accommodations for a student with an individualized education program or a plan created under the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504, during a mandatory school drill.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §37.114; and §37.1086, as amended by Senate Bill 57, 89th Texas Legislature, Regular Session, 2025.

§103.1209. Mandatory School Drills.

(a) Requirement. Each school system shall conduct emergency safety drills in accordance with Texas Education Code (TEC), §37.114. Drills do not include persons role playing as active aggressors or other simulated threats.

(b) Definitions and related terms. The following words and terms related to drills and exercises, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise. These definitions do not apply to an active threat exercise, which is defined in TEC, §37.1141, and associated rules, if any.

(1) General terms.

(A) Active aggressor--An individual actively engaged in killing or attempting to kill people in a confined and populated area.

(B) Drill--A set of procedures that test a single, specific operation or function. Drills do not include persons role playing as active aggressors or other simulated threats. Drill examples include evacuating for a fire or locking down from an internal threat.

(C) Exercise--An instrument to train for, assess, practice, and improve performance in mitigation, prevention, preparedness, response, and recovery in a risk-free environment. While drills and exercises may overlap in some aspects, discussion-based and operation-based exercises are often more in depth and multi-faceted.

(D) Individuals with access and functional needs--Persons who may have temporary or permanent additional needs in functional areas, including, but not limited to, maintaining independence, communication, transportation, supervision, and medical care, as well as students with an individualized education program (IEP) created under the Individuals with Disabilities Act (20 U.S.C. Section 1400, et seq.) or a plan created under the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504.

(E) School system--This term includes traditional independent or consolidated public school districts and open-enrollment charter schools.

(2) Terms defining the level of exercise.

(A) Full-scale exercise--Typically the most complex and resource-intensive type of exercise. It involves multiple agencies, organizations, and jurisdictions and validates many facets of preparedness. This exercise often includes many players operating under cooperative systems such as the Incident Command System (ICS) or Unified Command. Resources and staff are mobilized as needed. All actions are taken as if the emergency is real. A full-scale exercise is the most time-consuming activity in the exercise continuum and is a multiagency, multijurisdictional effort in which all resources are deployed. A full-scale exercise tests collaborations among the agencies and participants, public information systems, communication systems, and equipment. An Emergency Operations Center is established by either law enforcement or fire services, and the ICS is activated. Because of all the logistics and resources needed for a full-scale exercise, it often takes a year to plan and is not held often. Usually, a school system is not the organizer of such an exercise, but it would play a critical role in both function and potential facility use.

(B) Functional exercise--Designed to validate and evaluate capabilities, multiple functions and/or sub-functions, or interdependent groups of functions. A functional exercise is typically focused on exercising plans, policies, procedures, and staff members involved in management, direction, command, and control functions. It allows participants to practice their specific roles or functions in an emergency. This type of exercise is conducted in a realistic, real-time simulated environment and often includes simulators (individuals who assist with the facilitation of the exercise) and follows a master scenario events list that dictates additional information, occurrences, or activities that affect the exercise scenario.

(C) Seminar exercise--A discussion-based exercise designed to orient participants to new or updated plans, policies, or procedures through informal discussions. Seminar exercises are often used to impart new information and formulate new ideas.

(D) Tabletop exercise--A small group discussion that walks through a scenario and the courses of action a school will need to take before, during, and after an emergency to lessen the impact on the school community. Participants problem-solve together through a detailed discussion of roles, responsibilities, and anticipated courses of action. A tabletop exercise leverages a defined scenario to direct discussion and may need an experienced facilitator depending on the complexity and objectives of the exercise.

(E) Workshop exercise--A type of discussion-based exercise focused on increased participant interaction and achieving or building a product (e.g., plans or policies). A workshop exercise is typically used to test new ideas, processes, or procedures; train groups in coordinated activities; and obtain consensus. A workshop exercise often uses breakout sessions to explore parts of an issue with smaller groups.

(3) Terms defining the type of drill.

(A) Evacuation drill--A response action school systems take to quickly move students and staff from one place to another. The primary objective of an evacuation is to ensure that all staff, students, and visitors can quickly move away from the threat. Evacuation examples include a bomb threat or internal gas leak.

(B) Fire drill--A method of practicing how a building would be vacated in the event of a fire. The purpose of fire drills in buildings is to ensure that everyone knows how to exit safely as quickly as possible.

(C) Lockdown drill--A response action school systems take to secure (close, latch, and lock) interior portions of school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all students, staff, and visitors are secured away from immediate danger.

(D) Secure drill--A response action school systems take to secure (close, latch, and lock) the perimeter of school buildings and grounds during incidents that pose a threat or hazard outside of the school building. This type of drill uses the security of the physical facility to act as protection to deny entry.

(E) Shelter for hazardous materials (hazmat) drill--A response action school systems take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. Affected individuals may be required to move to rooms without windows or to rooms that can be sealed. Examples of a shelter-in-place for hazmat drill include train derailment with chemical release or smoke from a nearby fire.

(F) Shelter for severe weather drill--A response action school systems take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. For severe weather, depending on the type and/or threat level (watch versus warning), affected individuals may be required to move to rooms without windows on the lowest floor possible or to a weather shelter.

(c) Frequency. TEC, §37.114(2), requires the commissioner of education to designate the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills each semester and sixteen drills for the entire school year. Neither this rule, nor the law, precludes a school system from conducting more drills as deemed necessary and appropriate. Following is the required minimum frequency of drills by type.

(1) Secure drill--One per school year.

(2) Lockdown drill--Two per school year (once per semester).

(3) Evacuation drill--One per school year.

(4) Shelter drill (for either severe weather or hazmat)--One per school year.

(5) Fire drill--School systems should consult with the local authority having jurisdiction (e.g., fire marshal) and comply with its requirements and recommendations. If a school system does not have a local authority or has not adopted a fire code, it shall conduct four drills per school year (two per semester).

(d) Equal access. In accordance with TEC, §37.108 and §37.1086, school systems must provide equal access to safety during emergency incidents, required drills, and district-approved exercises for students and district personnel with access and functional needs. Students with access and functional needs must participate in required drills.

(1) School systems must designate a person to ensure each campus has reviewed all IEPs and Section 504 plans to identify students who require accommodations to have access to safety and security during drills and emergency situations.

(2) School systems must acknowledge that all IEP or Section 504 plans for students in the school system who require accommodations to access safety and security during drills and emergency situations are considered when drafting their multihazard emergency operations plan (EOP). Accommodations to ensure access to safety and security must be documented locally and shared with appropriate campus-level personnel and the school system's Safety and Security Committee.

(3) EOP updates must avoid using personal identifying information, in accordance with the Family Educational Rights and Privacy Act.

(4) Ensuring equal access to safety during emergency incidents, required drills, and approved exercises shall include:

(A) incorporating recommendations from the Texas Education Agency's (TEA's) Guidelines for Multihazard Emergency Operations, as posted on the TEA website;

(B) informing and training staff about emergency response protocols and encouraging educators to discuss emergency procedures with parents (or those standing in parental relation) as part of IEP meetings and/or other reviews;

(C) identifying pre-evacuation sites that are accessible to students and staff with disabilities;

(D) developing a schedule of daily activities and classes that identify where students and staff with access needs are located during each period of the day;

(E) planning a primary and secondary evacuation route from each location students and staff members are during the day;

(F) classroom storage of disability-related supplies, assistive equipment, and tools needed during emergency incidents, required drills, or district-approved exercises (e.g., a go kit); and

(G) obtaining input from or briefing individuals with close and continuous contact with students with disabilities (e.g., interpreters, private duty nurses, or those responsible for personal care services).

(5) Only staff members can assume the responsibility of assisting students during drills and emergency situations.

(6) School systems must additionally consider the following:

(A) the classroom location and placement of students with disabilities. School systems should evaluate the accessibility of nearby exits, proximity to the school nurse, and classroom placement in multi-story buildings;

(B) the benefit of incorporating both audible and visual elements in alarm systems for fire, public address systems, severe weather notifications, and lockdown alerts;

(C) the availability of medicines or medical devices during drills and emergency situations. School systems should make alternative arrangements to meet these needs if medicines or medical devices may be unavailable; and

(D) using lessons learned from required drills to identify gaps and update existing multihazard EOPs.

(e) Best practices for conducting drills and exercises. This subsection highlights best practices for conducting drills and exercises. For more information about best practices, refer to Texas School Safety Center guidance.

(1) Drills and exercises should be designed and conducted in accordance with guidance and best practice resources provided by the Texas School Safety Center.

(2) Drill and exercise design should include purpose, goals, and objectives that are stated in plans for each type of drill. Purpose, goals, and objectives should be developed with input from all sectors of the school community. Input in planning should be sought from multiple stakeholder perspectives for each type of drill and exercise, including from:

(A) the school system's School Safety and Security Committee;

(B) first responders;

(C) mental and behavioral health professionals;

(D) students and families; and

(E) staff, including non-traditional teachers, coaches, trade instructors, custodians, and food service workers.

(3) Drill and exercise design elements should include:

(A) physical and psychological safety for all participants;

(B) planning in a trauma-informed manner to maximize learning and to minimize potential trauma for students and staff;

(C) providing advance notification of drills and exercises;

(D) planning for post-drill or after-action reviews of each drill and exercise; and

(E) ensuring drills and exercises are age and developmentally appropriate with the understanding that more complex drills and exercises will require a hierarchy of learning to achieve or obtain more advanced goals or objectives.

(4) Exercises are more complex than drills. It is recommended that school systems start with discussion-based exercises and work up to operation-based exercises. Discussion-based exercises include seminar exercises, tabletop exercises, and workshop exercises. Operation-based exercises include functional exercises and full-scale exercises. Exercises can be used for:

(A) testing and validating policies, plans, procedures, training, equipment, and interagency agreements;

(B) clarifying and training personnel in roles and responsibilities;

(C) improving interagency coordination and communications;

(D) identifying gaps in resources;

(E) improving individual performance; and

(F) identifying opportunities for improvement.

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
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Texas Education Agency
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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 745. LICENSING

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §§745.21, 745.609, 745.615, 745.631, 745.643, 745.683, 745.695, 745.751, 745.775, and 745.8483; new §745.675; and the repeal of §745.601 and §745.607.

Section 745.21 is adopted with changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2589) This rule will be republished.

Sections 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, 745.8483 are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2589). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The adopted rules are necessary to comply with Senate Bill (SB) 1849, 88th Legislature, Regular Session, 2023. SB 1849 created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine, and amended Texas Human Resources Code §§42.056(b), 42.159(c), and 42.206(c). The search engine created by the bill will include findings of reportable conduct by the Texas Education Agency, Texas Juvenile Justice Department, and HHSC Employee Misconduct Registry that were not previously included in background check results received by HHSC Child Care Regulation (CCR). The search engine also includes central registry findings from the Texas Department of Family and Protective Services, but CCR received those central registry findings before the search engine was created and will continue to receive them. CCR is adopting rules to define the search engine required by statute, require CCR's use of the search engine as part of any subject's background check, and clarify that the reportable conduct findings may prevent a person from being present at an operation or affect a person's ability to receive or maintain an administrator's license.

CCR also updated the rules and definitions to provide additional detail regarding background check and licensing procedures and to improve the readability and understanding of the rules.

COMMENTS

The 31-day comment period ended May 26, 2026. HHSC did not receive any comments.

HHSC made minor editorial changes in §745.21 and §745.21(2) to correct punctuation.

Additionally, HHSC is not adopting the proposed changes to division numbers for Subchapter F, Division 7, "Immediate Threat or Danger to the Health or Safety of Children".

SUBCHAPTER A. PRECEDENCE AND DEFINITIONS

DIVISION 2. DEFINITIONS

26 TAC §745.21

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

§745.21. Definitions.

The following terms in this chapter have the following meanings unless the context clearly indicates otherwise:

(1) Abuse--As defined in the Texas Family Code §261.001(1).

(2) Affinity--Related by marriage, as set forth in Texas Government Code §573.024.

(3) Business entity--May include an association, corporation, nonprofit association, nonprofit corporation, nonprofit association with religious affiliation, nonprofit corporation with religious affiliation, limited liability company, political subdivision, or state agency. For purposes of this chapter, this definition does not include any type of "partnership."

(4) Capacity--The maximum number of children that a permit holder may care for at one time.

(5) Caregiver--A person who is counted in the child to caregiver ratio, whose duties include the supervision, guidance, and protection of a child.

(6) CBCU--Centralized Background Check Unit. A subdivision of Child Care Regulation that conducts background checks.

(7) CCR--Child Care Regulation. A department of the Texas Health and Human Services Commission responsible for regulatory oversight of child care operations.

(8) Central registry--A DFPS database of persons who have been found by DFPS to have abused, neglected, or exploited a child.

(9) Child--A person under 18 years old.

(10) Child care facility--An operation defined in Texas Human Resources Code §42.002(3).

(11) Child day care--Taking care of, supervising, teaching, or educating:

(A) a child under 14 years old who is not related to the caregiver, for less than 24 hours a day, in a place other than the child's own home, including taking care of school-age children before or after the regular school day; or

(B) a related child under 14 years old, for less than 24 hours a day, that occurs in the caregiver's or child's home if the care is given:

(i) under the auspices of a listed family home; and

(ii) the caregiver follows the requirements in the Texas Labor Code Chapter 313, including providing care in the child's home only if:

(I) the child or one of the child's siblings is disabled;

(II) the child or one of the child's siblings is under 18 months old;

(III) the child has a parent 18 years old or younger;

(IV) the child has a parent 19 years old, who is in high school working towards a diploma;

(V) the child's parent works during the evening, overnight, or on the weekend and taking the child out of the home would be disruptive to the child; or

(VI) the Texas Workforce Commission determines there are no other child care options available in the community.

(12) Children related to the caregiver--Children described in Texas Human Resources Code §42.002(16).

(13) Client in care--A child or young adult in the care of an operation.

(14) Consanguinity--As defined in Texas Government Code §573.022.

(15) Contiguous--Sharing a common border or located in the same building.

(16) Controlling person--A person described in Texas Human Resources Code §42.002(18).

(17) Criminal history--Information collected by criminal justice agencies about a person's interactions with the criminal justice system, including a person's record of arrests, convictions, and other types of criminal justice involvement.

(18) Days--Calendar days, unless otherwise stated.

(19) Deficiency--Any failure to comply with a statute, administrative rule, minimum standard, condition on a permit, or condition of probation.

(20) Designated finding--A finding in the DFPS central registry against a person (also known as a designated perpetrator) who has not finished challenging the finding through an administrative review, a due process hearing, or other rights of appeal.

(21) Designated perpetrator--A person listed in the DFPS central registry who has a designated finding of child abuse, neglect, or exploitation.

(22) Designee--The person named on the application as the designated representative of the operation who is officially authorized by the owner to speak for and act on the operation's behalf.

(23) DFPS--Texas Department of Family and Protective Services.

(24) DPS--Texas Department of Public Safety.

(25) Employee--Any natural person who works for or has a contract with the permit holder.

(26) Endanger--To expose a child to a situation where physical or mental injury to a child is likely to occur.

(27) Exploitation--As defined in Texas Family Code §261.001(3).

(28) FBI--Federal Bureau of Investigation.

(29) Fingerprint-based criminal history check--A search that compares a subject's fingerprints with the:

(A) DPS database of arrests and dispositions for alleged crimes committed in Texas;

(B) FBI database of arrests and dispositions for alleged crimes committed in the United States and Territories;

(C) DPS database of the Texas sex offender registry; and

(D) FBI database of the National Sex Offender Registry.

(30) Full license--Issued to operate a child care operation after meeting the requirements of this chapter either while maintaining a license or to issue a full license instead of an initial license as described in this chapter.

(31) Full permit--Includes a listing, registration, compliance certification, or a full license.

(32) Governing body--A person or group of persons or officers of a business or governmental entity that has ultimate control over the operation.

(33) Governmental entity--A political subdivision or state agency of Texas.

(34) HHSC--Texas Health and Human Services Commission.

(35) HHSC EMR--The Employee Misconduct Registry maintained by HHSC.

(36) Household member--A person who lives in an operation or verified foster home, who is not a caregiver or client in care.

(37) Initial background check--The first background check that an operation requests for a person.

(38) Initial license--As defined in Texas Human Resources Code §42.051. An initial license is valid for 12 months from the date of issuance; however, CCR may renew an initial license for up to an additional six months.

(39) Licensed administrator--A licensed child care administrator or licensed child placing agency administrator as defined in Texas Human Resources Code §43.001.

(40) Licensing--CCR, which was formerly titled Child Care Licensing.

(41) Minimum standards--Regulatory administrative rules that permit holders must follow to protect the health, safety, and well-being of children. These rules are found in:

(A) Chapter 742 of this title (relating to Minimum Standards for Listed Family Homes);

(B) Chapter 743 of this title (relating to Minimum Standards for Shelter Care);

(C) Chapter 744 of this title (relating to Minimum Standards for School-Age and Before or After-School Programs);

(D) Chapter 746 of this title (relating to Minimum Standards for Child-Care Centers);

(E) Chapter 747 of this title (relating to Minimum Standards for Child-Care Homes);

(F) Chapter 748 of this title (relating to Minimum Standards for General Residential Operations);

(G) Chapter 749 of this title (relating to Minimum Standards for Child-Placing Agencies); and

(H) Subchapter D, Division 11 of this chapter (relating to Employer-Based Child Care).

(42) Name-based Texas criminal history check--A search that compares a subject's name with the:

(A) DPS database of arrests and dispositions for alleged crimes committed in Texas; and

(B) DPS database for the Texas sex offender registry.

(43) National Sex Offender Registry--A national database that has records on persons who are required to register on a jurisdiction's sex offender registry.

(44) Neglect--As defined in the Texas Family Code §261.001(4).

(45) Operation (also known as a child care operation)--Any person or entity that must have a permit according to Texas Human Resources Code Chapter 42.

(46) Out-of-state child abuse and neglect registry check--A search that compares the subject's name with another state's or territory's database of persons who have been found to have abused or neglected a child.

(47) Out-of-state criminal history check--A search that compares the subject's name or fingerprints with another state's or territory's database of arrests and dispositions for crimes committed in the other state or territory.

(48) Out-of-state sex offender registry check--A search that compares the subject's name with another state's or territory's sex offender registry.

(49) Owner--The sole proprietor, partnership, or business or governmental entity that owns an operation that is subject to CCR's regulation.

(50) Parent--A person or entity that has legal responsibility for or legal custody of a child, including the managing conservator or legal guardian of the child or a legally authorized representative of an entity with managing conservatorship of the child.

(51) Permit--A license, certification, registration, listing, compliance certificate, or any other written authorization granted by CCR to operate a child care operation. This also includes an administrator's license.

(52) Permit holder--The owner of the operation that is granted the permit.

(53) Pre-kindergarten age child--A child who is three or four years of age before the beginning of the current school year.

(54) Present at an operation--A person is present at an operation if the person has or may have contact with children in care. This includes:

(A) the person is physically present at an operation while any child is in care, unless the person is present for the sole purpose of attending orientation or pre-service training or is briefly present for business unrelated to child care and does not have contact with children in care;

(B) the person has responsibilities that may require the person to be present at an operation while any child is in care;

(C) the person resides at an operation or is present at an operation on a regular or frequent basis; or

(D) the person has direct access to any child in care, including supervised or unsupervised direct access to any child.

(55) Program--Activities and services provided by an operation.

(56) Regularly or frequently present at an operation--Visiting the operation often, at regular times, or consistently over time.

(A) A person is regularly or frequently present at an operation if the person:

(i) is present at the operation on a scheduled basis;

(ii) visits the operation three or more times in a 30-day period, with each visit being less than 24 hours, and with multiple or repeated visits to an operation within the same day counting as one visit;

(iii) stays or lives at the operation for more than seven days in a row; or

(iv) stays or lives at the operation three or more times per year, with each stay being more than 48 hours.

(B) For foster homes, the following persons are not considered to be regularly or frequently present at a foster home:

(i) a child unrelated to a foster parent who visits the foster home, unless:

(I) the child is responsible for the care of a foster child; or

(II) there is a reason to believe that the child has a criminal history or previously abused or neglected another child; and

(ii) an adult unrelated to a foster parent who visits the foster home, unless:

(I) the adult has unsupervised access to children in care; or

(II) there is a reason to believe that the adult has a criminal history or previously abused or neglected a child.

(C) For a child day care operation, a parent is not considered regularly or frequently present at the operation only because the parent is visiting his or her child. A parent is considered regularly or frequently present at the operation if the parent volunteers at the operation.

(57) Regulation--Includes the following:

(A) the development of administrative rules, including minimum standards, as provided by statutory authority; and

(B) the enforcement of requirements that are minimum standards, administrative rules, statutes, or any condition or restriction HHSC has placed on a permit. Anyone providing or seeking to provide care or a service that is subject to regulation must comply with all applicable requirements. This includes a permit holder, an applicant for a permit, and anyone providing care or a service without the appropriate permit.

(58) Renewal background check--A background check that an operation requests for a person who has already had an initial background check at the operation.

(59) Report--Any communication to CCR or DFPS, including the Statewide Intake division of DFPS, of:

(A) an allegation of a violation of a minimum standard, rule, or statute; or

(B) any other possible risk to a child in the care of an operation that is subject to CCR's regulation.

(60) Residential child care--The care, custody, supervision, assessment, training, education, or treatment of a child who is not related by blood, marriage, or adoption to the owner or operator of the operation, for all of the 24-hour day, regardless of whether the operation is operated for profit or charges for the services it offers.

(61) Risk evaluation--A CBCU process to determine if a person's background check results will allow the person to be present at an operation.

(62) SEMARC--Search Engine for Multi-Agency Reportable Conduct as established by Texas Health and Safety Code Chapter 810. For CCR background check processes, a DFPS central registry check is separate from a SEMARC check.

(63) SEMARC finding--Result of a SEMARC check that shows the determination by a participating state agency that a person engaged in reportable conduct as defined in Texas Health and Safety Code §810.001(6), and any information about the determination recorded in SEMARC.

(64) School-age child--A child who is five years of age or older and is enrolled in or has completed kindergarten.

(65) State Office of Administrative Hearings (SOAH)--The state agency responsible for conducting certain administrative hearings for other state agencies, including HHSC.

(66) Subject of a background check--A person for whom the operation submits a request for a background check.

(67) Substitute--A person who fills in for an absent employee or caregiver at an operation.

(68) Sustained finding--A finding in the DFPS central registry against a person (also known as a sustained perpetrator) who has been offered due process, and:

(A) the person has waived the person's due process rights by not requesting an administrative review and a due process hearing timely or by waiving those rights in writing; or

(B) the child abuse, neglect, or exploitation finding was upheld in the due process hearing and any subsequent appeals.

(69) Sustained perpetrator--A person listed in the DFPS central registry who has a sustained finding of abuse, neglect, or exploitation of a child.

(70) TEA--Texas Education Agency.

(71) Texas sex offender registry--A registry maintained by DPS that contains records on persons who are required to register as sex offenders in Texas.

(72) TJJD--Texas Juvenile Justice Department.

(73) Unsupervised access--Access to a child in care without the presence of another person who is a qualified caregiver.

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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Karen Ray
Chief Counsel
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SUBCHAPTER F. BACKGROUND CHECKS
DIVISION 1. DEFINITIONS

26 TAC §745.601

STATUTORY AUTHORITY

The repealed section is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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26 TAC §745.609, §745.615

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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DIVISION 2. REQUESTING BACKGROUND CHECKS

26 TAC §745.607

STATUTORY AUTHORITY

The repealed section is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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26 TAC §745.631, §745.643

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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DIVISION 3. CRIMINAL HISTORY, SEX OFFENDER REGISTRY, CHILD ABUSE OR NEGLECT, AND SEMARC FINDINGS

26 TAC §745.675

STATUTORY AUTHORITY

The new section is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas

Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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DIVISION 4. EVALUATION OF RISK BECAUSE OF A FINDING

26 TAC §745.683, §745.695

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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DIVISION 6. IMMEDIATE THREAT OR DANGER TO THE HEALTH OR SAFETY OF CHILDREN

26 TAC §745.751

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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DIVISION 7. ADMINISTRATOR'S LICENSING

26 TAC §745.775

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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 July 2, 2026.

TRD-202602715
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 31, 2026
Proposal publication date: April 24, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER K. INSPECTIONS, INVESTIGATIONS, AND CONFIDENTIALITY DIVISION 3. CONFIDENTIAL RECORDS

26 TAC §745.8483

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the adoption of rule changes relating to §§745.21, 745.601, 745.607, 745.609, 745.615, 745.631, 745.643, 745.675, 745.683, 745.695, 745.751, 745.775, and 745.8483 are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules and minimum standards related to required qualifications and background checks of employees at regulated facilities.

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 July 2, 2026.

TRD-202602716

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: August 31, 2026

Proposal publication date: April 24, 2026

For further information, please call: (512) 438-3269

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SUBCHAPTER C. OPERATIONS THAT ARE EXEMPT FROM REGULATION DIVISION 2. EXEMPTIONS FROM REGULATION

26 TAC §745.115

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §745.115, concerning Programs and Facilities Regulated by Other Governmental Entities Exempt from CCR Regulation; and §745.273, concerning Public Notices and Hearings for Certain General Residential Operations.

Section 745.115 is adopted with changes to the proposed text as published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2006). This rule will be republished.

Section 745.273 is adopted without changes to the proposed text as published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2006). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to comply with House Bill (HB) 4529 and HB 3597, 89th Legislature, Regular Session, 2025.

HB 4529 amended Texas Human Resources Code (HRC) §42.041(b) to add exemptions to regulation by HHSC Child Care Regulation (CCR) for the following entities that are regulated by the United States Department of Defense: (1) a child care facility located on a federal military base or other federal property; and (2) a military family child care provider.

HB 3597 amended HRC §42.0461(a), which requires certain residential child care facilities to hold a public hearing before expanding capacity or receiving a license or certificate if the residential child care facilities are located in a county with a population of less than 500,000. Previously, the statutory language set the population threshold for public hearings at 300,000.

The amendments (1) add a regulatory exemption for a child care facility located on a federal military base or other federal property that has a certificate required by HRC §42.041(b)(26); (2) add a regulatory exemption for a child care home operated by a military family child care provider that has a certificate required by HRC §42.041(b)(27); and (3) update the population threshold triggering the public hearing requirement for a general residential operation (GRO) from 300,000 to 500,000. The amendments also remove duplicative content and improve the readability and understanding of the rules.

COMMENTS

The 31-day comment period ended April 27, 2026.

HHSC received one comment regarding the proposed rule from one individual. The individual responded "ok" to the proposal.

HHSC made minor editorial changes in §745.115 to remove hyphens in the terms "child care" and "elementary age."

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the amendments are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules to carry out provisions related to regulatory exemptions and public hearing requirements.

§745.115. Programs and Facilities Regulated by Other Governmental Entities Exempt from CCR Regulation.

The following programs and facilities regulated by other governmental entities are exempt from Child Care Regulation (CCR).

(1) Programs and facilities regulated by federal or tribal governmental entities, including:

(A) a child care facility located on:

(i) a federal military base or other federal property that has a certificate to operate issued by the United States Department of Defense, as required by Texas Human Resources Code (HRC) §42.041(b)(26); or

(ii) an Indian reservation;

(B) a program that provides 24-hour care only for persons not lawfully present in the United States who are in federal government custody; or

(C) a military family child care provider that has a certificate to operate issued by the United States Department of Defense, as required by HRC §42.041(b)(27).

(2) Programs and facilities regulated by other state governmental entities, including:

(A) a facility operated by the Texas Juvenile Justice Department;

(B) a facility providing services solely for the Texas Juvenile Justice Department;

(C) any other correctional facility for children operated or regulated by another state agency or political subdivision;

(D) a youth camp licensed by the Texas Department of State Health Services; and

(E) a youth camp exempt from licensure by the Texas Department of State Health Services under Texas Health and Safety Code §141.0021.

(3) An elementary age recreation program for children ages 5 through 13 that meets the requirements in HRC§42.041(b)(14).

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 30, 2026.

TRD-202602696
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: July 20, 2026
Proposal publication date: March 27, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER D. APPLICATION PROCESS
DIVISION 4. GENERAL RESIDENTIAL OPERATIONS PUBLIC NOTICE AND HEARING REQUIREMENTS

26 TAC §745.273

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the amendments are authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules to carry out provisions related to regulatory exemptions and public hearing requirements.

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

Filed with the Office of the Secretary of State on June 30, 2026.

TRD-202602697
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: July 20, 2026
Proposal publication date: March 27, 2026
For further information, please call: (512) 438-3269

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 435. FIRE FIGHTER SAFETY

37 TAC §435.33

The Texas Commission on Fire Protection (Commission) adopts new 37 TAC §435.33, concerning Occupational Cancer Screening for Firefighters, without changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2884). The rule will not be republished.

JUSTIFICATION FOR RULE ACTION

The Commission adopts this new section to implement the requirements of House Bill 198 (88th Legislature, Regular Session, 2023), known as the Wade Cannon Act. The new section establishes minimum requirements for regulated entities to offer confidential occupational cancer screenings to firefighters, develop and maintain a standard operating procedure to ensure firefighters are offered confidential occupational cancer screenings, and submit an alternative occupational medical examination plan to the Commission when the entity elects not to provide the required screenings. The rule promotes the early detection of occupational cancers and establishes consistent minimum standards for compliance with Texas Local Government Code, Chapter 180.

HOW THE RULE WILL FUNCTION

As adopted, §435.33 requires regulated entities to assess occupational health risks associated with firefighting duties and to develop and maintain a standard operating procedure ensuring that each firefighter is offered a confidential occupational cancer screening at no cost beginning no later than the firefighter's fifth year of employment and annually thereafter. The rule establishes the minimum screening components, allows regulated entities to submit an alternative occupational medical examination plan that meets statutory requirements, and requires the standard operating procedure, any alternative plan, and confirmation of compliance to be made available to the Commission for inspection.

SUMMARY OF COMMENTS

No comments were received regarding adoption of this new section.

STATUTORY AUTHORITY

The new section is adopted under Texas Government Code, §419.008, which grants the Texas Commission on Fire Protection the authority to adopt rules necessary to carry out the Commission's powers and duties. The new section also implements Texas Local Government Code, §180.011.

No other statutes, articles, or codes are 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.

Filed with the Office of the Secretary of State on July 2, 2026.

TRD-202602718
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: July 22, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 936-3812

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 702. GENERAL ADMINISTRATION

SUBCHAPTER F. ADVISORY COMMITTEES

The Department of Family and Protective Services (DFPS) adopts the amended rule §702.501, the repealed §702.507 and §702.509 rules, and the new rule §702.517, in Title 40, Texas Administrative Code (TAC), Part 19, Chapter 702, Subchapter F, relating to the Department of Family Protective Services' Advisory Committees. The proposal was published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2887). The amended, repealed, and new rules are adopted without changes to the proposed text and will not be republished.

BACKGROUND AND JUSTIFICATION

The amended, repealed, and new rules aim to establish a new advisory committee, Partners for Children and Families (PCFC); repeal two existing advisory committees, the Committee on Advancing Residential Practices (CARP) and Public Privacy Partnership (PPP); and make minor clarifying changes to general provisions about advisory committees not being governmental bodies as defined by Chapter 551 of the Governmental Code.

COMMENTS

The 30-day comment period ended May 31, 2026. During this period, DFPS received comments from 2 commenters: Texas Alliance of Child and Family Services and Amanda Boyd, Executive Director of The Sanctuary Foster Care Services. A summary of comments relating to the rules and DFPS's responses follows.

Comment: The Texas Alliance of Child and Family Services commented as follows:

Section 702.517 Partners for Children and Families (PCFC):

- For subsection (b), although adult protection is a critical role of DFPS, there is a lack of clarity regarding how "related systems of adult protection" fit into the purpose of the PCFC. Suggest defining "related systems of adult protection", especially as "related systems of adult protection" are not included elsewhere in the proposed rules and it is unclear how "related systems of adult protection" should be included in recommendations to the department regarding the evolution of the child protection system to its model of Community-Based Care and the child protection system at large. Also, the proposed language regarding PCFC membership does not explicitly include representatives from "related systems of adult protection".

- For subsection (g)(3), suggest specifically adding parents with living experience with the child protection system in the list of individuals who may be members to elevate the importance of including these voices in shaping policy and practice improvements.

- For subsection (g)(3)(E), suggest adding "adoptive parents".

- For subsection (g), suggest including a youth formerly in foster care as a mandatory PCFC member to ensure this perspective is always included in discussions regarding policy and practice improvements.

- For subsection (m), suggest adding language that would require the bylaws to include provisions for member recusal and replacement and to designate who holds accountability for ensuring PCFC members and subcommittee members adhere to attendance and participation requirements.

Response: DFPS appreciates the comments but declines to revise the rule in response to these comments. DFPS recognizes the importance of including varied perspectives. Section 702.517(g)(2) provides that the DFPS Review Committee will recommend a committee of stakeholders with varying interests. Discretionary appointments allow the Commissioner to appoint a balanced committee. Also, section 702.517(g) provides that membership "may include" individuals from the listed stakeholder categories including former foster youth, foster parents and kinship parents, child welfare advocacy groups, and other child welfare stakeholders as determined by the Commissioner. The list is permissive and inclusive, not exclusive. Government Code section 311.005(13) provides that 'includes' and 'including' are terms of enlargement and not limitation. Therefore, the rule allows the Commissioner to consider adoptive and biological parents with lived experience as well as former foster youth when making appointments to the PCFC. In fact, former foster youth are already identified as a category of individuals who may serve on the PCFC.

Section 702.517(m) requires the PCFC to adopt bylaws to "further govern PCFC practices, including but not limited to, attendance requirements, meeting notices, subcommittees, recommendations, conflicts of interest and administration." The bylaws are the appropriate place to address procedural matters such as these. The rule allows the PCFC to govern its practices and accountability through bylaws which are deliberated upon and adopted by the committee. This provides the PCFC with flexibility to establish procedures that support the committee's work and address self-governance issues. Furthermore, section 702.517(h) requires members "be willing to devote the time necessary to attend and participate in meetings" and section 707.517(i)(3) provides that "members serve at the pleasure of the DFPS Commissioner."

The PCFC's primary advisory role is to study and make recommendations to DFPS regarding the evolution of the child protection system to Community Based Care and the child protection system at large. The phrase 'related systems of adult protection' is intended to recognize that issues affecting children and families may intersect with adult protection related issues. One of the PCFC's tasks is to seek and receive public comment on proposed rules, make recommendations, and perform other tasks consistent with its purpose. Because DFPS proposed rules may involve or affect more than one DFPS program, including that of adult protective services, the reference to related systems of adult protection is appropriate. The phrase is only used in the purpose statement and does not create a separate task or duty for the PCFC.

Comment: Amanda Boyd, Executive Director of The Sanctuary Foster Care Services commented as follows:

I think they should add a biological parent that has interacted with the department and adoptive parents as possible members for the committee. With given the recent testimony from Velentino a former foster youth at the last two meetings, I am wondering if a former foster youth should be a mandatory appointment to the committee.

With the importance of the committee and its purpose, what do the by-laws say would constitute a member being recused from the committee and replaced? Who holds accountability to the by-laws for attendance and participation requirements.

Response: DFPS appreciates the comments but declines to revise the rule in response to these comments. DFPS recognizes the importance of including varied perspectives. Section 702.517(g)(2) provides that the DFPS Review Committee will recommend a committee of stakeholders with varying interests. Discretionary appointments allow the Commissioner to appoint a balanced committee. Also, section 702.517(g) provides that membership "may include" individuals from the listed stakeholder categories including former foster youth, foster parents and kinship parents, child welfare advocacy groups, and other child welfare stakeholders as determined by the Commissioner. The list is permissive and inclusive, not exclusive. Government Code section 311.005(13) provides that 'includes' and 'including' are terms of enlargement and not limitation. Therefore, the rule allows the Commissioner to consider adoptive and biological parents with lived experience as well as former foster youth when making appointments to the PCFC. In fact, former foster youth are already identified as a category of individuals who may serve on the PCFC.

Section 702.517(m) requires the PCFC to adopt bylaws to "further govern PCFC practices, including but not limited to, attendance requirements, meeting notices, subcommittees, recommendations, conflicts of interest and administration." The bylaws are the appropriate place to address procedural matters such as these. The rule allows the PCFC to govern its practices and accountability through bylaws which are deliberated upon and adopted by the committee. This provides the PCFC with flexibility to establish procedures that support the committee's work and address self-governance issues. Furthermore, section 702.517(h) requires members "be willing to devote the time necessary to attend and participate in meetings" and section 707.517(i)(3) provides that "members serve at the pleasure of the DFPS Commissioner."

40 TAC §702.501

STATUTORY AUTHORITY

Texas Human Resources Code Section 40.030 allows the DFPS commissioner or the commissioner's designee to appoint advisory committees in accordance with Chapter 2110, Texas Government Code. Chapter 2110 of the Government Code requires the commissioner to adopt rules when establishing advisory committees.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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 July 1, 2026.

TRD-202602704
Sanjuanita Maltos
Rules Coordinator
Department of Family and Protective Services
Effective date: July 21, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 945-5978

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40 TAC §702.507, §702.509

Texas Human Resources Code Section 40.030 allows the DFPS commissioner or the commissioner's designee to appoint advisory committees in accordance with Chapter 2110, Texas Government Code. Chapter 2110 of the Government Code requires the commissioner to adopt rules when establishing advisory committees.

The repealed rules are adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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 July 1, 2026.

TRD-202602705
Sanjuanita Maltos
Rules Coordinator
Department of Family and Protective Services
Effective date: July 21, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 945-5978

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40 TAC §702.517

Texas Human Resources Code Section 40.030 allows the DFPS commissioner or the commissioner's designee to appoint advisory committees in accordance with Chapter 2110, Texas Government Code. Chapter 2110 of the Government Code requires the commissioner to adopt rules when establishing advisory committees.

The new rule is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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 July 1, 2026.

TRD-202602706

Sanjuanita Maltos
Rules Coordinator
Department of Family and Protective Services
Effective date: July 21, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 945-5978

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Texas

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

Texas Education Agency

Title 19, Part 2

Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 149, Commissioner's Rules Concerning Educator Standards, Subchapter AA, Teacher Standards, and Subchapter BB, Administrator Standards, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 149 continue to exist. The public comment period on the review begins July 17, 2026, and ends August 17, 2026. A form for submitting public comments on the proposed rule review is available on the TEA website at https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review.

TRD-202602757
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 6, 2026

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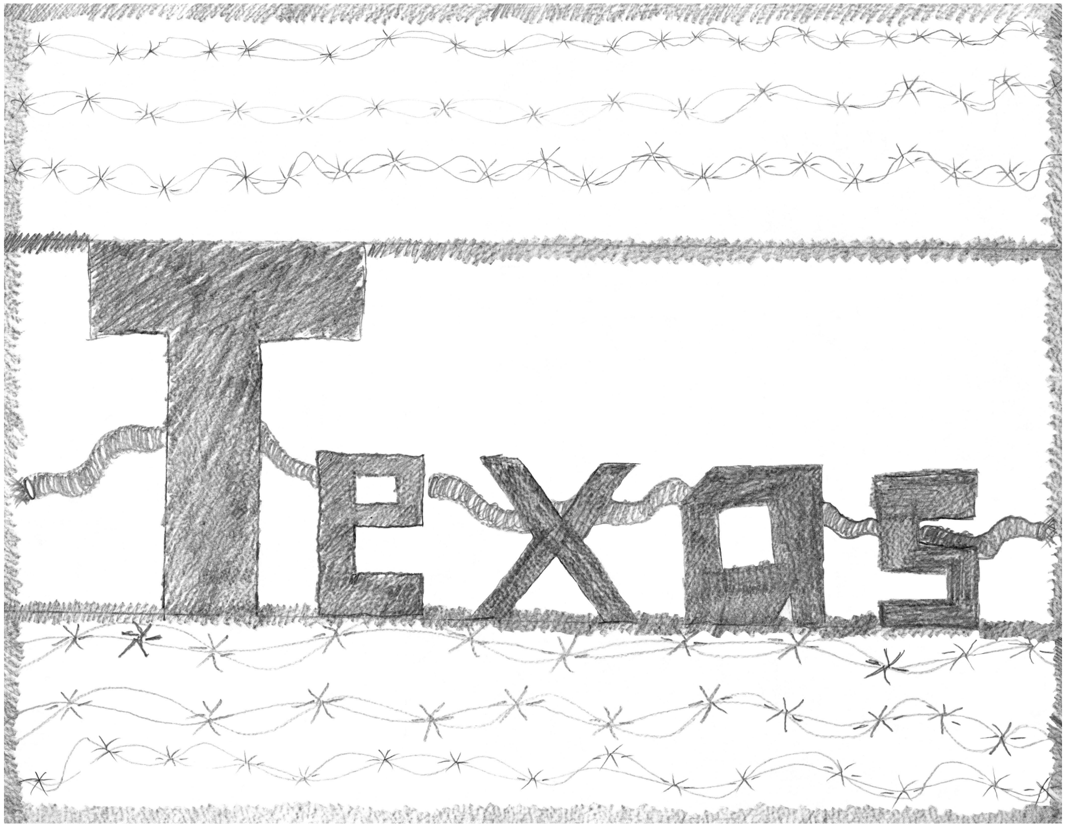
Texas

TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 37 TAC §439.19(b)

NUMBER OF TEST QUESTIONS

37 TAC §439.19(b) – Examinations For On-Site Delivery Training

Examination	Section	Number of Exam Questions	Maximum Possible Number of Pilot Questions	Time Allowed (Hours)
Combined Basic Structure ~~[FB]~~ Firefighter	Hazardous Materials Awareness	25		
	Hazardous Materials Operations	25		
	Firefighter I	100		
	Firefighter II	75		
	TOTAL	**225**	**25**	**4.5 ~~[Hours]~~**
Combined Hazmat Awareness & Operations	Hazmat Awareness	25		
	Hazmat Operations	50		
	TOTAL	**75**	**8**	**1.5**
Combined Firefighter I & Firefighter II	Firefighter I	100		
	Firefighter II	75		
	TOTAL	**175**	**15**	**3.0**
Sectional Exams	Hazardous Materials Awareness	50	5	1.0
	Hazardous Materials Operations	50	5	1.0
	Firefighter I	100	10	2.0
	Firefighter II	75	8	1.5
Basic Fire Inspector	Basic Fire Inspector	100	10	2.0
FOR ALL OTHER EXAMINATIONS, SECTIONAL EXAMINATIONS, AND RETESTS				
	Recommended Hours	Number of Exam Questions	Maximum Possible Number of Pilot Questions	Time Allowed (Hours)
IF THE RECOMMENDED HOURS FOR THE CURRICULUM OR SECTION IS:	Less than 30	25	3	0.5 ~~[30 Minutes]~~
	31 to 100	50	5	1.0 ~~[Hours]~~
	101 to 200	75	8	1.5 ~~[Hours]~~
	201 to 300	100	10	2.0 ~~[Hours]~~
	301 to 400	125	13	2.5 ~~[Hours]~~
	401 or More	150	15	3.0 ~~[Hours]~~

IN ADDITION

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/13/26-07/19/26 is 18.00% for consumer[1] credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/13/26-07/19/26 is 18.00% for commercial[2] credit.

[1] Credit for personal, family, or household use.

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

TRD-202602787
Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: July 8, 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 **August 17, 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 **August 17, 2026**. Written comments may also be sent to the enforcement coordinator by email to 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: 4-S Manufacturing Texas Limited Liability Company; DOCKET NUMBER: 2026-0119-WQ-E; IDENTIFIER: RN100889872; LOCATION: Hempstead, Waller County; TYPE OF FACILITY: concrete batch plant; PENALTY: $16,000; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-2545; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(2) COMPANY: 7-Eleven, Inc.; DOCKET NUMBER: 2026-0342-PWS-E; IDENTIFIER: RN112288220; LOCATION: Ponder, Denton County; TYPE OF FACILITY: public water supply; PENALTY: $10,875; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(3) COMPANY: Aleezeh Investment Inc; DOCKET NUMBER: 2025-1758-PWS-E; IDENTIFIER: RN110822814; LOCATION: Lakehills, Bandera County; TYPE OF FACILITY: public water supply; PENALTY: $1,650; ENFORCEMENT COORDINATOR: Ilia Perez Ramirez, (512) 239-2556; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(4) COMPANY: City of Athens; DOCKET NUMBER: 2022-1177-MWD-E; IDENTIFIER: RN103015319; LOCATION: Athens, Henderson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $62,475; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $49,980; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(5) COMPANY: City of Cisco; DOCKET NUMBER: 2025-0179-MWD-E; IDENTIFIER: RN102186533; LOCATION: Cisco, Eastland County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $9,989; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $7,992; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(6) COMPANY: City of Clarendon; DOCKET NUMBER: 2026-0076-MSW-E; IDENTIFIER: RN103009239; LOCATION: Clarendon, Donley County; TYPE OF FACILITY: transfer station; PENALTY: $3,375; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(7) COMPANY: City of Henderson; DOCKET NUMBER: 2026-0575-PWS-E; IDENTIFIER: RN101257400; LOCATION:

Henderson, Rusk County; TYPE OF FACILITY: public water supply; PENALTY: $2,625; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(8) COMPANY: City of Mart; DOCKET NUMBER: 2024-0834-MWD-E; IDENTIFIER: RN110369188; LOCATION: Mart, McClennan County; TYPE OF FACILITY: surface water treatment plant; PENALTY: $7,950; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $6,360; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(9) COMPANY: City of Shenandoah; DOCKET NUMBER: 2026-0074-WQ-E; IDENTIFIER: RN105552582; LOCATION: Shenandoah, Montgomery County; TYPE OF FACILITY: municipal separate storm sewer system; PENALTY: $9,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $7,200; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(10) COMPANY: Community Mortuary Services, LLC; DOCKET NUMBER: 2024-0688-AIR-E; IDENTIFIER: RN106085657; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: human and animal crematory; PENALTY: $33,128; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: DCP Operating Company, LP; DOCKET NUMBER: 2025-0599-AIR-E; IDENTIFIER: RN102553898; LOCATION: Sonora, Sutton County; TYPE OF FACILITY: natural gas plant; PENALTY: $9,563; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(12) COMPANY: EagleClaw Midstream Ventures, LLC; DOCKET NUMBER: 2025-0097-AIR-E; IDENTIFIER: RN110948502; LOCATION: Orla, Culberson County; TYPE OF FACILITY: natural gas compressor station; PENALTY: $9,375; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(13) COMPANY: Eloy Martinez Salazar and Maria De Los Angeles Perez Salazar; DOCKET NUMBER: 2025-1741-PST-E; IDENTIFIER: RN102253010; LOCATION: Hebbronville, Jim Hogg County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $7,712; ENFORCEMENT COORDINATOR: Ramyia Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: EnLink North Texas Gathering, LP; DOCKET NUMBER: 2025-0035-AIR-E; IDENTIFIER: RN111335634; LOCATION: Lenorah, Martin County; TYPE OF FACILITY: oil and gas handling site; PENALTY: $6,626; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(15) COMPANY: Express Towing Inc; DOCKET NUMBER: 2026-0143-AIR-E; IDENTIFIER: RN112246087; LOCATION: Houston, Harris County; TYPE OF FACILITY: automotive repair and refinishing facility; PENALTY: $2,625; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(16) COMPANY: Harris County Water Control and Improvement District No. 92; DOCKET NUMBER: 2025-0647-MWD-E; IDENTIFIER: RN102097813; LOCATION: Spring, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $20,313; ENFORCEMENT COORDINATOR: Bethany Batchelor, (713) 767-3586; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(17) COMPANY: International Extrusion Corporation-Texas; DOCKET NUMBER: 2025-1065-IHW-E; IDENTIFIER: RN102799947; LOCATION: Waxahachie, Ellis County; TYPE OF FACILITY: manufacturing business; PENALTY: $67,589; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(18) COMPANY: Jagodik Investments, LLC; DOCKET NUMBER: 2026-0503-PWS-E; IDENTIFIER: RN111833885; LOCATION: New Braunfels, Comal County; TYPE OF FACILITY: public water supply; PENALTY: $3,000; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(19) COMPANY: Kinder Morgan Production Company LLC; DOCKET NUMBER: 2024-1608-AIR-E; IDENTIFIER: RN102170966; LOCATION: Snyder, Scurry County; TYPE OF FACILITY: natural gas plant; PENALTY: $45,000; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(20) COMPANY: Kyle Erwin Construction, LLC; DOCKET NUMBER: 2024-0481-WQ-E; IDENTIFIER: RN111058798; LOCATION: Boyd, Wise County; TYPE OF FACILITY: construction site; PENALTY: $9,250; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(21) COMPANY: LaPorte Rail and Terminal, LLC; DOCKET NUMBER: 2026-0314-AIR-E; IDENTIFIER: RN100225085; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $8,550; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,420; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(22) COMPANY: Lancaster Regional Hospital, L.P.; DOCKET NUMBER: 2023-1537-PST-E; IDENTIFIER: RN101434447; LOCATION: Lancaster, Dallas County; TYPE OF FACILITY: hospital emergency generator; PENALTY: $8,232; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(23) COMPANY: Latham Springs Camp and Retreat Center; DOCKET NUMBER: 2026-0703-PWS-E; IDENTIFIER: RN101260099; LOCATION: Aquilla, Hill County; TYPE OF FACILITY: public water supply; PENALTY: $250; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(24) COMPANY: OAKBEND MEDICAL CENTER; DOCKET NUMBER: 2026-0438-PST-E; IDENTIFIER: RN102402765; LOCATION: Wharton, Wharton County; TYPE OF FACILITY: underground storage system; PENALTY: $1,875; ENFORCEMENT COORDINATOR: Julie Nieto, (512) 239-2539; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(25) COMPANY: Parker County; DOCKET NUMBER: 2025-1130-WQ-E; IDENTIFIER: RN105457998; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: municipal separate storm system; PENALTY: $17,500; ENFORCEMENT COORDINATOR: Cynthia Sidoa, (713) 767-3525; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(26) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2025-0664-AIR-E; IDENTIFIER: RN102495884; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: petroleum refinery; PENALTY: $85,425; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $42,712; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(27) COMPANY: Red River Authority of Texas; DOCKET NUMBER: 2023-1517-PWS-E; IDENTIFIER: RN101220622; LOCATION: Childress, Childress County; TYPE OF FACILITY: public water supply; PENALTY: $1,550; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $1,240; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(28) COMPANY: Royal Independent School District; DOCKET NUMBER: 2022-1285-MWD-E; IDENTIFIER: RN101526531; LOCATION: Pattison, Waller County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $5,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $4,000; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(29) COMPANY: SDC Austin LLC; DOCKET NUMBER: 2025-1897-MLM-E; IDENTIFIER: RN111478590; LOCATION: Round Rock, Williamson County; TYPE OF FACILITY: construction site; PENALTY: $11,250; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(30) COMPANY: Six Flags Entertainment Corporation; DOCKET NUMBER: 2026-0100-PST-E; IDENTIFIER: RN100642198; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: fleet refueling facility; PENALTY: $16,500; ENFORCEMENT COORDINATOR: Sujata Sinha, (512) 239-1963; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(31) COMPANY: T & W Water Service Company; DOCKET NUMBER: 2025-1313-PWS-E; IDENTIFIER: RN101281012; LOCATION: Pinehurst, Montgomery County; TYPE OF FACILITY: public water supply; PENALTY: $3,533; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(32) COMPANY: Tomball Independent School District; DOCKET NUMBER: 2025-0284-IHW-E; IDENTIFIER: RN100705680; LOCATION: Tomball, Harris County; TYPE OF FACILITY: generator; PENALTY: $11,375; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(33) COMPANY: Tyson Farms, Inc.; DOCKET NUMBER: 2025-0840-IWD-E; IDENTIFIER: RN101514636; LOCATION: Center, Shelby County; TYPE OF FACILITY: poultry slaughtering and processing facility; PENALTY: $22,500; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(34) COMPANY: UMC Energy Solutions, Inc.; DOCKET NUMBER: 2025-0136-AIR-E; IDENTIFIER: RN105629901; LOCATION: Joshua, Johnson County; TYPE OF FACILITY: oil and gas equipment manufacturing facility; PENALTY: $13,500; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(35) COMPANY: Vopak Industrial Infrastructure Americas Freeport, LLC; DOCKET NUMBER: 2024-0245-AIR-E; IDENTIFIER: RN111204632; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical and petroleum products storage facility; PENALTY: $40,876; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $16,350; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(36) COMPANY: Yoakum County; DOCKET NUMBER: 2025-1177-MSW-E; IDENTIFIER: RN101478360; LOCATION: Plains, Yoakum County; TYPE OF FACILITY: landfill; PENALTY: $4,813; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,851; ENFORCEMENT COORDINATOR: Kensington Mikulenka, (512) 239-4675; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202602774
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: July 7, 2026

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Enforcement Orders

An agreed order was adopted regarding WHITENER ENTERPRISES, INCORPORATED, Docket No. 2022-1683-PST-E on July 7, 2026 assessing $3,600 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Misty James, 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 KORRAL FUEL DISTRIBUITORS LLC, Docket No. 2023-1194-PST-E on July 7, 2026 assessing $4,511 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting A'twar Wilkins, 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 EXPLORER PIPELINE COMPANY dba Port Arthur Station, Docket No. 2024-1037-IHW-E on July 7, 2026 assessing $2,750 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 the City of Mingus, Docket No. 2025-0120-PWS-E on July 7, 2026 assessing $3,168 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.

TRD-202602786
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 8, 2026

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Notice of District Petition - D-04222026-059

Notice issued July 6, 2026

TCEQ Internal Control No. D-04222026-059: Kingsland LAG, LLC, an Oklahoma limited liability company, (Petitioner) filed a petition for creation of Kingsland Commons Municipal Utility District (District) of Burnet County with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Legacy Bank, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 48.674 acres of land located within Burnet County, Texas; and (4) none of the land to be included within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a wastewater collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises of such additional facilities as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately $7,309,880 ($3,638,268 for water, wastewater, and drainage plus $3,671,612 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 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.

TRD-202602782
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 7, 2026

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Notice of District Petition - D-06112026-028

Notice issued July 7, 2026

TCEQ Internal Control No. D-06112026-028: Ayler Land Investment LLC, a Texas limited liability company (Petitioner), filed a petition for creation of Fort Bend County Municipal Utility District No. 300 (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 is one lienholder, Simmons Bank, an Arkansas chartered bank, on the property to be included in the proposed District and information provided indicates that the lienholders consent to the creation of the proposed District; (3) the proposed District will contain approximately 276.40 acres located within Fort Bend 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, design, 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, 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, construct, acquire, improve, maintain, own, operate and repair such additional facilities, systems, plants, and enterprises, road facilities, and park and recreational 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 $61,015,000 ($47,590,000 for water, wastewater, and drainage plus $4,125,000 for recreation plus $9,300,000 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 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.

TRD-202602783
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 7, 2026

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Notice of Opportunity to Comment on Agreed 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 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 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 **August 17, 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 August 17, 2026**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: CORPUS EAGLE FOOD MART, INC; DOCKET NUMBER: 2024-0537-PST-E; TCEQ ID NUMBER: RN102345725; LOCATION: 730 West Corral Avenue, Kingsville, Kleberg County; TYPE OF FACILITY: an underground storage tank system and a convenience store with retail sales of gasoline; PENALTY: $11,220; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Corpus Christi Regional Office, 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(2) COMPANY: SUNNYDALE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2022-1212-UTL-E; TCEQ ID NUMBER: RN101231710; LOCATION: Farm-to-Market Road 54, Littlefield, Lamb County; TYPE OF FACILITY: a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes a water service to more than one customer and is not located in a county with a population of 3.3 million or more in a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more; PENALTY: $500; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(3) COMPANY: SUNNYDALE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2024-0446-PWS-E; TCEQ ID NUMBER: RN101231710; LOCATION: Highway 54, west of Littlefield, Lamb County; TYPE OF FACILITY: a public water system; PENALTY: $925; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(4) COMPANY: Utilities, Inc. of Texas; DOCKET NUMBER: 2025-1149-MWD-E; TCEQ ID NUMBER: RN104517016; LOCATION: approximately 0.8 miles south of the intersection of Pearce Lane and Wolf Lane near Del Valle, Bastrop County; TYPE OF FACILITY: a wastewater treatment facility; PENALTY: $4,125; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Austin Regional Office, 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753, (512) 339-2929.

TRD-202602768
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: July 6, 2026

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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 **August 17, 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 August 17, 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: Elsa Salazar; DOCKET NUMBER: 2024-1695-MSW-E; TCEQ ID NUMBER: RN109272328; LOCATION: 5771 Mile 13 North, Mercedes, Hidalgo County; TYPE OF FACILITY: an unauthorized municipal solid waste disposal site; PENALTY: $45,000; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: Harlingen Regional Office, 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(2) COMPANY: Mirando City Water Supply Corporation; DOCKET NUMBER: 2025-0045-PWS-E; TCEQ ID NUMBER: RN101195360; LOCATION: intersection of Dr. J. W. Edgar Street and Behlen Avenue in Mirando, Webb County; TYPE OF FACILITY: public water supply; PENALTY: $8,748; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: Laredo Regional Office, 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(3) COMPANY: Wolf Valley Buildings LLC; DOCKET NUMBER: 2024-1936-MLM-E; TCEQ ID NUMBER: RN105346563; LOCATION: 3461 Farm-to-Market Road 934, Itasca, Hill County; TYPE OF FACILITY: portable building manufacturing facility with an unauthorized municipal solid waste disposal site; PENALTY: $7,893; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

TRD-202602769
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: July 6, 2026

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Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Rick Fidler SOAH Docket No. 582-26-22637 TCEQ Docket No. 2023-1353-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) - July 23, 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 7, 2025 concerning assessing administrative penalties against and requiring certain actions of Rick Fidler, for violations in Johnson County, Texas, of: 30 Texas Administrative Code §330.15(a) and (c).

The hearing will allow Rick Fidler, 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 Rick Fidler, 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 **Rick Fidler** 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. Rick Fidler, 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 ch. 7 and 30 Texas Administrative Code chs. 70 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 the 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** 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**, 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: July 7, 2026

TRD-202602785
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 8, 2026

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Notice of Water Quality Application - Minor Amendment WQ0015231001

The following notice was issued on July 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 WAS MAILED.

INFORMATION SECTION

The Texas Commission on Environmental Quality has initiated a minor amendment of the Texas Pollutant Discharge Elimination System Permit No. WQ0015231001 issued to Harris County Municipal Utility District No. 319, to correct the daily average limit for ammonia-nitrogen in the Final phase of the existing permit. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day. The facility is located at 17624 1/2 Becker Road, in Harris County, Texas 77447.

TRD-202602781
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 7, 2026

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Notice of Water Quality Application - Minor Amendment WQ0015956001

The following notice was issued on July 01, 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 WAS MAILED.

INFORMATION SECTION

Quadvest, L.P. has applied for a minor amendment to the Texas Pollutant Discharge Elimination System Permit No. WQ0015956001 to authorize an increase in the permitted flow for the Interim I Phase from 125,000 gallons per day (gpd) to 250,000 gpd and for the Interim II Phase from 250,000 gpd to 500,000 gpd. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 960,000 gpd. The facility is approximately 1,800 feet northeast of the intersection of Farm-To-Market Road 1314 and State Highway 242, in Montgomery County, Texas 77302.

TRD-202602780
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 7, 2026

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Texas Ethics Commission

List of Delinquent Filers

LIST OF LATE FILERS

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Aidan Shaughnessy at (512) 463-5800.

Deadline: Personal Financial Statement due September 10, 2025

#00090975 - Maria Haynes, 12608 Mistletoe Trail, Manchaca, Texas 78652

Deadline: Personal Financial Statement due November 19, 2025

#00090213 - Richard C. Kirkpatrick, 808 East Richard, Kingsville, Texas 78363

Deadline: Personal Financial Statement due December 31, 2025

#00088302 - Gregory E. Wilhelm, P.O. Box 2539, Waxahachie, Texas 75168

TRD-202602721
James Tinley
Executive Director
Texas Ethics Commission
Filed: July 3, 2026

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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 June 29, 2026 to July 3, 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, July 10, 2026.

The public comment period for this project will close at 5:00 p.m. on Sunday, August 9, 2026.

Federal Agency Activities:

Applicant: U.S. Coast Guard

Location: The project site is located in the Laguna Madre, at the United States Coast Guard (USCG) Station at 1 Wallace Road, South Padre Island, Cameron County, Texas.

Latitude and Longitude: 26.074442, -97.164078

Project Description: The applicant proposes to rebuild and construct new facilities and waterfront infrastructure on the existing site to support future operations of the USCG based at the Station. The Project would occur within an approximate 9-acre area consisting of developed or vacant land areas and approximately 1.5 acres of marine footprint. The Project includes construction of waterfront infrastructure to accommodate the full complement of assigned and jointly operated vessels, including covered mooring slips, a boat ramp sized for vessels up to 45 ft., and dedicated boat maintenance and storage facilities. Shore-side facilities will include operational and administrative space for Station, ANT, Sector Corpus Christi, Deployable Specialized Forces, and co-located CBP partner agency personnel, a JOC, personnel housing and all ancillary required facilities, and supporting site infrastructure including security fencing, vehicle parking, and maintained access to the collocated aerostat surveillance pad. In-water structures to be demolished include a pier on the north side of the marina, and three piers within the marina. Approximately 0.036-acre of fill would be placed within wetland E2SS3 for the construction of an interior facility road and approximately 558 square feet of rock riprap would be replaced along the shoreline at wetland E2SS3. Two piers would be constructed within the existing basin. The south pier (Pier 1) would be approximately 152 feet by 10 feet and would be supported by 14, 18-inch square piles. The north pier (Pier 2) would be approximately 202 feet by 10 feet and would be supported by 14, 18-inch square piles. A 20-foot by 150-foot boat ramp (3,750 square feet [sq ft]) would be constructed on the north side of the property for launching and recovery of vessels up to 45 feet in length. A temporary sheet pile cofferdam would be used for dewatering during construction of the boat ramp. Approximately 147 feet of concrete sheet pile would support the north side of the boat ramp with one 42-inch concrete pile for mooring and approximately 106 feet of concrete sheet pile on the south side of the boat ramp. Approximately 462 sq ft of rock riprap would be placed for a stormwater outfall on the north side of the proposed boat ramp and would be bordered by approximately 68 feet of concrete sheet piles. Approximately 2,750 cubic yards (CY) of dredge material would be produced from an approximate 0.4-acre dredge footprint to a maximum depth of -12 feet mean lower low water (MLLW). Dredge material would be placed at the federally approved PA 2 placement area or within on-site uplands. Covered mooring slips would be placed north and south of Pier 1 and would be approximately 10 feet by 10 feet and supported by 3, 18-inch square piles (16 in total). Construction is estimated to take approximately 2.5 years.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2025-00641. 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: 26-1173-F2

Applicant: Texas Parks and Wildlife Department

Location: The General Permit (GP) will be valid within navigable waters of the U.S. within the Galveston District Area of Operations boundaries, excluding waters located in Louisiana and the Gulf of America.

Project Description: This RGP would authorize the work and placement of structures in navigable waters of the US for the construction, maintenance, and repair of artificial reefs as part of work conducted by the Texas Parks and Wildlife Department (TPWD). For authorization under the RGP, TPWD must submit a Preconstruction Notification (PCN) for project-specific verification.

When considering an application for an artificial reef, as defined in 33 CFR 322.2(g), the Corps reviews TPWD's provisions for siting, constructing, monitoring, operating, maintaining, and managing the proposed artificial reef and determines if those provisions are consistent with the following standards: 1) the enhancement of fishery resources to the maximum extent practicable; 2) the facilitation of access and utilization by United States recreational and commercial fishermen; 3) the minimization of conflicts among competing uses of the navigable waters or waters overlying the outer continental shelf and of the resources in such waters; 4) the minimization of environmental risks and risks to personal health and property; 5) generally accepted principles of international law; and 6) the prevention of any unreasonable obstructions to navigation.

RGPs are permits issued by a district or division engineer on a regional basis to streamline the authorization of activities that are substantially similar in nature and cause only minimal individual and cumulative environmental impacts. The purpose of this RGP is to expedite the Corps' review of requests for authorization from the TPWD to construct, maintain, and repair artificial reefs. This RGP was last reissued in August 6, 2021 and expires on August 6, 2026. The Corps proposes only to modify the description of required components of the preconstruction notification to provide clarity.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-1994-00026. This application will be reviewed pursuant Section 10 of the Rivers and Harbors Act of 1899.

CMP Project No: 26-1171-F2

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. 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.

TRD-202602788
Jennifer Jones
Chief Clerk and Deputy Land Commissioner
General Land Office
Filed: July 8, 2026

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Texas Health and Human Services Commission

Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit amendments to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendments will be effective September 1, 2026.

The purpose of the amendments is to update the fee schedules in the current state plan by adjusting fees, rates, or charges for the following services:

Physicians and Other Practitioners;

Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS);

Early and Periodic Screening, Diagnostic, and Treatment (EPSDT); and Ambulance Services.

The proposed amendments are estimated to result in an increase to annual aggregate expenditure of $309,842 for federal fiscal year (FFY) 2026, consisting of $185,378 in federal funds and $124,464 in state general revenue. For FFY 2027, the estimated result is an increase to annual aggregate expenditure in state of $3,758,208 consisting of $2,200,055 in federal funds and $1,558,153 general revenue. For FFY 2028, the estimated result is an increase to annual aggregate expenditure of $3,811,055 consisting of $2,248,522 in federal funds and $1,562,533 in state general revenue.

Further detail on specific reimbursement rates and percentage changes will be made available on the HHSC Provider Finance website before the proposed effective date at: https://pfd.hhs.texas.gov/rate-packets.

Rate Hearings.

Rate hearings were conducted in person and online on November 10, 2025, February 10, 2026, and May 26, 2026. Information about the proposed rate changes and hearings were published in the October 10, 2025, January 16, 2026, and May 1, 2026, issues of the *Texas Register* (50 TexReg 6711-6713, 51 TexReg 302-303, and 51 TexReg 2980-2981, respectively). Additional information and the notices of hearings can be found at http://www.sos.state.tx.us/texreg/index.shtml.

Copy of Proposed Amendment.

Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Jayasree Sankaran, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by e-mail at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Once submitted to the Centers for Medicare and Medicaid Services for approval, copies of the proposed amendment will be available for review at the HHSC Access and Eligibility Services for local benefit offices.

Written Comments.

Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance Department

North Austin Complex

Mail Code H-400

4601 W. Guadalupe St.

Austin, Texas 78751

Phone number for package delivery: (737) 867-7817

Fax

Attention: Provider Finance at (512) 730-7475

Email

PFDAcuteCare@hhs.texas.gov

Preferred Communication.

For quickest response, please use e-mail or phone, if possible, for communication with HHSC related to this state plan amendment.

TRD-202602779
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: July 7, 2026

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Texas Department of Licensing and Regulation

Correction of Error

The Texas Department of Licensing and Regulation published notice of Scratch Ticket Game Number 2755 "HOUSTON TEXANS" in the July 3, 2026, issue of the *Texas Register* (51 TexReg 4402). Due to an error by the Texas Register, the heading for Section 2.2 was published incorrectly.

The correct title of the heading should read as follows:

2.2 Programmed Game Parameters.

TRD-202602773

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Scratch Ticket Game Number 2754 "COWBOYS"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2754 is "COWBOYS". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2754 shall be $5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2754.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, JERSEY SYMBOL, TD SYMBOL, $5.00, $10.00, $15.00, $20.00, $50.00, $100, $500, $5,000 and $100,000.

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

Figure 1: GAME NO. 2754 - 1.2D

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

27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
JERSEY SYMBOL	WIN$
TD SYMBOL	WINALL
$5.00	FIV$
$10.00	TEN$

$15.00	FFN$
$20.00	TWY$
$50.00	FFTY$
$100	ONHN
$500	FVHN
$5,000	FVTH
$100,000	100TH

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

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

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2754), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2754-0000001-001.

H. Pack - A Pack of "COWBOYS" Scratch Ticket Game contains 075 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 075 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse; i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 075 will be shown on the back of the Pack.

I. Non-Winning Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "COWBOYS" Scratch Ticket Game No. 2754.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "COWBOYS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-five (55) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "JERSEY" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a Touchdown "TD" Play Symbol, the player WINS ALL 25 PRIZES INSTANTLY! No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly fifty-five (55) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;

2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;

3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly fifty-five (55) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

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

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

16. Each of the fifty-five (55) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty-five (55) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

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

B. A Ticket can win as indicated by the prize structure.

C. A Ticket can win up to twenty-five (25) times.

D. On winning and Non-Winning Tickets, the top cash prizes of $5,000 and $100,000 will each appear at least one (1) time, except on Tickets winning more than fifteen (15) times, with respect to other parameters, play action or prize structure.

E. All non-winning YOUR NUMBERS Play Symbols will be different.

F. No matching WINNING NUMBERS Play Symbols will appear on a Ticket.

G. Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

H. Tickets winning more than one (1) time will use as many WINNING NUMBERS Play Symbols as possible to create matches, unless restricted by other parameters, play action or prize structure.

I. The "TD" (WINALL) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

J. The "TD" (WINALL) Play Symbol will instantly win all twenty-five (25) prize amounts and will win only as per the prize structure.

K. The "TD" (WINALL) Play Symbol will never appear more than one (1) time on a Ticket.

L. The "TD" (WINALL) Play Symbol will never appear on a Non-Winning Ticket.

M. On Tickets winning with the "TD" (WINALL) Play Symbol, the YOUR NUMBERS Play Symbols will not match any of the WINNING NUMBERS Play Symbols.

N. The "JERSEY" (WIN$) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

O. The "JERSEY" (WIN$) Play Symbol will win the prize for that Play Symbol.

P. The "JERSEY" (WIN$) Play Symbol will never appear more than one (1) time on a Ticket.

Q. The "JERSEY" (WIN$) Play Symbol will never appear on a Non-Winning Ticket.

R. The "TD" (WINALL) Play Symbol and the "JERSEY" (WIN$) Play Symbol will never appear on the same Ticket.

S. On Tickets winning with the "JERSEY" (WIN$) Play Symbol, the YOUR NUMBERS Play Symbols will not match any of the WINNING NUMBERS Play Symbols.

T. All YOUR NUMBERS Play Symbols will never equal the corresponding Prize Symbol (i.e., 05 and $5, 10 and $10, 15 and $15, 20 and $20 and 50 and $50).

U. On all Tickets, a Prize Symbol will not appear more than five (5) times, except as required by the prize structure to create multiple wins.

V. On Non-Winning Tickets, a WINNING NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

2.3 Procedure for Claiming Prizes.

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

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

C. As an alternative method of claiming a "COWBOYS" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is $1,000,000 or more, the claimant must also provide proof of Social Security number or Taxpayer Identification (for U.S.

Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.9 Promotional Second-Chance Drawings. Any Non-Winning "COWBOYS" Scratch Ticket may be entered into one (1) of five (5) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 9,720,000 Scratch Tickets in the Scratch Ticket Game No. 2754. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2754 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
$5.00	1,209,600	8.04
$10.00	496,800	19.57
$15.00	388,800	25.00
$20.00	388,800	25.00
$50.00	67,500	144.00
$100	6,480	1,500.00
$500	270	36,000.00
$5,000	12	810,000.00
$100,000	4	2,430,000.00

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

**The overall odds of winning a prize are 1 in 3.80. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2754 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket Game closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2754, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202602789
Deanne Rienstra
General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: July 8, 2026

♦ ♦ ♦

Scratch Ticket Game Number 2764 "MILLION DOLLAR LOTERIA"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2764 is "MILLION DOLLAR LOTERIA". The play style is "row/column/diagonal".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2764 shall be $20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2764.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: ARMADILLO SYMBOL, BAT SYMBOL, BICYCLE SYMBOL, BLUEBONNET SYMBOL, BOAR SYMBOL, BUTTERFLY SYMBOL, CACTUS SYMBOL, CARDINAL SYMBOL, CHERRIES SYMBOL, CHILE PEPPER SYMBOL, CORN SYMBOL, COVERED WAGON SYMBOL, COW SYMBOL, COWBOY HAT SYMBOL, COWBOY SYMBOL, DESERT SYMBOL, FIRE SYMBOL, FOOTBALL SYMBOL, GEM SYMBOL, GUITAR SYMBOL, HEN SYMBOL, HORSE SYMBOL, HORSESHOE SYMBOL, JACKRABBIT SYMBOL, LIZARD SYMBOL, LONE STAR SYMBOL, MARACAS SYMBOL, MOCKINGBIRD SYMBOL, MOONRISE SYMBOL, MORTAR PESTLE SYMBOL,

NEWSPAPER SYMBOL, OIL RIG SYMBOL, PECAN TREE SYMBOL, PIÑATA SYMBOL, RACE CAR SYMBOL, RATTLESNAKE SYMBOL, ROADRUNNER SYMBOL, SADDLE SYMBOL, SHIP SYMBOL, SHOES SYMBOL, SOCCER BALL SYMBOL, SPEAR SYMBOL, SPUR SYMBOL, STRAWBERRY SYMBOL, SUNSET SYMBOL, WHEEL SYMBOL, WINDMILL SYMBOL, CHECK SYMBOL, GOLD BAR SYMBOL, HEART SYMBOL, MONEYBAG SYMBOL, STAR SYMBOL, ARMORED CAR SYMBOL, BANK SYMBOL, COINS SYMBOL, STACK OF BILLS SYMBOL, VAULT SYMBOL, $10.00, $20.00, $30.00, $40.00, $50.00, $100, $150, $200, $500, $1,000, $5,000, $20,000 and $1,000,000.

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

Figure 1: GAME NO. 2764 - 1.2D

PLAY SYMBOL	CAPTION
ARMADILLO SYMBOL	ARMADILLO
BAT SYMBOL	BAT
BICYCLE SYMBOL	BICYCLE
BLUEBONNET SYMBOL	BLUEBONNET
BOAR SYMBOL	BOAR
BUTTERFLY SYMBOL	BUTTERFLY
CACTUS SYMBOL	CACTUS
CARDINAL SYMBOL	CARDINAL
CHERRIES SYMBOL	CHERRIES
CHILE PEPPER SYMBOL	CHILE PEPPER
CORN SYMBOL	CORN
COVERED WAGON SYMBOL	COVERED WAGON
COW SYMBOL	COW
COWBOY HAT SYMBOL	COWBOY HAT
COWBOY SYMBOL	COWBOY
DESERT SYMBOL	DESERT
FIRE SYMBOL	FIRE
FOOTBALL SYMBOL	FOOTBALL
GEM SYMBOL	GEM
GUITAR SYMBOL	GUITAR
HEN SYMBOL	HEN
HORSE SYMBOL	HORSE
HORSESHOE SYMBOL	HORSESHOE
JACKRABBIT SYMBOL	JACKRABBIT
LIZARD SYMBOL	LIZARD

LONE STAR SYMBOL	LONE STAR
MARACAS SYMBOL	MARACAS
MOCKINGBIRD SYMBOL	MOCKINGBIRD
MOONRISE SYMBOL	MOONRISE
MORTAR PESTLE SYMBOL	MORTAR PESTLE
NEWSPAPER SYMBOL	NEWSPAPER
OIL RIG SYMBOL	OIL RIG
PECAN TREE SYMBOL	PECAN TREE
PIÑATA SYMBOL	PIÑATA
RACE CAR SYMBOL	RACE CAR
RATTLESNAKE SYMBOL	RATTLESNAKE
ROADRUNNER SYMBOL	ROADRUNNER
SADDLE SYMBOL	SADDLE
SHIP SYMBOL	SHIP
SHOES SYMBOL	SHOES
SOCCER BALL SYMBOL	SOCCER BALL
SPEAR SYMBOL	SPEAR
SPUR SYMBOL	SPUR
STRAWBERRY SYMBOL	STRAWBERRY
SUNSET SYMBOL	SUNSET
WHEEL SYMBOL	WHEEL
WINDMILL SYMBOL	WINDMILL
CHECK SYMBOL	CHECK
GOLD BAR SYMBOL	GOLD BAR
HEART SYMBOL	HEART
MONEYBAG SYMBOL	MONEYBAG
STAR SYMBOL	STAR
ARMORED CAR SYMBOL	ARMCAR

BANK SYMBOL	BANK
COINS SYMBOL	COINS
STACK OF BILLS SYMBOL	STACKOFBILLS
VAULT SYMBOL	VAULT
$10.00	TEN$
$20.00	TWY$
$30.00	TRTY$
$40.00	FRTY$
$50.00	FFTY$
$100	ONHN
$150	ONFF
$200	TOHN
$500	FVHN
$1,000	ONTH
$5,000	FVTH
$20,000	20TH
$1,000,000	TPPZ

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

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

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2764), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2764-0000001-001.

H. Pack - A Pack of the "MILLION DOLLAR LOTERIA" Scratch Ticket Game contains 025 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 025 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 025 will be shown on the back of the Pack.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "MILLION DOLLAR LOTERIA" Scratch Ticket Game No. 2764.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. Each Scratch Ticket contains exactly seventy-eight (78) Play Symbols. A prize winner in the "MILLION DOLLAR LOTERIA" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose Play Symbols as follows: PLAYBOARD 1 INSTRUCTIONS: 1) The player completely scratches the CALLER'S CARD play area to reveal 27 symbols. 2) The player scratches ONLY the symbols on the PLAYBOARD that exactly match the symbols revealed on the CALLER'S CARD play area. 3) If the player reveals a complete row, column or diagonal line, the player wins the prize for that line. PLAYBOARDS 2 INSTRUCTIONS: The player scratches ONLY the symbols on each PLAYBOARD that exactly match the symbols revealed on the CALLER'S CARD play area. If the player reveals all 4 symbols in a column, the player wins the PRIZE for that column. PLAY AREA 3 INSTRUCTIONS (BONUS GAMES): The player scratches ONLY the symbols on the BONUS GAMES that exactly match the symbols revealed on the CALLER'S CARD play area. If the player reveals 2 symbols in the same GAME, the player wins the PRIZE for that GAME. PLAY AREA 4 INSTRUCTIONS (BONUS): If the player reveals 2 matching symbols in the BONUS $100, the player wins $100. If the player reveals 2 matching symbols in the BONUS $200, the player wins $200. INSTRUCCIONES PARA TABLA DE JUEGO 1: 1) El jugador raspa completamente la CARTA DEL GRITÓN para revelar 27 símbolos. 2) El jugador SOLAMENTE raspa los símbolos en la TABLA DE JUEGO que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. 3) Si el jugador revela una línea completa, horizontal, vertical o diagonal, el jugador gana el premio para esa línea. INSTRUCCIONES PARA TABLAS DE JUEGO 2: El jugador SOLAMENTE raspa los símbolos en cada de las TABLAS DE JUEGO que son exactamente iguales a los símbolos revelados in la CARTA DEL GRITÓN. Si el jugador revela todos los 4 símbolos en una columna, el jugador gana el PREMIO para esa columna. INSTRUCCIONES PARA ÁREA DE JUEGO 3 (JUEGOS DE BONO): El jugador SOLAMENTE raspa los símbolos en los JUEGOS DE BONO que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. Si el jugador revela 2 símbolos en el mismo JUEGO, el jugador gana el PREMIO para ese JUEGO. INSTRUCCIONES PARA ÁREA DE JUEGO 4 (BONO): Si el jugador revela 2 símbolos iguales en el área de BONO $100, el jugador gana $100. Si el jugador revela 2 símbolos iguales en el área de BONO $200, el jugador gana $200. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly seventy-eight (78) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;

2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;

3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly seventy-eight (78) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

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

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

16. Each of the seventy-eight (78) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the seventy-eight (78) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. GENERAL: A Ticket can win up to fourteen (14) times in accordance with the prize structure.

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

C. GENERAL: There will be no duplicate Play Symbols in the CALLER'S CARD/CARTA DEL GRITÓN play area.

D. PLAYBOARD 1/TABLA DE JUEGO 1: At least eight (8) but no more than twelve (12) CALLER'S CARD/CARTA DEL GRITÓN Play Symbols will match a Play Symbol on the PLAYBOARD 1/TABLA DE JUEGO 1 play area.

E. PLAYBOARD 1/TABLA DE JUEGO 1: No identical Play Symbols are allowed on the same PLAYBOARD 1/TABLA DE JUEGO 1 play area.

2.3 Procedure for Claiming Prizes.

A. To claim a "MILLION DOLLAR LOTERIA" Scratch Ticket Game prize of $20.00, $30.00, $40.00, $50.00, $100, $150, $200, $250 or $500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a $30.00, $40.00, $50.00, $100, $150, $200, $250 or $500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "MILLION DOLLAR LOTERIA" Scratch Ticket Game prize of $1,000, $5,000, $20,000 or $1,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of $600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Prizes. There will be approximately 25,200,000 Scratch Tickets in Scratch Ticket Game No. 2764. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2764 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
$20.00	3,024,000	8.33
$30.00	1,764,000	14.29
$40.00	504,000	50.00
$50.00	1,008,000	25.00
$100	902,160	27.93
$150	201,600	125.00
$200	181,440	138.89
$250	65,520	384.62
$500	11,760	2,142.86
$1,000	2,520	10,000.00
$5,000	336	75,000.00
$20,000	42	600,000.00
$1,000,000	10	2,520,000.00

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

**The overall odds of winning a prize are 1 in 3.29. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2764 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2764, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202602784

Deanne Rienstra
General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: July 8, 2026

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Scratch Ticket Game Number 2777 "$100,000 CASH PAYOUT"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2777 is "$100,000 CASH PAYOUT". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2777 shall be $5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2777.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 2X SYMBOL, 5X SYMBOL, 10X SYMBOL, 20X SYMBOL, $5.00, $10.00, $20.00, $25.00, $50.00, $100, $500, $1,000, $5,000 and $100,000.

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

Figure 1: GAME NO. 2777 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX
27	TWSV
28	TWET

29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
2X SYMBOL	DBL
5X SYMBOL	WINX5
10X SYMBOL	WINX10
20X SYMBOL	WINX20
$5.00	FIV$
$10.00	TEN$
$20.00	TWY$
$25.00	TWFV$
$50.00	FFTY$
$100	ONHN
$500	FVHN
$1,000	ONTH
$5,000	FVTH
$100,000	100TH

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

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

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2777), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2777-0000001-001.

H. Pack - A Pack of the "$100,000 CASH PAYOUT" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "$100,000 CASH PAYOUT" Scratch Ticket Game No. 2777.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "$100,000 CASH PAYOUT" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-one (51) Play Symbols. BONUS PLAY INSTRUCTIONS: If the player reveals 2 matching prize amounts in the same BONUS play area, the player wins that amount. $100,000 CASH PAYOUT PLAY INSTRUCTIONS: If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. If the player reveals a "20X" Play Symbol, the player wins 20 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly fifty-one (51) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;

2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;

3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly fifty-one (51) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

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

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

16. Each of the fifty-one (51) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty-one (51) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

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

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

C. BONUS: A non-winning Prize Symbol in a BONUS play area will never match a winning Prize Symbol in another BONUS play area.

D. BONUS: A Ticket will not have matching non-winning Prize Symbols across the three (3) BONUS play areas.

E. $100,000 CASH PAYOUT - Key Number Match: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 05 and $5).

F. $100,000 CASH PAYOUT - Key Number Match: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

G. $100,000 CASH PAYOUT - Key Number Match: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

H. $100,000 CASH PAYOUT - Key Number Match: A non-winning Prize Symbol will never match a winning Prize Symbol.

I. $100,000 CASH PAYOUT - Key Number Match: A Ticket may have up to three (3) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

J. $100,000 CASH PAYOUT - Key Number Match: The "2X" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

K. $100,000 CASH PAYOUT - Key Number Match: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

L. $100,000 CASH PAYOUT - Key Number Match: The "10X" (WINX10) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

M. $100,000 CASH PAYOUT - Key Number Match: The "20X" (WINX20) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "$100,000 CASH PAYOUT" Scratch Ticket Game prize of $5.00, $10.00, $20.00, $25.00, $50.00, $100 or $500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a $25.00, $50.00, $100 or $500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied, and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

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

C. As an alternative method of claiming a "$100,000 CASH PAYOUT" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is $1,000,000 or more, the claimant must also provide proof of Social Security number or Taxpayer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

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

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

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

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

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

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

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

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

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

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

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

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under $600 from the "$100,000 CASH PAYOUT" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of $600 or more from the "$100,000 CASH PAYOUT" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Prizes. There will be approximately 5,040,000 Scratch Tickets in Scratch Ticket Game No. 2777. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2777 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
$5.00	520,800	9.68
$10.00	386,400	13.04
$20.00	67,200	75.00
$25.00	100,800	50.00
$50.00	67,200	75.00
$100	17,640	285.71
$500	1,848	2,727.27
$1,000	336	15,000.00
$5,000	10	504,000.00
$100,000	4	1,260,000.00

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

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

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2777 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2777, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202602758
Deanne Rienstra
General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: July 6, 2026

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Texas Board of Nursing

Request for Qualifications for Advanced Practice Registered Nurse Consulting Services

The Texas Board of Nursing (TBON) issues a Request for Qualifications (RFQ) from qualified Advanced Practice Registered Nurses (APRNs) to provide consulting services related to APRN licensure. The selected consultant will assist the Board in revieing APRN licensure applications, advising on complex licensure matters, and providing recommendations regarding APRN licensing requirements.

The Board is seeking an experienced APRN to assist with the increased volume of licensure applications and support the timely review and processing of complex APRN licensing matters.

A copy of the RFQ is available at www.bon.texas.gov. This solicitation was posted to the Electronic State Business Daily (ESBD) on Friday, July 3, 2026, and is available at http://www.txsmartbuy.com/esbd.

Responses must be received no later than 5:00 p.m. Central Standard Time, August 7, 2026, in accordance with the instructions contained in the RFQ. Questions can be directed to:

Kristin Giaquinta Schoen

Assistant General Counsel

Texas Board of Nursing

1801 Congress Ave., Suite #10-200

Austin, Texas 78701

Email: kristin.schoen@bon.texas.gov

TRD-202602720
Kristin Schoen
Assistant General Counsel
Texas Board of Nursing
Filed: July 3, 2026

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Texas Parks and Wildlife Department

Notice of Proposed Real Estate Transactions

Request for Drainage Easement - Hays County

Approximately 1.2 Acres at the A.E. Wood Fish Hatchery

In a meeting on August 20, 2026, the Texas Parks and Wildlife Commission (the Commission) will consider approving a request for a drainage easement of approximately 1.2 acres at the A.E. Wood Fish Hatchery. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Jacob Aston, Executive Office, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to real.estate.comment@tpwd.texas.gov, or via the department's website at www.tpwd.texas.gov. Visit the TPWD website at tpwd.texas.gov for the latest information regarding the Commission.

Land Acquisition - Henderson County

Approximately 650 Acres

In a meeting on August 20, 2026, the Texas Parks and Wildlife Commission (the Commission) will consider approving an acquisition of land of approximately 650 acres in Henderson County. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Stan David, Executive Office, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to real.estate.comment@tpwd.texas.gov, or via the department's website at www.tpwd.texas.gov. Visit the TPWD website at tpwd.texas.gov for the latest information regarding the Commission.

TRD-202602775
James Murphy
General Counsel
Texas Parks and Wildlife Department
Filed: July 7, 2026

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Permian Basin Metropolitan Planning Organization

Notice to Professional Consultants Request for Qualifications (RFQ)

The Permian Basin Metropolitan Planning Organization (MPO) for the Midland-Odessa metropolitan area, is seeking proposals from qualified individuals or firms for consultant services to assist with an ADA Accessibility Plan.

To view the full RFQ document, visit our website at www.permianbasinmpo.com.

RFQ Start Date on or before July 13, 2026

RFQ End Date July 30, 2026

Question and Answer End Date July 23, 2026

For more information, email info@permianbasinmpo.com or call (432) 617-0129.

TRD-202602777
Cameron Walker
Executive Director
Permian Basin Metropolitan Planning Organization
Filed: July 7, 2026

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Public Utility Commission of Texas

Notice of Application of Peoples Telephone Cooperative, Inc. to Amend a Certificate of Convenience and Necessity

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on May 27, 2026, to amend its certificate of convenience and necessity (CCN) number 40067 for a minor service area boundary change in Wood County.

Docket Title and Number: Peoples Telephone Cooperative, Inc. to Amend Its Certificate of Convenience and Necessity for a Minor Service Area Boundary Change in Wood County, Docket Number 59809.

The Application: Peoples Telephone Cooperative, Inc. filed an application to amend its certificate of convenience and necessity (CCN) number 40067 for a minor service area boundary change in Wood County.

Persons who wish to comment on this application should notify the Public Utility Commission. Requests for further information should be mailed to the Public Utility Commission of Texas, 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 59809.

TRD-202602770
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: July 6, 2026

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Notice of Proceeding for 2026 Annual Compliance Affidavit Attesting to the Proper Use of Texas Universal Service Fund

Notice is given to the public of the 2026 compliance proceeding initiated by the Public Utility Commission of Texas (commission) for eligible telecommunications providers (ETP) and resale eligible telecommunications providers (RETP) to attest to the proper use of Texas universal service funds (TUSF).

Project Title and Number: Annual Compliance Affidavit Attesting to Proper Use of Texas Universal Service Fund Pursuant to PURA §56.030. Project Number 32567.

The commission initiated this proceeding under Public Utility Regulatory Act (PURA) §56.030 and 16 Texas Administrative Code (TAC) §26.417 and §26.419. PURA §56.030 requires that on or before September 1 of each year, a telecommunications provider that receives disbursements from the TUSF file with the commission an affidavit certifying that the telecommunications provider complies with the requirements for receiving money from the TUSF and requirements regarding the use of money from the universal service fund program for which the telecommunications provider receives disbursements.

This certification requirement applies to every ETP and RETP receiving support from the TUSF. In accordance with PURA §56.030 and 16 TAC §26.417 and §26.419, each ETP and RETP receiving TUSF support must file with the commission a sworn affidavit (using the commission prescribed form) certifying that the provider complies with the requirements for receiving money from the TUSF and the requirements regarding the use of money from each TUSF program for which the provider receives funds. All carriers in Texas requesting certification by the commission must submit an affidavit by September 1, 2026.

Carriers designated as ETPs and RETPs may contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. Persons contacting the commission regarding this proceeding should refer to Project Number 32567.

TRD-202602739
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: July 6, 2026

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Notice of Proceeding for 2026 Annual State Certification for Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds

Notice is given to the public of the 2026 certification proceeding initiated by the Public Utility Commission of Texas (commission) for state certification of common carriers as eligible telecommunications carriers to receive federal universal service funds.

Project Title and Number: Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds. Project Number 24481.

Under 47 Code of Federal Regulations §54.314, the commission annually certifies that all federal high-cost support provided to carriers in Texas was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The commission must file the certification with the Federal Communications Commission and the Universal Service Administrative Company by October 1 each year in order for ETCs to receive federal high-cost support. Without certification, carriers will not receive federal high-cost support.

The certification requirement applies to all incumbent local exchange carriers and competitive eligible telecommunications carriers seeking federal high-cost support. Under 16 Texas Administrative Code §26.418(k), each carrier must provide the commission with a sworn affidavit certifying that the carrier complies with federal requirements for receiving federal high-cost support. All carriers in Texas requesting certification by the commission must submit an affidavit by September 1, 2026.

Carriers seeking to be certified may contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. Persons contacting the commission regarding this proceeding should refer to Project Number 24481.

TRD-202602738
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: July 6, 2026

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Supreme Court of Texas

Order Adopting Comment to Texas Rule of Evidence 404

Supreme Court of Texas

Misc. Docket No. 26-9058

Order Adopting Comment to Texas Rule of Evidence 404

ORDERED that:

1. The Court adopts the following comment to Texas Rule of Evidence 404, effective immediately.

2. 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*.

Dated: July 2, 2026.

James D. Blacklock, Chief Justice

Debra H. Lehrmann, 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 EVIDENCE

Rule 404. Character Evidence; Crimes or Other Acts.

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2026 Comment: In certain cases, different procedures may be required by statute. *See, e.g.*, TEX. CODE CRIM. P. art. 38.37.

TRD-202602717
Blake Hawthorne
Clerk of the Court
Supreme Court of Texas
Filed: July 2, 2026

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Texas Department of Transportation

Notice of Virtual Public Hearing with In-person Option: Proposed Regional Mobility Authority

Reeves County, Texas

The Texas Department of Transportation (TxDOT) will conduct a public hearing to receive comments on the proposed formation of the Reeves County Regional Mobility Authority (RMA).

Pursuant to Title 43, Texas Administrative Code, §26.12, the department will hold a public hearing on the date, time and location indicated above to receive public comments and assess the level of public support concerning the proposed Reeves County RMA.

Public Hearing Details

Virtual

Wednesday, July 29, 2026 at 5:00 p.m.

Available for viewing through 11:59 p.m. on Thursday, August 13, 2026

Visit *txdot.gov*, keyword search: Reeves County RMA

In-person

Wednesday, July 29, 2026, 5:00 p.m. to 7:00 p.m.

Reeves County Civic Center

1500 S. Cedar St.

Pecos, Texas 79772

The virtual hearing will consist of a pre-recorded presentation and will include both audio and visual components. The presentation will be posted online by 5 p.m. on the date and time indicated above by visiting *www.txdot.gov*, keyword search: Reeves County RMA.

TxDOT is also providing an in-person option on the date and time listed above for individuals who would like to participate in person instead of online. The in-person option will be held in an open house format. The same presentation available in the virtual public hearing will be playing on a screen for in-person attendees to view. Attendees may also review hard copies of public hearing materials, ask questions, and leave written comments.

For both the virtual public hearing and in-person option, members of the public may call (432) 251-0066 to provide verbal testimony beginning at 5:00 p.m. on Wednesday, July 29, 2026 through 11:59 p.m. on Thursday, August 13, 2026. Formal written comments may also be provided by mail to TxDOT, Attn: Reeves County RMA, 3901 E. Highway 80, Odessa, Texas 79761 or by email to gabriel.ramirez@txdot.gov. Please include "Reeves County RMA" in the subject line. **All comments must be received on or before Thursday, August 13, 2026**, to be included as part of the official record.

Reeves County filed a petition requesting authorization from the Texas Transportation Commission to form the Reeves County RMA. As proposed, the Reeves County RMA would encompass the boundaries of Reeves County and would be governed by a board of directors consisting of five members. Two of the five board members would be appointed by the Reeves County Commissioners Court, one of the five board members would be appointed by the Pecos City Council, and one of the five board members would be appointed by the Pecos Economic Development Corporation. The fifth member, the presiding officer, would be appointed by the Governor of Texas.

As proposed, the Reeves County RMA would support TxDOT projects designed to improve safety and mobility along US 285 from just north of Pecos, Texas to just south of the New Mexico state line. The projects would include widening US 285 from a two-lane highway to four-lane divided highway. The projects also include reconstructing the existing at-grade intersections at RM 652 and at SH 302 to grade-separated interchanges.

The Reeves County RMA would also support the proposed TxDOT project to construct a relief route around the east side of Pecos from US 285 north of Pecos to US 285 south of Pecos. The relief route would improve long-term mobility and connectivity as well as safety on US 285 for local and through traffic. The proposed relief route would generally consist of a new four-lane divided highway, including two main lanes and a one-way frontage road in each direction, separated by a grassy median, for a length of approximately 10 miles. The project would also include shared-use paths and new interchanges at major intersections.

The Reeves County RMA would also consider truck parking as a fundamental need for freight and logistics operations and, therefore, support development of Pecos Freight Village (PFV). Pecos Freight Village has been designed to enhance road safety, bolster economic competitiveness, and improve supply chain efficiency in the west Texas region. Providing a range of parking options and amenities tailored to the specific needs of truck drivers would address these concerns. Positioned strategically within a major transportation corridor at the intersection of US 285 and I-20, Pecos Freight Village would facilitate the efficient movement of goods. It would also play a pivotal role in increasing safety for the dense vehicle traffic associated with the nearby oil and gas industry.

The project materials are written in English. If you need an interpreter or document translator because English is not your primary language or you have difficulty communicating effectively in English, one will be provided to you. If you have a disability and need assistance, special arrangements can be made to accommodate most needs. If you need interpretation or translation services or you are a person with a disability who requires an accommodation to review the project materials or submit information, please contact the Odessa District's public information officer at (432) 498-4746 no later than 4:00 p.m. CT, at least three business days before the date on which you would like to review the project materials or submit information. Please be aware that advance notice is required as some services and accommodations may require time for TxDOT to arrange.

If you have general questions regarding the proposed Reeves County RMA, please contact Gabriel Ramirez, P.E., director of transportation planning and development, at (432) 498-4645 or gabriel.ramirez@txdot.gov.

TRD-202602776
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Filed: July 7, 2026

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Workforce Solutions Deep East Texas

Request for Proposals #26-439.1 For 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.

Release Date: July 7, 2026

Deadline for Submission of Questions: July 13, 2026, 4:00 p.m. (CST)

Proposal Due Date and Time: July 28, 2026, 4:00 p.m. (CST)

Projected Notice of Award Date: August 12, 2026

Proposals must be submitted via email to procurement@detwork.org.

TRD-202602778
Dr. Ty Cauthen
Executive Director
Workforce Solutions Deep East Texas
Filed: July 7, 2026

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Open Meetings

Statewide agencies and regional agencies that extend into four or more counties post meeting notices with the Secretary of State.

Meeting agendas are available on the *Texas Register*'s Internet site:
https://www.sos.texas.gov/open/index.shtml

Members of the public also may view these notices during regular office hours from a computer terminal in the lobby of the James Earl Rudder Building, 1019 Brazos (corner of 11th Street and Brazos) Austin, Texas. To request a copy by telephone, please call 512-463-5561. Or request a copy by email: register@sos.texas.gov

For items ***not*** available here, contact the agency directly. Items not found here:

- minutes of meetings
- agendas for local government bodies and regional agencies that extend into fewer than four counties
- legislative meetings not subject to the open meetings law

The Office of the Attorney General offers information about the open meetings law, including Frequently Asked Questions, the *Open Meetings Act Handbook*, and Open Meetings Opinions.
http://texasattorneygeneral.gov/og/open-government

The Attorney General's Open Government Hotline is 512-478-OPEN (478-6736) or toll-free at (877) OPEN TEX (673-6839).

Additional information about state government may be found here:
http://www.texas.gov

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Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or Braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting notice several days before the meeting by mail, telephone, or RELAY Texas. TTY: 7-1-1.

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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